

From the Mayor's Desk
June 2020

Planning and Zoning Commission

The P&Z and City Council had a joint public hearing on May 14, 2020 to receive public testimony on a proposed amendment to the Comprehensive Plan to change the land use classification on The Arbors Phase 2 and 3 from Neighborhood Residential (NR) to Existing Residential (R1). A second joint public hearing was held on this property the same night to receive public testimony on a zone change request from SF Fair Oaks Development LLC, applicant and property owner, to change the zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1). The purpose for both of these proposed changes was to conform the land use classification and zoning classification for these two phases to the Development Agreement entered into between the property owner and the city in 2016 and to get it into conformance with the classifications already in place for Phase 1 of The Arbors.

Following the joint public hearing, the council members left the meeting and the P&Z convened their regular meeting to consider these requests. Both requests were approved by the P&Z and will be presented with an approval recommendation at the May 21st council meeting. City Council is the final approval on these types of changes. We will likely see more of these types of meetings in the future as developments are done.

I appreciated the efforts of both groups in conducting these joint meetings. For P&Z, this was a new experience in conducting the meeting via a telephone bridge line. We are all getting quite a bit of experience in conducting meetings in a new way courtesy of the COVID-19 issue.

We also appreciated the participation of Mr. C. A. Elder, the developer for The Arbors. C. A. worked very well with our community four years ago when we both annexed The Arbors property and entered into the Development Agreement. Many of you will remember that the developer conveyed a 75 acre nature preserve behind The Arbors to Fair Oaks Ranch Homeowners Association. C. A. did more than he promised to do in developing the trails for the nature preserve. He built more trails than originally conceived and he worked with some volunteer naturalists to route the trails to minimize the impact on both the land and the wildlife. As Councilman Hartpence put it in our public hearing, this development was a "win/win" situation.

Declaration of Local Disaster Extended Again

Most of you are getting pretty familiar with the drill where the Governor updates his Executive Order, the Bexar County Judge updates his, and we update ours. The latest update and extension will be presented to Council on May 21st and we will propose to extend the declaration to June 4th which is our next council meeting. This declaration is much simpler in that it just references the Governor's orders and does not attach any local orders. In terms of format this is very similar to Judge

Wolff's latest Executive Order NW-08. These declarations are necessary to keep us in compliance and to make us eligible for possible funding of COVID-19 related expenses. Stay tuned as our handling of the disaster continues unfolding.

Water Rights Project

Although the case is currently set for trial in July (COVID-19 notwithstanding), the City has recently filed a motion for summary judgment asking the Court to rule, as a matter of law, that the City owns the well and sanitary control easements. Our attorneys tell us that they are cautiously optimistic about the City's chances of prevailing on this summary judgment motion. If that should happen, no trial to establish the city's right to access and use the well would be necessary. While the Caldarolas could appeal such a ruling, it will be difficult for them to overturn same. The court will hear and decide on the motion on June 8th (or soon thereafter). The Caldarolas have not filed their response to the motion. They must do that by June 1.

The surveyors have completed most of their field work in redoing the surveys of the wells and sanitary control easements. Subsequent to receiving the surveys, the next steps will be reviewing these documents with the property owners prior to filing them of record. We are down to the last couple of property owners needing to sign documents to grant the surveyors access, which the city has a legal right to do. Hopefully, it will not be necessary to go to court with any property owners just to gain access to do a survey. Letters to impacted property owners will be mailed upon the city's receipt of complete survey documents.

Tobin Maples, our City Manager, asks anyone needing to discuss specific issues with him to please call him at City Hall at 210-698-0900 or email him at tmaples@fairoaksranchtx.org. Additionally, our Special Legal Counsel is available to answer questions (Rhonda Jolley at 210-598-5406 or Joe Davis at 210-598-5414).

Ordinance Related to Public Health Emergency

As of the time I am writing to you, we still have four confirmed cases in Fair Oaks Ranch (2 in Comal, 1 in Bexar, and 1 in Kendall). Three of those cases are still active and one case, thankfully, is in "recovered" status. There are also three additional cases of residents under monitoring in our city.

We are evaluating the eventual reopening of City Hall. At this point, I think this is likely to happen sometime in June. We will establish protocols to provide for the safety of both our residents and our city employees. I am very proud of the resourcefulness of our city employees who have managed our business remotely and on skeleton crews during this pandemic. I am also very proud of our residents and the companies with which we do business who have been understanding and have worked shoulder to shoulder with us to maintain safety for all of us while conducting essential business.

Essential Services

We are now at the point where basically all businesses in Fair Oaks Ranch have been allowed to open at some level of service. We have had good cooperation with our business owners and our police department has managed the emergency role of advising owners of protocols and, in some cases, providing them with Personal Protective Equipment (PPE). Given the news coverage from some of the other states, it is a source of pride that we can work on a “good neighbor” basis with each other and navigate through this difficult time without a bunch of drama.

Who is that masked man?

It might be your mayor. We are still urging everyone to wear a face covering when in public places where maintaining social distancing is difficult. I’m still wearing mine and I hope you are doing the same.

We did have a little bit of fun with the face masks in our Emergency Operation meeting at the city. Dedie located some burnt orange material with Texas Longhorn logos as part of the design. I had several face coverings made up by one of our friends. We ambushed Tobin Maples, our city manager, who is a good Aggie, with three of us showing up at the meeting wearing the masks. He responded a couple of days later by showing up with a Texas A&M bandanna and playing “The Aggie War Hymn” on his cell phone. Jim Earl, our Building Official, and also a Texas Aggie, sang the Aggie song for us. Even in these serious times, we have to look for a bit of humor.

Economic/Taxation Issues Related to Coronavirus Pandemic

I mentioned last month that I had co-signed a letter with the Kendall County Judge, the Mayor of Boerne, and the Superintendents of the school districts serving this area urging the Governor to consider leaving tax valuations at last year’s level. The valuations are set as of January 1st which is pre-COVID-19. This could result in increased appraised tax values at a time when there is a risk property values will drop.

Apparently we did not get a response to this letter. The appraised values being sent out seem to be showing higher values.

There are many stories making the rounds about taxation. I got a letter from a State Representative suggesting that cities should cut their budgets and/or their tax rates. To me, this letter indicated a fundamental lack of understanding of the basic economic principle that there are no free lunches. In particular, for a city like us that funds only the most basic services (water, wastewater, public safety, roads), asking us to cut our budgets is asking our residents to tolerate a decrease in their quality of life. I do not recall seeing the state offering to cut sales taxes.

Similarly, I have personally observed the state discouraging property valuation approaches that would result in more realistic appraised values. The Tom Green County Appraisal District, where my mother has a rental house in San Angelo, had

adopted an alternative valuation methodology based on the market rental rate. In the “oil patch” depressed rental market in San Angelo that methodology resulted in a substantial valuation decrease in my mother’s home value and the property taxes. This more fairly reflected the economic value of a home being used as a rental.

This past year, the State Comptroller’s office told them they could not use that valuation methodology any longer. When I got the appraised value a few days ago, we were right back to the same unrealistic appraised value we had before this ruling.

In another letter in which Governor Abbott was responding to a group of state legislators seeking tax relief at the state level, he commented that local governments set the property tax rates, and that we are the ones responsible for increases or decreases in property taxes. The Governor went on to comment that the state had taken the step of reducing school property tax rates.

The actions taken by the state in my example above shows that there is clearly influence on property tax rates at the state level. The example of school property tax rates failed to mention that the property tax rate reduction for schools was made possible by the state providing greater funding for public schools out of their budget. If they would like to help fund city operations out of their state budget, we could cut our tax rates too. I am not advocating for this. I am just pointing out that, as taxpayers, we need to examine with a critical eye how taxation decisions are made and who really controls taxation.

You Count!!!

You only count if you complete your CENSUS!! If you have not done your census, please get on line and make it happen. It took Dedie and me about 10 minutes.

Backflow Prevention Program Updates

Thanks to all of you who have complied thus far. **Please remember that the deadline for initial testing is September 30, 2020.** If you have any questions regarding your backflow prevention assembly, please contact the City’s Environmental Compliance Manager, Melissa Castro, at 210-698-0900.

Fourth of July

We have had some discussions around city hall and with our council members and decided that, especially this year, our community needs to come together to honor all of our local heroes who have been dealing with this pandemic. We have many local heroes including our medical community, our first responders, people running our emergency network, the many merchants and service people in grocery stores, restaurants and other businesses, and the governmental employees who have continued providing services during the pandemic.

We will do this properly with precautions to avoid spreading the virus. The celebration will probably look different this year because we do not want to go

backwards on controlling the pandemic. It is important that we keep our spirits up by celebrating what we have accomplished thus far in dealing with this pandemic and committing to finishing the job, for there is much left to do. It is also a time to remember those we have lost as a result of the pandemic. We have reserved a time for a fireworks show and will be getting back to you with more details as we get closer. Tentatively, we are looking at the evening of the 3rd of July like we did last year.

Resident Volunteers/City Staffers at Work

- Facebook fans can find us at City of Fair Oaks Ranch, TX. Our page is used for sharing information about the city, but it is not a public forum. The page is monitored and objectionable or off topic material will be removed. In the last month we reached almost 9,000 people with our posts. More than 3,000 people reacted to the postings by liking, sharing, or posting them. We have had 26 new page likes and 29 new page followers in the past month.
- We now have more than 2,000 followers on our Facebook page. This is a significant milestone and I congratulate Jennifer Hudson and Joanna Merrill for achieving this increased readership in their communications work. We also added 77 new members to our Nextdoor reach and had more than 1,300 impressions on this tool during the month.
- Jennifer and Joanna also worked very diligently to put together a parade honoring elementary, high school, and college graduates in our community on May 23rd. This will really be kind of an inverse parade where the graduates and their families will be on the boulevard of Fair Oaks Parkway and friends and family will pass by with police escort. We are very proud of all of our graduates and wanted to recognize them. Thank goodness we are still a small enough city to be able to do this!
- The police department also helped celebrate birthdays for a number of residents, both young and old, during the month. Officer Hinojosa arranged for some birthday recognition for more than 40 households in which our officers did a “drive by” complete with lights and sirens.

Let's keep working as “good neighbors” to get through this terrible pandemic and reclaim our very good lives. I have seen many signs of people caring for each other and that is what makes us special as a city.

All the best to all of you from Dedie and me.

Garry Manitzas
Mayor
Fair Oaks Ranch