

**From the Mayor's Desk  
October 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**

We have had no changes in the declarations since the last time we reported. We drafted the Emergency Ordinance to be continuing.

I will remind you that in the Governor's Amendment to his GA-28 order, 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.

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**

The city's court hearing for a summary judgement related to the K-3 water well and associated Sanitary Control and Access Easements was held on September 11th in the 451<sup>st</sup> District Court. Attorneys for both sides presented their arguments. We are awaiting the judge's ruling. It is hoped that her ruling will greatly simplify the issues to be heard at the November 6<sup>th</sup> scheduled trial date.

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](mailto: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).

**Appellate Court Ruling on Annexation Case**

On September 16<sup>th</sup>, the 7<sup>th</sup> Court of Appeals from Amarillo ruled on the Plaintiff's appeal of the trial court granting of the City's Plea to the Jurisdiction and dismissed the case. The Court of Appeals reversed the trial court, held that the trial court has authority to hear the case on the merits of the Plaintiff's claims. The case is remanded back to the trial court for trial barring an appeal to the Texas Supreme Court. City Council will be meeting with legal counsel to discuss their options.

### **Dietz Elkhorn Road Corridor Study**

On September 17<sup>th</sup>, City Council authorized the City Manager to issue a work authorization for Legacy Engineering Group, our city's General Engineering Consultant to review traffic and safety concerns for Dietz-Elkhorn Road. Major concerns to be addressed include:

- High volume of citizen complaints with speed, truck traffic, and lack of pedestrian facilities
- Impact of opening second elementary school along the corridor
- Need to develop short, mid, and long term solutions for known problem areas
- Need to better understand traffic pattern changes of IH-10 West project and FM 3351 expansion projects respectively on the west and east ends of the corridor

### **Public Health Emergency Protocols and Reporting**

We are continuing protocols to provide for the safety of our city employees. We are all getting used to the routine of having our temperatures taken when we come in. We have deferred the opening of City Hall due to the uptick in COVID 19 cases, particularly in Bexar County. Most of our employees, however, are back at work in their offices.

We have taken over the Council Chamber to provide office space to allow our employees to socially distance. The city has moved a portable office building onto our parking lot. The building is almost completed for occupancy. This is a temporary solution so we do not have our employees jammed on top of each other. Further, this will allow us to host a Bexar County polling station during the upcoming election as staff will be relocated to the portable. In the coming year, we hope to remodel the current council chamber into offices and build a new Council Chamber/Civic Center where the old police building sits. I will keep you updated on these facilities as we move along.

### **Backflow Prevention Program Updates**

**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.

### **Budget and Tax Rates**

City Council took action at its September 17<sup>th</sup> meeting to conduct a Public Hearing on the Fiscal Year 2020-2021 Proposed Budget and 2020-2021 Tax Rate. Council conducted a First Reading of Budget and Tax Rate Ordinances during this same meeting. The second reading and adoption of the Budget and Tax Rate ordinances will be held at a special meeting on September 24<sup>th</sup>. Our City Charter requires two readings of any ordinance. Highlights of the budget and tax rate are:

- Tax rate remains the same at \$0.3735 per \$100 of assessed value

- Average homestead taxable value up \$11,228
- Annual tax on average homestead is up \$42

I will remind everyone that the schedule, the notices, and the language we use around taxing topics are all dictated by statute. Some of it looks strange to most of us normal people but the law dictates how we report it. Even though our budget is anticipating slightly lower tax collections due to the large number of properties under appeal, we are required to describe it as a small increase.

The budget reflects a substantial amount of work on the part of the staff in preparation. Our council and residents appreciate that effort. Council had several budget workshops to meet with staff and provide input to the budget. **We had asked to prepare a budget that did not raise the tax rate and that was accomplished. Our city's ad valorem property tax rate is still in the lowest 25% in the state.**

Our city has fared well in the COVID-19 pandemic and we are well positioned for getting through the crisis. We remain focused on providing reliable basic services and conservatively setting aside reserves.

#### **Board and Commissions Subcommittee**

Council met on August 6<sup>th</sup> to discuss processes for appointing volunteers to various commissions and subcommittees of the city. Councilwoman Koerner presented information and led the council in the discussion. Council voted at the September 17<sup>th</sup> council meeting and selected the following volunteers for committees with terms starting October 1, 2020. I have also shown the incumbents to identify the residents who have volunteered their services.

#### **Building Code Board of Appeals:**

Darrell White (incumbent)  
Jenks Boston (incumbent)  
Walter Wong (incumbent)  
Earl Hamilton (incumbent)

#### **Capital Improvement Advisory Committee:**

John Merritt (incumbent and chair)  
Fran Driskell (incumbent)  
Harold Manning (incumbent)  
Dana Green (incumbent)  
Paul Mebane (incumbent)  
Marcus Garcia (new member)  
Benjamin Koerner (new member)  
Arthur Waterman (new member)  
Chris Weigand (new member)  
Snehal Patel (Council liaison)

**Municipal Development District Board of Directors:**

Roy Elizondo (Council member)  
Laura Koerner (Council member)  
Nicholas DiCianni (new member)  
Mike Lovelace (new member)  
Brad Dutton (incumbent)  
Al McDavid (incumbent and chair)

**Planning and Zoning Commission:**

Michael Rey (Chair; term expires 9-30-20)  
Frank Trapasso (Vice Chair)  
Bobbe Barnes (incumbent)  
David Horwath (incumbent)  
Douglas Leonard (incumbent)  
Dale Pearson (incumbent)  
Linda Tom (incumbent)  
Lamberto “Bobby” Balli (new member)

**Zoning Board of Adjustment:**

Chair (vacant; previous chair moved out of state and resigned)  
John T. Wall (incumbent and Vice Chair)  
Warren R. Needels (incumbent)  
Laurence R. Nichols (incumbent)  
Shane Stolarczyk (incumbent)  
Craig A. Matson (promoted from Alternate to new member)

Council also took action to standardize terms around three years and to set up staggered terms to ensure continuity on these important volunteer committees.

I want to thank Councilwoman Laura Koerner for her work in leading this initiative. Similarly, I want to thank Mayor Pro Tem Roy Elizondo for assisting Laura in this effort.

**Oak Wilt**

Environmental Compliance Manager Melissa Castro presented a discussion on Oak Wilt at the August 6<sup>th</sup> council meeting. Staff followed up with proposed means and methods to address this serious concern. Council approved a first reading of this Ordinance at the September 3, 2020 City Council meeting. Council approved the second reading of this Ordinance at the September 17, 2020 meeting. The Ordinance provides for contractor registration, preventative measures to be applied, prohibition of new planting of members of the red oak group, and requirements for notification of treatments to be provided for oak wilt. Individual homeowners are not required to seek permits or registration but are required to follow all guidelines for managing oak wilt.

### **Household Hazardous Waste Collection Event**

Republic Services, in collaboration with the City, hosted a Household Hazardous Waste Collection Event on Saturday, September 12, 2020 at City Hall from 8:00 a.m. to 11:00 a.m. This event was highly successful and we served over 200 residents during the event. We appreciate everyone's participation and patience during the event.

### **Reauthorizing Local Sales and Use Tax for Street Maintenance and Repair**

In 2008, our residents elected to impose a sales tax rate of  $\frac{1}{4}$  of one percent for funds dedicated to street maintenance and repair. Every four years, the law requires us to reauthorize this use of the sales tax by means of a Special Election. This will be on the ballot in November as a proposition, so please be on the lookout for it. **This is not a new sales tax. It is just reauthorizing the use of the sales tax collection to pay for street maintenance and repair in our City.** Council took action to put it on the ballot as required by law. Complete details of the Street Maintenance Sales Tax have been mailed to all households in September.

### **Elections**

As of this point in time, we are planning to provide voting facilities for Bexar County residents only. Kendall and Comal County voters will have to go to the facilities set up for those counties. This lineup was necessitated by moving the voting date to the November election to keep us as safe as possible. The early voting window will now start on October 13<sup>th</sup> and go to October 30<sup>th</sup>. Election Day will be on November 3<sup>rd</sup>.

You can vote at any approved voting location for the county in which you reside for either early voting or on Election Day. We will be listing details on the city website when they become available.

### **Voter Information**

Here are some important things you need to know about voting:

- **October 5<sup>th</sup>** is the last day to register to vote in the November 3<sup>rd</sup> election. For more information visit our website at <http://fairoaksranchtx.org/136/Voter-information>
- Early voting starts on Tuesday, **October 13<sup>th</sup> through Friday, October 30<sup>th</sup>**
- Fair Oaks Ranch is an early voting poll location for BEXAR COUNTY VOTERS ONLY
- Comal and Kendall county voters will vote in their respective counties. Visit [Http://fairoaksranchtx.org/136/Voter-information](http://fairoaksranchtx.org/136/Voter-information) for locations
- Check above website FOR YOUR COUNTY'S for voting hours. Each county is different
- **Friday, October 23<sup>rd</sup>** is the deadline for the Early Voting Clerk in your county to receive an Application for Ballot by Mail
- **October 30<sup>th</sup>** last day to early vote
- **Find sample ballots at the voter information site above (when available)**

- Wear your mask; practice social distancing. Poll workers will make hand sanitizer available.
- **November 3<sup>rd</sup>** is Election Day

### **Memorandum of Understanding with FORHA on Policing Activities**

At the request of Fair Oaks Ranch Homeowners Association (FORHA), we developed an agreement to address the interest of its members relative to law enforcement services on FORHA property. The authority to enforce and investigate violation of laws in general is inherent. Accordingly, this MOU is not necessary for the City's police department to exercise their duty and obligation to respond to a call for service or investigate suspicious activity within the City.

The City's police department is not responsible for enforcing any FORHA rules and regulations under this MOU. Further, the police department will not police "who" is utilizing FORHA property, unless in response to a call and/or investigating suspicious activity pursuant to the law. In other words, the MOU does not stipulate that the Fair Oaks Ranch Police Department serve as the de facto FORHA security detail.

### **Resident Volunteers/City Staffers at Work**

- Facebook fans can find us at City of Fair Oaks Ranch, TX. In the last month we reached about 1,800 people with our posts. Almost 700 people reacted to the postings by liking, sharing, or posting them. We have had 18 new page likes and 19 new page followers in the past month.
- We now have more than 4,400 residents accessing us through Nextdoor and we had about 11,000 impressions on this tool during the month.

Please continue doing your part to look after each other. We seem to be making some progress on dealing with COVID-19 but we cannot let our guard down.

Garry Manitzas  
Mayor  
Fair Oaks Ranch