

**From the Mayor's Desk**  
**January 2021**

**Water Rights Project**

I reported to you last month that the 451<sup>st</sup> District Court of Kendall County, on Friday November 20 entered an agreed final judgment in the City of Fair Oaks Ranch vs. Vincent and Nancy Caldarola matter. After the Court provided its rulings, the City and the Caldarolas, by agreement, signed a final judgement incorporating the Court's rulings. The judgment was signed and made final on Friday November 20<sup>th</sup>. Since the judgment is by agreement of both parties, it cannot be appealed. Therefore, as to the K-3 well, the matter is completely resolved.

The ruling of the Court, in large part, clarified the issues the City faces regarding its water system. The City now firmly believes that any well lot with the same or similar facts as K-3 well will result in the same outcome as the Caldarola case. The next step for the City will be preparing new documents using the surveys performed by Pape Dawson Engineering on each of the City's water wells. After the holidays, the city will begin moving forward with resolving similar situations with other property owners where our city wells are located.

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).

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

There is no additional activity to report on this item at this time.

**Planning and Zoning Commission**

P&Z held a joint meeting with City Council on December 10<sup>th</sup> to take public testimony on a replat of several lots in the Front Gate subdivision. Several citizens spoke and the comments were supportive of the replat. P&Z had their regular meeting following the joint public hearing with council. They approved the replat as well as a preliminary plat request for Elkhorn Ridge Unit 6B. These approved platting decisions were presented and approved at the December 17<sup>th</sup> council meeting. P&Z also conducted a training session with the City Attorney, the City Manager, and our contract City Planner to review the roles and responsibilities of the Planning and Zoning Commission.

**Dietz Elkhorn Road Corridor Study**

I previously reported that, 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 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

We have formed a small stakeholder group including some citizens who live along this route. We anticipate there will be discussions with this stakeholder group beginning after the holidays.

#### **Four-Way Stop Sign at Dietz-Elkhorn Rd and Elkhorn Ridge**

We have received a few questions about a new four-way stop near the Van Raub Elementary School. The council made a unanimous decision to install this four-way stop based on a formal traffic engineering study done by Michael Garza, P.E., P.T.O.E. from Legacy Engineering. Legacy serves as the City's General Engineering Consultant and Michael is a licensed traffic engineer. The signage was done to address a left-turn conflict and to provide a safe crossing of Dietz-Elkhorn for Van Raub students. This solution is recommended in the *Texas Manual on Uniform Traffic Control Devices*. The manual also defines this solution where there is a need to control vehicle/pedestrian conflicts in areas that generate high volumes of pedestrian traffic.

The complaints seem to center on traffic congestion when school lets out. There is no simple fix for this. Even though BISD built in more stacking area on this campus than they have at Fair Oaks Ranch Elementary School, there is an overload situation for a few minutes in the afternoon when parents are picking up kids from school. Please do the responsible thing and follow traffic laws. Do not block intersections and do not cross double yellow lines to go around traffic. This is both illegal and dangerous. Remember that our children are the ones you place at risk if you take these unsafe actions.

#### **I10 Signage in Place**

Many of you may have noticed that TxDOT completed putting signage denoting Fair Oaks Parkway on the bridges on I10 for both east and west bound traffic. This has been in the works for a long time and we are happy that the signage is in place. There was some negotiation with TxDOT involved regarding both signage and painting to get it marked both directions. We appreciate the work of both our staff and Councilwoman Patel who brought these elements up for discussion in our council meetings. This signage helps in branding our community. The next area we will work on is branding for the entrance. I do not have a timeline for this work yet, but the completion of TxDOT's work eliminates one of the hurdles to moving forward. TxDOT has finished out their work and replaced the rough concrete at the entrance with some pavers to give the area a "finished for now" look. We have not

forgotten about dressing up the area, but there are many priorities we are juggling presently.

### **Code of Conduct**

The City Council discussed a Code of Conduct at its December 3<sup>rd</sup> meeting. After considerable discussion, the council charged Councilwoman Patel with developing a Charter for a Citizen group to develop a Code of Conduct. Councilwoman Patel's draft of a charter was reviewed at the December 17<sup>th</sup> meeting. The council made comments and determined to table formal approval of the charter pending council members submitting comments for revision. We will be gathering comments through our city staff and Councilwoman Patel will be working with fellow council members Laura Koerner and Greg Maxton to assimilate the comments and bring them back to council for additional discussion. City staff, including our Assistant City Manager will be assisting in this effort.

On a parallel path, the Assistant City Manager and I will work with the City Attorney to develop the actual Code of Ethics and bring it to council. We deferred this work in December due to the work on the Code of Conduct but will re-engage in January.

### **Workshop on Stormwater Capital Improvements Plan**

Council conducted a special workshop on November 18<sup>th</sup> to review the Stormwater Capital Improvement Program (CIP). In addition to staff, our engineering consultants Mike Persyn, P.E. from K Friese & Associates, Matthew Garrett from New Gen Strategies, and Kate Ploetzner, P.E. from Kimley-Horn led a review of implementation approaches and funding choices for dealing with this long outstanding community issue. We had a very good discussion with lots of questions and input from council.

If we go forward with creating a Municipal Stormwater Utility District, council expressed the opinion that a single tier structure for funding would be our choice. Additionally, council asked that the staff and consultants focus on Priority 1 projects in our next round of discussions. Priority 1 projects are typically those where significant intersections are flooded to the point where emergency vehicles cannot pass or significant runoff causing erosion of drainage easements or threats of damage to a number of homes in a neighborhood.

Staff and consultants will come back to council with more information based on the choices we made in this workshop. I will bring you more information as this project progresses.

### **Workshop on Water, Wastewater, and Reuse System**

On December 16<sup>th</sup>, Council discussed the Water/Wastewater Capital Improvement Program (CIP). The discussion was led by Mike Persyn, P.E., Water Practice Leader for K Friese & Associates and our staff. We reviewed the Master Plan that was prepared over the past couple of years and ratified the initial project priorities. This

is a significant step because the next step will be developing a long term funding plan.

I think most residents know that we have an infrastructure for water and wastewater that is getting very old. Previous city administrations focused very little effort and resources on long term planning of our infrastructure needs. The result of this lack of focus is a significant bow wave of projects that must be undertaken if our quality of life in the city is to be maintained. If you review the presentation in the council meeting packet for December 16<sup>th</sup>, you will see that there are well over \$50,000,000 of projects that need to be undertaken over the 10 year time horizon that is realistic for planning these improvements.

These projects all end up having to be funded from revenues of the water and wastewater system. There will likely be multiple sources of funding including grants (if available), Texas Water Development Board Loans, impact fees, developer contributions, and debt service. This year we are undertaking our first professional rate study so that we can understand cost of service and plan utility rates properly. As someone who worked for a municipal electric and gas utility early in my career, it is hard to imagine that a utility entity went this long without doing a formal rate study. This is one more manifestation of a significant lack of long range planning. As the old hack goes, failing to plan is planning to fail.

I am sure there will be many more discussions of these topics. As we get more details around these topics, we will certainly be staging some community meetings to educate our residents more on the topics and lay out the choices that will have to be made.

### **Community Center**

We have reviewed several Requests for Qualifications (RFQ) for contractors wanting to construct our new Community Center/Council Chambers and renovate the existing City Hall space to develop offices. We made a selection and are negotiating under a Construction Manager At Risk (CMAR) model with our first choice. Hopefully this negotiation will result in a contract so we can begin work on this project. I will remind everyone that the funding for the Community Center portion of the work is being funded by a grant from the Municipal Development District (MDD). I will update you as we go along on this project.

### **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. I am sure all of you have seen the statistics on upticks of infection. **Please keep wearing your masks in public places where social distancing is impossible.**

### **Backflow Prevention Program Updates**

Melissa Castro, our Environmental Compliance Officer, reported to me recently that we were pushing up toward 98% compliance on the required testing. 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.

### **Tree Trimming and Oak Wilt**

I have gotten a few inquiries lately about tree trimming and what is ok to do. Many of you know we enacted an Ordinance covering tree trimming in which contractors are required to register with the city. If you are hiring someone to trim, please ask them if they are registered. I am posting some comments from Melissa Castro below to help with your decision making about timing of tree trimming and painting of tree wounds from the trimming.

- All those engaging in the business of tree maintenance are required to register with the City as a tree contractor prior to providing services. This does NOT include property owners performing maintenance on their own properties.
- Oak tree maintenance is limited to a designated timeframe of July 1<sup>st</sup> through January 31<sup>st</sup> – this is when fungal spore formation and nitidulid beetle activity are lowest. Please note that all other trees may be maintained year-round.
- Immediate sealing of all oak tree wounds with paint or wound dressing is required. This is key in preventing oak wilt transmission aboveground.

If you have questions or would like a list of registered contractors, please contact the City's Environmental Projects Manager, Melissa Castro, at 210-698-0900.

### **Elections – Coming Up Again**

City elections are coming up again in May. The time frame for posting to run for a City Council position is January 13<sup>th</sup> through February 12<sup>th</sup>. We are updating our website on the Elections page to provide the sign up information to become a candidate. The website path to get to the information is clicking on the "Our Government" tab and then on "City Elections." For general information, you can contact our City Secretary, Christina Picioccio, at the city (210-698-0900). Our City Secretary does not provide legal advice to candidates.

### **Solid Waste Collection (Republic Services) Update**

*Christmas tree service* - Republic Services will pick up disposed live Christmas trees January 11, 2021. To ensure service, trees must be placed at the curb of your residence no later than January 10<sup>th</sup>, and must be free of ornaments, lights, stands, and other items. You may also place your dead tree in the brush pile during the bulk/brush event later in the month. See below for details on the event.

*Bulk/Brush service* – The bi-annual event is scheduled to begin January 11, 2021. The event complies with the City’s new tree maintenance relative to mitigating oak wilt spread. Notification of the event has been mailed to all Republic Services residential customers. To view complete details including sector maps, pick up dates, acceptable items and brush, and other guidelines, please visit [www.fairoaksranchtx.org/167/BulkBrush-Pick-Up](http://www.fairoaksranchtx.org/167/BulkBrush-Pick-Up).

If you have any questions or concerns on the above services, please contact Republic Services Customer Service Department at 800-275-4234 or 210-304-2700.

### **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 12,000 people with our posts. Almost 1,500 people reacted to the postings by liking, sharing, or posting them. We have had 7 new page likes and 18 new page followers in the past month.
- We now have more than 4,600 residents accessing us through Nextdoor and we had about 11,400 impressions on this tool during the month.
- Dedie and I had a great time doing Santa visits in neighborhoods last Friday night. Our Police Department decked out the police pickup with a bench, sleigh signage, and great lighting. We spent four hours cruising neighborhoods and made a lot of kids happy, including some older kids like my friend Bill Fusco! Elf Laura Koerner rode on the Santa visits with us. We are going again tonight (Monday) with Elf Laura and will have one final run tomorrow night with Elf Jan DiCianni. Kudos to Chief Tim Moring, Lt. John Ojeda and our Police Department who put together this event, especially Animal Control officer Rene Ojeda who did the Santa honors Thursday night while I was in a Council meeting.

Dedie and I wish all of you a very happy New Year. Please be safe during the holidays as we connect with those we love.

Best,

Garry Manitzas  
Mayor

Fair Oaks Ranch