

From the Mayor's Desk
August 2020

Planning and Zoning Commission

There has not been a P&Z meeting since the last time I reported to you.

Declaration of Local Disaster Extended Again

All of us are getting pretty familiar with the drill where the Governor updates his Executive Order, the Bexar County Judge updates his, and we update ours. Sometimes this happens with amazing speed. We extended our emergency declaration at our July 2nd council meeting (morning meeting) and that afternoon Governor Abbot amended his Executive Order GA-28 regarding outdoor gatherings.

In that Amendment he reduced the size of outdoor gatherings allowed without permission from 100 people to 10 people. He also assigned responsibility for approving those gatherings to mayors if the gathering is within the city limits and to county judges if the location is in the county.

That change prompted me to have to issue a local declaration and prompted staff to develop procedures to implement this change. Declarations by mayors only have a life of seven days without council ratification, so we issued the declaration on July 10th and council ratified it at their July 16th meeting. Our City Attorney developed Ordinance 2020-18 to document these changes and council affirmed the ordinance at the July 16th meeting.

If anyone is anticipating an outdoor gathering of more than 10 people, please call the city for guidance. We are requiring 10 business days' notice and our staff has developed a very simple form to provide the information required for the mayor to make a decision. Procedurally, we pass this information through our Emergency Operations Center first and they make a recommendation to me.

I want to once again thank our residents and our businesses for their cooperation during these difficult times. **Please keep wearing your masks in public places where social distancing is impossible.**

Water Rights Project

Moving forward on resolution of this legal issue has been delayed until early November. The Caldorolas requested a continuance from the court based on a family medical situation and the court granted this continuance.

The Caldorolas have also filed a counterclaim that our use of their property has caused them damages of \$78,333. There is nothing to report on this separate action at this point.

Several of our staffers and elected officials including me were deposed by the Caldarola's attorneys since I last wrote to you. Our attorneys have also conducted depositions of the Caldarolas and their expert witnesses.

Additionally, we went to a Court ordered mediation, but no settlement has resulted from that activity.

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

We have established protocols to provide for the safety of our city employees. When we come into City Hall our temperatures are taken and we complete a short medical questionnaire. We have deferred the opening of City Hall due to the uptick in COVID 19 cases, particularly in Bexar County.

Chief Moring, who heads our Emergency Operations Center (EOC) has asked that we refer all requests for information about numbers of cases to the reporting from the respective county Emergency Operations Centers for the county in which you live. Bexar County in particular has been inundated with so many cases that keeping their reporting current and accurate has been very challenging. Chief has recommended discontinuing reporting specific to our city due to the challenges of getting accurate reporting from the entities charged with these duties.

COVID19 Testing on The Ranch

On July 17th and 18th the city hosted testing at our Public Works facility. Testing was provided by members of the Texas National Guard and the testing was done by appointment. More than 500 people from The Ranch and surrounding areas took advantage of this service. I received favorable comments on this event both in person and on social media. We appreciate the efforts of both the National Guard personnel and our own police department and public works personnel in putting on this community testing event. As of this writing, I do not have stats available for results of testing, but if I get them, I will report in the future.

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. Please follow the guidance of the business owners in order to keep them in compliance with the new rules mentioned above. We have gotten good support from all of our businesses. I would especially like to thank Jeff DeFranco, general manager of Fair Oaks Ranch Golf and Country Club, for his helpful partnering in dealing with these issues. The Country Club is our largest commercial activity on The Ranch and it is helpful when they have been such good partners in dealing with this issue.

Construction Permits Going Through the Roof

I'm not quite sure what to attribute this too, but our construction permits have been going through the roof on The Ranch. We have issued almost 600 permits already this year. I'm told it is a pretty broad mixture of new homes, pools, and remodels. Maybe everyone is worried they are going to be stuck in the house for a while so they want to make it look good while they are there. I'm worried because Dedie just had knee revision surgery and is stuck around the house more than usual!

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. We have completed about 1,500 tests as of mid-July. Melissa tells me this puts us at about 78% complete based on our estimated number of irrigation systems.

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

Unfortunately, the story about the fireworks display changed after we went to press on my last monthly article. With the climb in COVID19 cases, we had to make the call to cancel the event. Despite our desire to celebrate Independence Day, public safety still have to be the primary driver for the event. We will look forward to future opportunities to celebrate this event.

Municipal Development District (MDD) Meeting

The MDD board met on July 15th. For the city, the most notable event was that City Manager Tobin Maples presented a request for a Grant to support construction of a Civic Center which does double duty as a new Council Chamber and City meeting facility. The MDD has a review process they will go through to determine if they can grant this request. We are hopeful this will happen because in addition to fulfilling a community need we cannot service well currently, it will avoid having to raise additional money from municipal debt to fund construction.

Elections Held

We provided a voting place for Bexar County for the recent elections. We were able to cordon off the council chambers to provide a place for voting. We appreciate the cooperation of both the election staff from Bexar County and our own residents who worked well to allow this election to be held in a safe manner.

Dealing with Solicitors

We have seen community interest recently regarding dealing with solicitation. Due to COVID19 issues, we had halted issuing solicitation permits. This resulted in communication from the general counsel for one of the larger companies doing solicitation claiming a constitutional violation. We consulted with our City Attorney and were advised to resume issuing solicitation permits.

The practical side of this discussion is if you do not want solicitors calling on your home, please post a "No Soliciting" sign near the entrance to your home. If the solicitors ignore this sign, you can call the non-emergency police number (830-249-8645) and the dispatch center will send out a police officer.

Roadwork on The Ranch

I got some personal inquiries about roadwork done recently, especially on Fair Oaks Parkway. The light layer of sand on the Parkway especially drew some interest. I asked Ron Emmons and Julio Colunga to write a few sentences to describe this road preservation work. Here is what they submitted:

The city has adopted an 8-year rotation in which the city schedules all city roads to be treated with various types of maintenance to prolong the life of the asset at a fraction of the cost compared to complete rebuild. This year, Fair Oaks Ranch annual street maintenance program will include Pavement Rejuvenation. Pavement treatments are chosen depending of the road's condition and age.

Asphalt rejuvenation is the process of restoring chemical properties that have been deteriorating since the moment new asphalt was laid down. An asphalt rejuvenator penetrates the asphalt well below the surface to chemically revitalize and protect the asphalt binder by replacing the tars and oils lost due to oxidation. This process also seals the pavement against air, water and chemical contaminants, thereby slowing oxidation and deterioration which extends the effective service life of the pavement. Although this process treats the road, it does not change the look or feel of the road as it is a chemical treatment taking place under the surface.

In this process the road is sprayed with the rejuvenator which creates a slick surface that is not recommended to be driven on. Once the rejuvenator has been given some time to be absorbed the road, a light layer of sand is applied. The sand is applied to absorb any leftover residue and to create a non-skid surface making the road safe to drive on. After 24 hours, the sand is swept up with the remaining residue usually being washed off in the next rain event.

Road Condition Analysis Project Approved

As another piece of our ongoing road maintenance program, at the July 2nd meeting council authorized the City Manager to sign a Professional Services Agreement for Road Condition Analysis at a not to exceed cost of \$35,000. This is a continuation of our ongoing program to evaluate all existing roadways every five years as a tool for determining where improvement money should be best spent. This ongoing

evaluation will help us in developing a Roadway Capital Improvement Plan (CIP) which evaluates the need for improvements in a responsible and proactive manner. I was very impressed at the level of engineering sophistication involved in doing this work when I read the description in the council package. In many ways this reminded me of the capital planning we did in the private sector to determine where to spend maintenance money on natural gas pipelines.

Chip Seal Project Authorized

At the July 2nd meeting, council also authorized a contract to chip seal 73,781 square yards of roadway. The bid was awarded to Lone Star Paving at a cost not to exceed \$223,499.75. The chip seal work is one more facet of our city's ongoing road maintenance plan.

Financing Discussion

At the July 2nd council meeting, the council voted to adopt a Notice of Intention Resolution regarding issuing Certificates of Obligation to refinance the Capital Lease that was done with Siemens Public, Inc. in March 2014 for water meter replacement. The interest rate on that contract was 3.31% which, although a good rate at the time of issue, is very high compared to current market rates on debt. Samco Capital, our financial counsel, believes that we can achieve a current market rate of about 1.25%. Allowing for issuance costs and an early retirement fee of 2%, our financial counsel believes we can save about \$115,000 over the remaining 9-year payoff period. The Capital Lease was classified as a debt instrument for Government Accounting Standards Board (GASB) purposes, so recapitalizing as a Certificate of Obligation will have no impact on the debt capacity for the Utility. The Performance Contract, which guarantees certain energy savings, remains in place even after the Capital Lease is retired.

Hydropneumatic Tank and Variable Frequency Drives at Plant 2

Also at the July 2nd council meeting, the council authorized the City Manager to sign a Professional Services Agreement for a hydropneumatic tank and variable frequency drives (VFDs) at Plant 2. Plant 2 was put in service in 1979 and, in conjunction with the Elmo Davis Pump Station, currently serves about 1,100 connections in Pressure Zone C which is about 40% of our total connections. In a September 2017 letter, Texas Commission on Environmental Quality (TCEQ) notified the city that the number of connections in Zone C exceeds 95% of the available pressure tank capacity which takes the city out of compliance for status as a Superior Water System. The city consulted with the Water and Wastewater Master Plan consultant on recommended actions. In November 2017, the city sent a letter to TCEQ identifying the city's plan to construct a new hydropneumatic tank at Plant #2 to meet the TCEQ requirements.

The project scope includes replacing the existing 5,000 gallon hydropneumatic tank with a new 9,000 gallon tank to increase the facility's pressure storage capacity, replacing the two existing 350 gallon per minute pumps with two 400 gallon per minute pumps, and associated piping reconfiguration to accommodate the new

pumps and VFD drive and starters. The project will address the TCEQ noted deficiencies, provide distribution capacity for future growth, and decrease maintenance costs with the new VFD drives. The project, which will cost about \$410,000, is estimated to take place over fiscal years 19-20 and 20-21.

Bulk/Brush Pickup Coming

The bi-annual bulk/brush pickup event begins August 10, 2020. Notification has been mailed to all Republic Services residential customers. If you have not received notification, please visit the city's News & Announcements section on the front page of the city's website (www.fairoaksranchtx.org). Here are the basic guidelines:

- Brush pile must be separated from the bulk pile
- Brush pile may not exceed 15'L x 6'W x 6'H
- No hazardous waste materials allowed (antifreeze, pesticides, light bulbs, paints, gasoline, etc.)
- Removal of gasoline/oil/propane/butane from lawnmowers, BBQ pits, gas cans, etc. is required
- Other materials not accepted include: household trash, construction/contractor materials, tires, televisions, computer equipment, glass, compressed gas tanks, appliances with FREON that has not been removed or certified

If you miss your scheduled pickup, have an over-sized brush pile or non-allowable materials or contractor trimmings, contact Republic Services at 210-304-2700 or 800-275-4234 for a special pick up service (fee may apply)

Resident Volunteers/City Staffers at Work

- Facebook fans can find us at City of Fair Oaks Ranch, TX. In the last month we reached more than 9,000 people with our posts. More than 5,000 people reacted to the postings by liking, sharing, or posting them. We have had 66 new page likes and 67 new page followers in the past month.
- We now have more than 4,200 members on Nextdoor and had almost 33,000 impressions on this tool during the month.
- Fair Oaks Ranch and Country Club hosted a blood drive at the Club this past weekend. All available donation times were filled up in this worthwhile community event. Thanks again to the Club for hosting this event.

I wish all of you the best during this very hot summer. This is about the hottest I have been since my youth in West Texas!

Garry Manitzas
Mayor
Fair Oaks Ranch