



CITY COUNCIL CONSENT ITEM

CITY OF FAIR OAKS RANCH, TEXAS

August 17, 2023

AGENDA TOPIC: Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions," Article 1.07 "Trees and Shrubs" to include updated definitions and the responsibility of public trees

DATE: August 17, 2023

DEPARTMENT: Public Works

PRESENTED BY: Consent Agenda - Kelsey Delgado, Environmental Program Manager

PURPOSE:

On August 3, 2023, the City Council unanimously approved the first reading of an ordinance amending Chapter 1 Article 1.07 "Trees and Shrubs" to include the authority and responsibility for trees on public properties. This consent item represents the second reading of that ordinance.

INTRODUCTION/BACKGROUND:

Based on guidance provided by the City Council at the April 20 and July 20, 2023, meetings, the following revisions to the Chapter 1 Article 1.07 amendments have been incorporated into the proposed ordinance:

- Replaced "parkway" with "unimproved shoulder" in the list of definitions.
- Added "unimproved shoulder" exhibits to provide examples typically found throughout the city. Examples include Battle Intense, Post Oak Trail and Fair Oaks Parkway.
- Clarified the City is responsible for the maintenance of public trees, including those located in unimproved shoulder areas.
- Clarified it is unlawful to remove any public tree on "rights-of-way along streets, sidewalks, lanes or other similar properties" instead of the term "public property." Trees within easements may be removed but it is recommended to notify the City or other public utilities prior to such removal.

By amending Chapter 1, Article 1.07 to include the authority and responsibility for trees on public properties, the City is one step closer in obtaining Tree City USA® recognition. A copy of the proposed Ordinance amendment is included as part of this agenda item.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Advances Strategic Action Plan Priority 2.5 to Develop, Implement and Update Environmental Sustainability Programs.
- Solidifies the responsibility of public trees.
- Helps obtain Tree City USA® recognition from the Arbor Day Foundation.

- Protects trees on public properties and helps maintain the rural hill country aesthetic for which the city is known.
- Shows the City's commitment to environmental stewardship.
- Addresses City Council's input.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

City Attorney has reviewed and assisted in drafting the Ordinance revisions.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions," Article 1.07 "Trees and Shrubs" to include updated definitions and the responsibility of public trees.