

# The FAIR OAKS Gazette

November 2017

Volume 7 Issue 11



NEWS FOR THE RESIDENTS OF FAIR OAKS RANCH

## From the Mayor's Desk...

**NOVEMBER 2017**

### Fair Oaks Ranch Annexing Extraterritorial Jurisdiction (ETJ)

This month, the big topic of conversation is that our city is annexing all of the properties in our ETJ with the exception of one parcel that is already covered by a development agreement and two parcels that are on Camp Bullis property. I am writing this article on October 20th and the process has already started. I am sure that you will be hearing about this annexation, so I am going to devote a lot of space to that topic.

It is important that you understand that what we are doing and the reasons we are doing it are very different than the annexations you have read about that involved San Antonio annexing properties in its ETJ. This is another one of those topics that is a bit complicated, so please get comfortable before you begin reading.

#### *The Theoretical Dimensions*

Annexation has been in the news a great deal lately and has been the subject of legislation in the recent Special Session of the Texas Legislature. Fair Oaks Ranch has begun an annexation process for essentially all of our Extraterritorial Jurisdiction (ETJ-or area around our current city limits) that is not currently covered by a Development Agreement or part of the Camp Bullis property.

The larger cities have typically been undertaking annexations of commercial and residential areas in their ETJ that are fully or mostly built out. While there are many valid reasons for undertaking an annexation to plan municipal services, the fear of most impacted homeowners in unincorporated areas is that they will pay more taxes and get no additional services.

Our city is a bedroom community which desires to retain that flavor. Our ETJ is almost all pastureland, not built out areas. Without annexation, the city has no ability to apply zoning to those areas, which could lead to unmanaged development in size or type. Our residents have told the City Council clearly in the

results of the last three election cycles and in Town Halls related to updating our Comprehensive Plan that they want us to:

- Maintain and improve the quality of life that brought us to Fair Oaks Ranch
- Guide and shape the physical development of the city to ensure sustainable and desired value capture
- Establish manageable and predictable programming for infrastructure demands and delivery of services
- Protect existing investment and valued community assets
- Protect public health and safety, and promote the general welfare of the City
- Provide policy guidance and justification for capital expenditure decisions

Until we became a Home Rule City this past May, the city had limited authority to annex. Now that greater annexation is an option, our council made the decision to pursue annexation under the current provisions of the Local Government Code. We believe this is the only realistic mechanism available to us to work toward the goals our citizens have communicated to us.

We will be guided in our actions by the results of the Comprehensive Planning studies in which we are currently engaged which describe how we want the city to look and function in the future. We have engaged both current residents and some of the ETJ property owners in these discussions and will continue to do so. We believe that completing these Comprehensive Planning studies and using them as the basis for land use decisions will benefit our current residents and the property owners in the ETJ.

#### *The Nuts and Bolts*

Now that we have discussed the theory, let's talk about the actual  
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# FAIR OAKS RANCH

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## ARTICLE INFO

The Fair Oaks Gazette is mailed monthly to all Fair Oaks Ranch area residents. Residents, community groups, churches, etc. are welcome to include information about their organizations in the newsletter. Personal news for the Stork Report, Teenage Job Seekers, recipes, special celebrations, and birthday announcements are also welcome.

To submit an article for the Fair Oaks Gazette, please email it to [fairoaksranch@peelinc.com](mailto:fairoaksranch@peelinc.com). The deadline is the 15th of the month prior to the issue.

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steps to implement annexation. In summary form, here is how it looks:

- The City of Fair Oaks Ranch will annex all properties in our ETJ except those covered by an existing development agreement and two parcels that are on Camp Bullis. There are a little over 100 parcels of land in this group.

- Property owners whose property is not appraised for ad valorem taxes under agricultural exemptions, wildlife management exemptions, or timber exemptions will be annexed under the provisions of Chapter 43, Municipal Annexation, of the Texas Local Government Code.

- Property owners who have these types of exemptions for ad valorem taxes will have a choice of involuntary annexation or executing a Non-Annexation Development Agreement which will delay annexation until the earlier of the passage of 15 years or the occurrence of certain “triggering events” such as filing documents for development, master plan, plat approval, or permit with a governmental unit having jurisdiction over the area.

- Both types of ownership will receive service plans for municipal facilities and services in accordance with Local Government Code Section 43.056. The service plan covers basic services such as Police Protection, Fire Protection, Emergency Medical Services, Maintenance of Water and Wastewater Facilities, Solid Waste Collection, Maintenance of Roads and Streets, and Maintenance of any publicly owned Facility, Building, or Municipal Service.

- The Local Government Code prescribes the notifications and hearings that must occur as part of annexation proceedings. The sequence is as follows:

- o October 5, 2017 Written notices sent out
- o October 20, 2017 Publish notice of first public hearing in newspaper of record
- o October 24, 2017 Publish notice of second public hearing in newspaper of record
- o November 6, 2017 Conduct First Public Hearing
- o November 7, 2017 Conduct Second Public Hearing
- o November 28, 2017 1st Reading to Adopt Annexation Ordinance
- o November 29, 2017 2nd Reading to Adopt Annexation Ordinance

- Following the completion of this process, the properties subject to annexation will either immediately become part of the City of Fair Oaks Ranch, or in the case of those with appropriate tax exemptions, may become subject to a Non-Annexation Development Agreement.

- **Property owners who are impacted by annexation and wish to have a discussion with the city should contact the City Manager, Tobin Maples at (210) 698-0900**

### In Summary

If these processes sound complicated, it is because they are. We believe utilizing existing provisions of the Local Government Code to effect annexations is in the best interest of our city, our resident property owners, and the property owners in the ETJ.

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If we took no action to annex, the implementation of recently passed legislation on December 1st would prevent our current residents from having a seat at the table in decisions about how the city will look and function after the ETJ is built out. While we are respectful of the rights of property owners to develop their land, we do not believe it is appropriate or fair for the property owners who live here already to have no say in how the city will look or function in the future.

As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, plan for infrastructure demands, and protect existing investment and valued community assets. We have been and will continue to make every effort to be fair to all parties concerned. That will ensure the best overall outcome for our Fair Oaks Ranch community.

## *More Golf Cart Ordinance Information*

When I was mowing our vacant lot this past weekend, Councilman Greg Maxton was coming back in from a round of golf. Greg let me know about the questions he was getting from his golfing buddies about our planned implementation of a golf cart ordinance. I thought it might be good to address a few of them in this article, so here goes:

- Do we really have to do this? I thought we were covered under the Master Planned Community provisions of the law. *We could perhaps have made that argument long ago when we were much smaller but definitely not now. One characteristic of a Master Planned Community in the law is having one uniform set of restrictive covenants for the community. The last time I talked with Al McDavid, who is our resident expert on this from FORHA, I believe there were about 85 different restrictive covenants. We also don't meet the provisions that assume everyone is not more than two miles from the golf course and that we use the carts just to get to the course.*

- What is the downside of not doing anything? *We are out of compliance with state law. This creates an unacceptable liability risk for the city and our police officers. If we want to enforce the law properly, including underage and unlicensed drivers, we need to have an ordinance in place that conforms to state law. The downside of liability risk falls on all of our citizens. We are just doing the right thing and addressing an issue that has been kicked down the road for years.*

- Will you allow time to phase this in? *Certainly. We will do the second reading on this at our evening meeting on the third Thursday in November. We will publish requirements on our website and Facebook page as soon as the ordinance is approved. Inspections will be set up at the police station and additionally, we plan to set up a couple of events in the city for inspections. We anticipate enforcement of the new rules will begin on January 1, 2018.*

- Is there anything else driving this interest in having an ordinance? *Yes. Public safety is not being served properly if we do not require the minimum safety equipment required by the state. Our council members are also of the opinion that we should require seat belts/car seats that are age appropriate for young children. This is a common requirement in other communities that we researched.*

- Does any of this impact the golf carts for the Club? *No. The Club is private property and the ordinance does not apply to their equipment*

*operated on private property. State law allows Club golf carts to cross public streets at marked crossings to connect from one part of the course to another and allows Club employees to tow carts as needed. Our proposed ordinance allows for all of these uses.*

## Foundational Studies Work and Stakeholder Involvement

We are continuing the foundational studies work with consultants, engineers, the Stakeholder group and other residents. Following are some highlights:

- October 5th: We held a Town Hall meeting at Cibolo Creek Community Church. Gap Strategies presented a draft version of the Comprehensive Plan. This was a come and go event in which residents had the opportunity to interact directly with consultants, city staff, and elected officials.

- October 19th: We conducted a Stakeholder meeting with CDM Smith to discuss basic assumptions around addressing drainage in some of the more complicated areas of our drainage system. The Stakeholder group, which had previously responded to a survey identifying preferences and objectives related to drainage, deliberated on basic assumptions related to service levels for streets impacted by drainage. This discussion provided the basis for the engineering consultants to move forward with using modeling to develop a list of priority ranked alternatives for drainage improvements.

## Community Visits

It has been a busy time in meeting with residents. These visits included:

- Tobin Maples and I did a presentation for The Fountains HOA Annual Meeting on September 19th. We discussed the foundational projects and the budget with special emphasis on engineering consulting work related to drainage.

- I traveled around with Chief Rubin to a number of communities for National Night Out. This event, which helps neighbors get acquainted and promotes neighborhood safety, was a lot of fun and a great success as always. Just like last year, the biggest challenge is sampling the delicious food served in all of the neighborhoods. As Chief Rubin kept reminding me... "Pace yourself Mayor, pace yourself!" The event has gotten so popular that we had to split into two groups with Lieutenant Tim Moring leading the other group to different neighborhoods.

- I gave a talk on citizenship to Cub Scout Pack 109 at Messiah Lutheran Church on October 10th. As usual, I was very impressed with the quality of these young folks. I stressed the value of the scouting experience in learning to work as a group and serving as volunteers. These will be our leaders in 20 years, so we appreciate the efforts of the adult volunteers who are building these future community leaders.

- Tobin and I teamed up again on October 17th to do a presentation on the Future of Fair Oaks Ranch to the Fair Oaks Ranch Women's Club at Vicki Holdsworth's beautiful home. We talked about annexation and fielded a large number of questions. Our hostess was most gracious in allowing the discussion to continue much longer than planned.

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## Road and Bridge Construction and Water/Wastewater Improvements

- Information on our road reconstruction project can be found at:
  - o The project website FairOaksRanchRoads.org
  - o The city website FairOaksRanchTX.org
  - o The Fair Oaks Ranch Homeowners Association website FORHA.org
- Director of Public Works Ron Emmons reported at our October 19th council meeting that we are getting into the meat of our last big push which is redoing Fair Oaks Parkway. We have finished some spot full depth reclamation work and will next be moving into paving the long stretch of Fair Oaks Parkway from I10 to just past the Club. Ron told us at this point we are very sure the work will be done on time and within budget. We appreciate the efforts of the city staffers, our Pape-Dawson engineers led by Steven Dean, and the Harper Brothers Construction team led by The Ranch's own Carlos Benavides.
- As always, we appreciate everyone's patience and caution in driving through the construction zones to keep our employees and our contractor's employees safe.

## Resident Volunteers/City Staffers at Work

Here are some updates on the work being done by a combination of city staffers and volunteers:

• **Facebook page continues growing!** We currently have 542 people following our Facebook page. We have had 1,466 visitors as of this writing. If you are a Facebook user you can find us at City of Fair Oaks Ranch, TX. Our page is for sharing information about the city, but it is not a public forum. The page is monitored and objectionable or off topic material will be removed.

• We have launched our new website. This is a major step forward for us in providing good communications. We appreciate the dedicated work of Kim Stahr from our city staff and volunteers Councilwoman Laura Koerner, Michelle Bliss, Carolyn Knopf and Teal Harris who worked on vendor selection. Councilwoman Koerner also worked very closely with Kim and other staff on designing the website. Thank goodness for all these talented people!

• Congratulations to Officer Elsie Serold from our Police Department who was selected as the Employee of the Quarter. Officer Serold recently received a lifesaving award for assisting an individual who was contemplating suicide and then following up with that person after the immediate crisis had passed. Officer Serold also received special recognition from Representative Kyle Biedermann for her special act of kindness. We are very proud of Officer Serold who exemplifies "Service Above Self."

The holiday season is shaping up to be a very busy time for all

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the staffers, elected officials, and volunteers working on the city's business. Some of our foundational engineering and consulting studies are entering final phases and the annexation process is going to consume a lot of time, extending through the end of November. We are making decisions and moving forward with planning The Future of Fair Oaks Ranch with all of you.

My very best to you and your families as we are heading into Thanksgiving!

Garry Manitzas  
Mayor – Fair Oaks Ranch



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