

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

Water Rights Project

No update at this time but will keep the project on the report.

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).

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 meeting on January 14th to consider approval of a final plat establishing The Arbors at Fair Oaks Ranch Unit 2 and proposing 47 single-family residential lots, generally located on the east side of Ralph Fair Road and north of Dietz-Elkhorn Road. The final plat was approved conditional upon the Applicant revising the final plat to show the original corner tie-in of the original survey, providing tax certificates showing all taxes owed to all political subdivisions have been paid, delivering title report upon receipt, providing, prior to recordation, a letter of acceptance of public improvements by the City or fiscal surety for public improvement with detailed cost estimates of all subdivision improvement, and correcting the Preserve Area documentation number.

City Manager Tobin Maples also updated Commission members on the anticipated Program of Work P&Z will be called upon to do in the future. This work will include both future amendments to the Unified Development Code and informational updates to aspects of the master plan and ongoing future development activity.

Dietz Elkhorn Road Corridor Study

I previously reported 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

Our staff had a meeting with the stakeholders group on January 13th to review issues along the corridor and to seek resident input on issues. We will be having follow up meetings to explore these topics in greater detail. We have several residents and a representative of Boerne Independent School District involved in these meetings. Councilwoman Patel is also participating in the meetings.

Branding Committee Meeting

On January 15th we had a half day work session of the Branding Committee with Emerald Fox Marketing and Consulting to begin working on a Mission Statement for our City's branding plan. In addition to the consulting firm, participants included myself, Councilwomen Koerner and Patel, Carole Vanzant, our Assistant City Manager, Joanna Merrill our HR Director, Jennifer Hudson our HR/Communications Specialist, Melissa Castro, our Environmental Compliance Officer, and Chief Tim Moring. The output of the branding work will be used when we engage an architectural firm to help us design features like the entrances to our city. We had a free flowing exchange of ideas within a structure set by the consultant. I thought we made good progress for the first work session of this group.

Code of Conduct

Following Councilwoman Patel's draft of a charter being reviewed at the December 17th meeting, Council members were invited to submit suggested revisions to the Charter. With assistance from Assistant City Manager Carole Vanzant, Councilwoman Patel worked with fellow council members Laura Koerner and Greg Maxton to assimilate the comments and update the Charter. The revised draft was well received and approved with only minor changes. Council instructed staff to begin publicizing a call for volunteers to staff the citizen committee to be charged with writing the Code of Conduct.

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

Workshop on Stormwater Capital Improvements Plan

Council had a discussion on January 7th regarding Stormwater Utilities incentives and exemptions. 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 participated in this work. We had a very good discussion with lots of questions and input from council. The further we explore this topic the greater appreciation we have for the complexity of choices involved.

There are a number of complexities related to equitable treatment of residents in different types of neighborhoods. We asked the consultants for additional input on decisions made by other municipalities in designing their stormwater utilities. Additionally, council members raised questions about whether our community would be better served by using bond issues that have to be voted on to fund these

types of projects. All of these are valid questions that deserve deliberation before we make any final choices.

Regarding the Stormwater Utility, a recent publication by the Save Fair Oaks Ranch organization states that "...the purpose is to pay for the elimination of 67 residential flooding issues..." This is a misleading statement. The individual flooding issues are a third tier priority and council has already told the consultants to only consider tier one priorities in their calculations. Tier one priorities are generally safety issues such as streets that flood to the degree that some areas of the city could not be reached by emergency services during a significant rainstorm.

Resolution Allocating Fiscal Year 2019-20 Governmental Fund Balances

The Governmental Accounting Standards Board (GASB) is a private non-governmental organization that creates accounting reporting standards for state and local governments. One of the standards to which we are subject (GASB 54) requires that we take action to close out fund balances at year end in order to finalize our Comprehensive Annual Financial Report (CAFR). GASB 54 requires us to capture any Governmental Fund Balances not otherwise allocated to GASB 54 designations to be closed out to Unassigned Fund balances until further Council action is taken.

In previous years we did this informally during year end close out presentations from our Finance Director with conversational affirmation from council. As part of our ongoing processes to run the city more like a business, this year for the first time, we formalized this information in the form of a Council resolution at the January 7th meeting. We closed out \$1,296,843 to "Unassigned" as required by GASB 54 pending future council action.

It is important to understand that this "surplus" was generated because Council took prudent and conservative measures to slow down spending at the beginning of the COVID19 Pandemic. We did not know to what degree our city economics were going to be affected, so we exercised caution just like most of us do in our personal lives.

Now that we know we have successfully negotiated the financial impact of COVID19, it is time to reassess priorities and get back on track with the Strategic Action Plan. This unallocated balance is not a windfall, nor is it a reason for a tax give back. This surplus is simply the result of deferring expenditures we had approved under our Strategic Action Plan. Council will have to take measured steps to weigh the options of where to put the unspent money to use. We have many demands on our resources and to the extent we effectively use these unspent funds, we minimize the need for property tax increases to provide funding.

The notion that we collected "a massive amount of cash beyond our current budget requirements" as was asserted by the Save Fair Oaks Ranch organization recently is not accurate. Our budget requirements were matched up with planned revenue just

like they always are. The difference was that we had a pandemic months after our budget was approved and we took the safe course of reducing planned spending.

Requests for Proposals (RFP) for a Standard of Cover and Utilization Study

On January 7th, staff presented a proposal to seek RFPs for a Standard of Cover and Utilization Study for Police, Fire, and Emergency Medical Services (EMS). The Police study will focus on a sustainable method for determining staffing needs, a review of the current delivery of services, as well as recommendations to ensure service delivery meets current best practices and community expectations. The time frame will include current, three, five, and ten-year build out projections.

The Fire and EMS study will also provide a recommendation for a methodology for determining current and future needs. The study will assess community risk and existing emergency service assets and infrastructure. The study will provide information on funding options and resources needed to obtain these services in the future, whether through a 3rd party or through the creation of a City Fire Department.

Potential Amendments to the Water Conservation Ordinance

Also on January 7th, Melissa Castro, our Environmental Compliance Officer, presented some potential amendments to our Water Conservation Ordinance. Melissa covered water conservation goals, Best Management Practices (BMP), Landscape Design standards, a description of types of water waste, ideas for leak detection, a schedule of penalties, and a community outreach program for education. One new concept for which I have received some calls was making drip irrigation watering available to be done at any time. Council provided general insights and direction and Melissa will come back to us at a future date with a more specific proposal.

Community Center

We 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 selected Waterman Construction, LLC and are negotiating under a Construction Manager At Risk (CMAR) model with that company.

In our January 21st meeting, staff is presenting a proposal to Council to authorize the City Manager to sign an Agreement with Waterman Construction, LLC to provide Construction Manager at Risk Services for Construction of a Civic Center and City Hall Renovation. The first two phases being authorized are Pre-Construction Services (\$2,500) and General Conditions (\$131,733). These fees cover costs up to the point of 100% Design. Once that is achieved, a Guaranteed Maximum Price Amendment will be determined and brought to Council for consideration and approval. After execution of this Amendment, the Construction Manager will be responsible for any costs exceeding this amount.

I will remind everyone that the funding for the Community Center portion of the work is coming from 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.**

All of the Emergency Operations Centers are experiencing the frustration of trying to determine when vaccines will be available. As a small city with little commercial activity, we lack the infrastructure to attempt to arrange vaccine distribution within our city. We are developing information to place on our website to share what we believe to be the best information available about vaccine scheduling. We will coordinate our efforts with those of Boerne and Kendall County to attempt to deliver a uniform view of what we know. Stay tuned for this information.

Tree Trimming and Oak Wilt

The month of February marks the start of oak wilt season in Fair Oaks Ranch. Please note that the maintenance of ALL oak trees, including pruning, trimming, cutting and removal, is prohibited February 1st through June 30th. This timeframe is when fungal spore formation and nitidulid beetle (insect vector of the disease) are highest!

Exceptions to the rule include the following: clearing branches posing a danger to life or property; for purposes of residential or commercial development; and for maintenance performed by utility, phone and cable services.

If you have any questions, 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 13th through February 12th. 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.

At this point, Councilman Greg Maxton has signed up to run for Mayor and resident Emily Stroup has signed up to run for Council Place 1. I have publicly announced that I will not be seeking another term as mayor and MaryAnne Havard will not be seeking re-election to Place 1.

The law requires that a sitting council member serving in a city with more than two year terms who has more than one year and 30 days left on their term who decides to run for a different elected position such as mayor, automatically resigns their current council seat when they declare they are running for the new office. The law also provides that that council person serves in a holdover capacity until their successor is elected and qualified for office in a special election. Our City Charter has similar language regarding filling vacancies.

Council will take action at the February 4th meeting to declare a special election to fill Place 6. This election will take place on May 1st in conjunction with the regular election.

Quarterly Transportation Project Meeting

Our city works with the City of Boerne and Kendall County to participate in the Alamo Area Metropolitan Planning Organization (AAMPO) as well as the Technical Advisory Committee (TAC). Katie Schweitzer, our Manager of Engineering Services, represents our city on this group. At this point we have no active submission of projects through this group, but working with this group gives us a stronger voice as we identify projects we may wish to do in our community.

In Memoriam: Dr. William Thornton

This past month we lost one of our most distinguished residents. Dr. Thornton was a retired astronaut, medical professor and inventor. Dr. Thornton passed away at the age of 91 at his home in Fair Oaks Ranch with his wife by his side.

From his obituary printed in *The San Antonio Express-News*, I learned that Dr. Thornton was born and raised in Faison, N.C. and graduated from the University of North Carolina with a degree in physics in 1952. After college, Dr. Thornton enlisted in the Air Force and served as officer-in-charge of the USAF Instrumentation Laboratory at the Flight Test Air Proving Ground at Elgin AFB in Florida. In this work he developed the Radar Optic Firing Error Indicator which became known as the "Thornton Scorer."

Dr. Thornton enrolled in medical school at UNC in 1959. He met and married Elizabeth Jennifer Fowler, of New-gate Street, England who was at the UNC hospital

while on an exchange with a London hospital. After graduation in 1963, he returned to active duty and was stationed at the USAF Aerospace Medical Division at Brooks AFB in San Antonio. While there he invented a mass measuring device to determine the weight of items in space, which is still in use.

Dr. Thornton served NASA in space aboard the STS-8 Challenger in 1983 and the STS-51B Spacelab 3 Challenger in 1985. He retired from NASA in 1994 and became a clinical professor of cardiovascular physical diagnosis at the University of Texas medical Branch at Galveston. He held more than 60 patents and wrote a comprehensive textbook on the effects of weightlessness on the human body when he was in his 80s.

I had the privilege of visiting with Dr. Thornton in my office at City Hall about three years ago. His humility was obvious when he introduced himself by saying "I'm one of the astronauts you have never heard of." I recall that his southern upbringing showed both in his courtly manners and in a North Carolina accent. After we finished our visit, I Googled his name and discovered that I had been in the presence of a true genius and pioneer.

We extend our condolences on the loss of this remarkable gentleman to his family.

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 2,400 people with our posts. A little over 1,000 people reacted to the postings by liking, sharing, or posting them. We have had 20 new page likes and 21 new page followers in the past month.
- We now have more than 4,600 residents accessing us through Nextdoor and we had about 6,700 impressions on this tool during the month.

Please work on being safe as we all work through the COVID19 problems. We have done well as a city so far. Keep up the good work!

Best,

Garry Manitzas
Mayor
Fair Oaks Ranch