

**From the Mayor's Desk
November 2020**

Planning and Zoning Commission

The P&Z met on October 8th. In this meeting, they were introduced to Katie Schweitzer, our new Manager of Engineering Services. Additionally, legal counsel Cynthia Trevino conducted the following training:

- Texas Open Meetings Act
- Public Information Act
- Legal Training

In this same meeting, Lata Krishnarao from Gunda Corporation and our Manager of Engineering Services conducted a P&Z Planning Workshop.

Christina Picioccio, our City Secretary, also conducted a P&Z Administration workshop.

In the Consideration section of the meeting, the P&Z began a discussion of changes to their Rules of Procedure.

Following the expiration of the term of service of Chairman Michael Rey, the Commission elected Frank Trapasso to be the new Chairman. Frank was previously the Vice Chairman. Additionally, the Commission, elected Ms. Bobbe Barnes to be the new Vice Chair.

I want to personally express my appreciation to Michael Rey for his leadership in the initial formation of the P&Z Commission. Michael was the perfect candidate to lead this group in its critical formation phase. The willingness of professionals like Michael to give so freely of their time in leading these important activities is one of the real strengths of our community.

Lamberto "Bobby" Balli joined the P&Z as a new member. Welcome Bobby!

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 451st District Court. The judge ruled in favor of the city with prejudice on both of the motions for summary judgment. In simple terms the judge ruled that the City owns the sanitary control easement, the access easement, the land around the well and the water under the ground. There will be additional discussions among the lawyers for both sides to complete documentation necessary for the judge to enter the formal final order on this matter.

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).

Appellate Court Ruling on Annexation Case

On September 16th, the 7th 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. Subsequently, the city filed a motion for rehearing which was denied by the 7th Court of Appeals. At this point, the city's two possible courses of action are an appeal to the Texas Supreme Court or remanding the case to the District Court to be tried on the merits of the case. I will update you again when the path the city is going to follow becomes clarified.

Boerne Ranch Estates, L.L.C. (The Reserve)

On October 9th, the City entered a Plea to the Jurisdiction to the Plaintiff's Original Petition. The City argued that the Court lacks subject-matter jurisdiction over Plaintiff's case against there is no legislative waiver of the City's immunity for each cause of action asserted in the Plaintiff's Petition. The Plaintiff has not pleaded a cause of action that invokes the Court's jurisdiction. The Plaintiff has filed a response to the City's Plea to the Jurisdiction and we anticipate the Plea will be set for a hearing before the Judge in the near future. I will write to you again when there is more information we can share.

Dietz Elkhorn Road Corridor Study

I reported last month that, on September 17th, 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 speeding, 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

The health, safety, and welfare of our residents is the primary objective of the Public Works Department. Another recent traffic change in this traffic corridor was establishing all-way stop signs at the intersection of Dietz Elkhorn Rd and Elkhorn Ridge/Square Gate.

The council's decision making on these changes is guided by the analysis of licensed traffic engineers. In the case of the recent four way stop sign decision, the *Texas Manual on Uniform Traffic Control Devices* was the guiding document that defines an all way stop as proper remedy for conditions such as a left-turn conflict.

In that particular situation, another significant decision driver was the proximity of the Van Raub Elementary School. When our traffic engineer did site visits, it was noted that a number of children were crossing Dietz Elkhorn Rd at this intersection.

Safety considerations require that our council make decisions based on sound engineering, not on whether or not a change is popular with certain residents or who screams most loudly about the change. Having the courage to make good judgment calls is what you hire us to do with your votes. We will report more on these studies as they move through the various phases of study.

Code of Ethics

The Citizen Commission that wrote our City Charter contemplated that, at some point, the City Council would write a Code of Ethics for the Council. In the interim many of our actions are guided by state law and the Charter itself has some general guidance. Our legal counsel informed us that having a code is considered best practice. They also pointed out that, while we have had no issues related to ethics, some of their other clients had. The general idea is that it is better to be prepared.

The Assistant City Manager and I have been working on this project with our legal counsel for a while and presented a draft of Rules and Procedures on City Council Hearings for Code of Ethics Violations and City Charter Forfeitures and Prohibitions at the October 1st council meeting. We had a good discussion, including input from our legal counsel, and council made some recommendations for editing the draft. We asked the council members to get any additional recommendations back to us in a little over a week.

The Assistant City Manager and I will update the Rules of Procedure with our legal counsel and bring them back to the council in the form of an Ordinance for consideration of approval. I anticipate this will happen in November.

Request for Qualifications (RFQ) for a Water/Wastewater/Reuse Rate Update

At the October 15th meeting, Ron Emmons, our Public Works Director presented a proposal to engage outside consultation professionals to update rates for our utility system. This is our first time to engage professional consultation on this effort.

Previous internal and volunteer efforts have resulted in less than adequate rate design structures in which the water revenues have routinely subsidized the wastewater system and capital needs have not been satisfactorily addressed in either utility. Neither of these situations are considered best practice in rate making.

In one of my previous lives, I was involved from a budgetary standpoint in the rate making for City Public Service, which is the largest municipal electric and gas utility in the country. Mayor Pro Tem Elizondo had even more involvement in rate making in the same utility at a later time. Both of us will tell you that even in very sophisticated utility organizations like CPS, outside consultants are frequently employed to help with the design of the rates.

The point of this discussion is that no city our size can afford to have well qualified rate making skills as full time in house staff. This is a perfect example of the need for engaging outside consulting skills for specialized needs that only come around infrequently. Failing to get these skill sets employed will simply result in continuing the failures of past rate making efforts.

There is no question this will be a hot topic of conversation in the city. Rate changes always cause that conversation. We will make the extra effort to keep our residents informed as we move through this complex process.

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.

As most of you know, the Governor created a rule that outdoor gatherings of more than 10 persons within city limits requires the approval of the mayor. 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.**

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 installed a portable office to support our employees in a safe environment and to allow our City Hall to be used as a Bexar County polling site.

If you are a Bexar County resident, you are likely aware of the voting taking place at City Hall. I have been there most days and the volume of voters going through the line is most impressive. We have been running around 800 voters per day through the site. Our election judges have done a great job of maintaining a safe and orderly process.

Trunk or Treat Coming on October 30th from 6:30 p.m. to 8:30 p.m.

The Fair Oaks Ranch Police Department is once again hosting Trunk or Treat as an alternative to traditional trick or treating. The event will be held at our Police Department Building. All participants are required to wear a face covering. To maintain social distancing, participants will receive their candy/treats through a decorated “candy chute.” Please contact Officer Domenech or Officer Hinojosa at 210-698-0990 if you need more information.

Backflow Prevention Program Updates

Melissa Castro, our Environmental Compliance Officer, reported to Council at the October 15th council meeting that we were pushing up toward 92% compliance on the required testing. This is an excellent outcome for our initial implementation of this testing. We will be doing follow up with those who have not yet tested. The failure rate for testing is running at about 5.3% which Melissa tells us is also a favorable outcome. Thanks to all of you who have done your part in getting your backflow assemblies tested. If you have any questions regarding your backflow prevention assembly, please contact the City’s Environmental Compliance Manager, Melissa Castro, at 210-698-0900.

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

Early voting has been proceeding very well. I have gotten to see a number of old friends and make some new ones during the times I have sat outside during the voting. It seems that for many residents of the northern part of Bexar County, Fair Oaks Ranch is a desirable voting location compared to other choices in San Antonio. We are saying “Welcome to The Ranch” pretty often these days. The early voting window started on October 13th and goes to October 30th. Election Day will be on November 3rd.

You can vote at any approved voting location for the county in which you reside for either early voting or on Election Day. We have been communicating voting information through all of our media during the election cycle. It is good to see the high level of interest in the elections this year.

Voter Information

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

- For voting information visit our website at <http://fairoaksranchtx.org/136/Voter-information>
- Early voting starts on Tuesday, **October 13th through Friday, October 30th**
- 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 voting hours. Each county is different.
- **Friday, October 23rd** is the deadline for the Early Voting Clerk in your county to receive an Application for Ballot by Mail
- **October 30th** is the 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 3rd** is Election Day

Promotion of Sgt. John Ojeda to Lieutenant

Tim Moring's promotion to Police Chief created an opening in the Lieutenant position in the Fair Oaks Ranch police department. Three internal candidates interviewed for the Lieutenant position. All three who interviewed are high quality officers of whom we are very proud. John Ojeda was selected as the best choice in terms of experience and training for the position. We congratulate Lt. Ojeda and look forward to him continuing to do great things in our police department.

Recognizing John Weir's Service to Capital Improvement Advisory Committee

At the October 15th council meeting, we passed a special Council Resolution to recognize John Weir's service as a volunteer to CIAC over a period of 17 years. We are blessed to have so many good volunteers on The Ranch, but, even here, serving for such a long period of time is remarkable. We appreciate John's service and his contributions to this important committee.

Currently, we have almost 40 residents serving our city in various official volunteer capacities. We will work to continue finding people like John to contribute their talents.

Officer "Buddy" Almost Back on Duty

Buddy, our K-9 officer, has been off duty for several months to undergo back surgery. Buddy is recovering well and we anticipate he will be back on duty in November. Thanks to all of you who expressed your concern and wishes for his full recovery.

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 300 people reacted to the postings by liking, sharing, or posting them. We have had 10 new page likes and 14 new page followers in the past month.
- We now have more than 4,500 residents accessing us through Nextdoor and we had about 16,000 impressions on this tool during the month.
- Council took action at the October 1st meeting to appoint Emily Stroup to fill a vacancy on the City's Zoning Board of Adjustment. Emily is an attorney and her skill sets were a good fit for this quasi-judicial Board.

Please continue doing your part to look after each other. We cannot let our guard down on dealing with COVID-19.

Best wishes to all your families from Dedie and me as we start moving toward our traditional holiday season.

Garry Manitzas
Mayor
Fair Oaks Ranch