



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

AGENDA

REGULAR CITY COUNCIL MEETING, JULY 3, 2012 AT 6:00 P.M.

The Garden Ridge City Council will meet in a regular session on Wednesday, July 3, 2012 at 6:00 p.m. in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on June 29, 2012 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Citizen's Participation- 3 minute limit per citizen

Rules for Citizen's Participation:

The City Council welcomes citizen participation and comments at all of their Council Meetings. As a courtesy to your fellow citizens and out of respect to our elected officials, we must request that if you wish to speak, that you follow these guidelines.

- a. Direct your comments to the entire Council, not to an individual member, nor to the audience.
- b. Show the City Council the same respect and courtesy that you expect to be shown to you.
- c. Limit remarks to three (3) minutes.

*NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject **must be limited** to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.*

5. Minutes

The City Council may discuss, consider and/or take possible action on the following items:

June 6, 2012 Regular City Council Meeting Minutes

6. Business Items

The City Council may discuss, consider and/or take possible action on the following items:

- a) Presentation by Citizens Review Committee regarding proposed Ordinance 34
- b) Presentation by City Quarry Commission regarding proposed Ordinance 34

7. Public Hearing

The City Council will conduct a Public Hearing on the following:

Proposed amendments to City of Garden Ridge Ordinance 34 prohibiting blasting with the city limits; providing for limited exemption permit; establishing regulations pertaining to blasting; establishing criminal and civil penalties for violations; providing that this ordinance shall be cumulative; providing for severability; including a repealer clause; and declaring an effective date

8. Business Items continued

The City Council may discuss, consider and/or take possible action on the following items:

- c) Ordinance 34-072012 of the City of Garden Ridge, Texas prohibiting blasting, within the city limits; providing for limited exemption permit; establishing regulations pertaining to blasting; establishing criminal and civil penalties for violations; providing that this ordinance shall be cumulative; providing for severability; including a repealer clause; and declaring an effective date
- d) Update and possible action on public safety concerns in the Wild Wind Unit 3 Subdivision of Garden Ridge, Texas and to include City of Garden Ridge v. Vordenbaum, Inc. D/B/A Bracken Rifle and Pistol Range, (Cause No. C2011-1647A, in the 22nd Judicial District Court)
- e) Planning and Zoning Commission recommendation on the Master Development Plan for the Forest of Garden Ridge IV subdivision consisting of approximately 103 residential lots and proposed subdivision located on the west side of Bat Cave Road northwest of its intersection with Schoenthal Road
- f) City Water Commission recommendation to adopt a Policy concerning the leasing of water held by the City of Garden Ridge
- g) Ordinance 168-072012 of the City of Garden Ridge authorizing city employees to use golf carts on certain public streets; authorizing members of the public to use golf carts on certain public streets only when such use is in participation of the city sponsored annual 4th of July Parade; and providing for an effective date; repealer clause; preemption clause; severability; and proper notice and meeting

- h) Agreement incident to termination of the Community Infrastructure & Economic Development (CIED) Fund Program between the City of Garden Ridge and CPS Energy
- i) Update on relocation of 12" water line beginning at the FM 3009/FM 2252 intersection and moving in a westerly direction along the north side of FM 3009 and in a southerly direction along the west side of FM 2252
- j) Update on 2010 Storm Water Master Plan for the City of Garden Ridge and as it relates to storm water drainage through the Hickory Bend drainage easement and the Arrowood Subdivision
- k) Resolution No. 258-072012 through 273-072012 Government/Municipal/Public Funds Banking Resolution with American Bank of Texas deleting Russ Sanders and adding Joe Britan as authorized signator on all city accounts held at said bank
- l) Approve or disapprove the Bexar Metro Fiscal Year 2013 Budget in accordance with provisions of the Texas Health & Safety Code, Chapter 772.309
- m) Approve or disapprove the 2013 Comal Appraisal District Budget in accordance with Section 6.06(b) of the Texas Property Code
- n) Ordinance 11-072012 establishing a comprehensive set of permit fees, service fees, and user fees designed for the health, safety and welfare of the residents of the City of Garden Ridge; providing a separate schedule of fees which outlines functions and activities which require a permit or have a service fee or have a user fee; providing for a penalty of a fine of not less than one hundred dollars (\$100.00), nor more than two thousand dollars (\$2,000.00) for each violation involving safety, zoning or public health; providing for a penalty of a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each violation not involving safety, zoning or health; providing for each day of continued violation of this ordinance being considered a separate violation; providing for a time limit for the validity of permits issued; providing a time limit for the validity of all licenses issued; and providing for severability and amending Ordinance 11-152008 passed and approved on May 7, 2008
- o) Letter of retirement from Garden Ridge Police Department Deputy Chief/Lt. Gary Johnson effective July 31, 2012

9. State of the City

The City Council may discuss, consider and/or take possible action on the following items:

- a) Financial Statement and Investment Report
June 30, 2012
(Presentation at August 1, 2012 City Council Meeting)
- b) City Administrator Monthly Activity
Sign approvals since prior Council meeting
Community Center usage and financial report
Building Permits issued to date for residential, commercial and minor building projects

Update on new city website

- c) Public Works/Water Department Monthly Activity
 - Water pumping/usage from city wells
 - Water system infrastructure maintenance, repairs and/or projects
 - Public Works projects
 - Animal Control apprehensions, nuisance/complaints, animal bites
- d) Police Department Monthly Activity
 - Citations issued
 - Warnings issued
 - Criminal activity within city
 - Code Compliance:
 - Citations issued
 - Warnings issued
 - Compliance achieved
- e) Recognition of employees and/or city events
- f) Observations and activities of wildlife within the city
- g) Water and/or Drought Management
- h) Update on FM 3009 Construction Project

10. Citizen's Participation – 3 minute limit per citizen

See "Rules for Citizen's Participation" under Item 4.

11. Reports and Comments from Mayor and City Councilmembers

The Mayor and/or City Councilmembers may comment, make general announcements and/or provide progress reports on events, activities and/or committees/board meetings concerning the following:

- Northeast Partnership
- City Water Commission
- City Quarry Commission
- Garden Ridge Police Academy Alumni Association
- Cellular on Patrol
- Garden Ridge Lion's Club

12. Adjournment

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Council Authorized:

The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

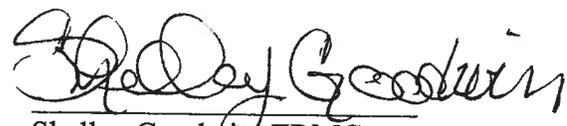
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.


Shelley Goodwin, TRMC
City Secretary

This is to certify that I, Shelley Goodwin, posted this Agenda at 11:30 a.m. on June 29, 2012 on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Shelley Goodwin, TRMC
City Secretary



City of Garden Ridge

9400 Municipal Parkway
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DRAFT
MINUTES OF CITY COUNCIL REGULAR MEETING,
June 6, 2012

Members Present:

Mayor Feibelman
Councilmember Roberts
Councilman Britan
Councilman McCaw
Councilman Dalton (arrived at 6:11pm)
Councilman Young

Member Absent:

None

City Staff Present:

Nancy Cain, City Administrator
Royce Goddard, Public Works Director
Donna O'Conner, Police Chief
Shelley Goodwin, City Secretary

1. Call to Order

With a quorum of the City Council Members present, Mayor Feibelman called the regular meeting of the Garden Ridge City Council to order at 6:08 p.m. on Wednesday, June 6, 2012, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Pledge of Allegiance

Pledge of Allegiance was lead by Boy Scouts Troop 828.

3. Citizen's Participation - 3 minute limit per citizen

Shelley Goodwin, City Secretary, read the Citizen's Participation.

1. Stephanie Dahl, 8827 Timmerman Cove, thanked the Garden Ridge Police Department for their presence in the City and in the neighborhoods.
2. Diane Larsen, 8818 Timmerman Cove, thanked the Garden Ridge Police Department and all they do for the well being of the residents of Garden Ridge.
3. David Peacock, 19810 Wild Hollow, read portions of an article from the Garden Ridge Magazine regarding the Bracken Riffle and Gun Range. He felt the article was embarrassing and did not provide accurate information. He encouraged the City Council to have Garden Ridge Magazine run a corrected article.

4. Lynn Wilson, 19501 Wind Swept Cove, stated the Garden Ridge Magazine article provided false information, because she is still finding bullets casings on her property even after the Range made improvements. She encouraged the City Council to have Garden Ridge Magazine run a corrected article.

4. Minutes

The City Council may discuss, consider and/or take possible action on the following items:

a) May 2, 2012 Regular City Council Meeting Minutes

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Britan to approve the May 2, 2012, Regular City Council Meeting with changes to Item 8d submitted by Councilmember Young, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

b) May 18, 2012 Special City Council Meeting Minutes

Motion: Upon a motion made by Councilmember Young and a second by Councilmember Dalton to approve the May 18, 2012, Special City Council Meeting with changes of a name spelling submitted by Councilmember McCaw, the City Council voted four (1) for, none (0) opposed and one (1) abstain (Councilmember Roberts). The motion carried.

5. Business Items

The City Council may discuss, consider and/or take possible action on the following items:

a) Nomination and election of Mayor Protem for a period of one year

Mayor Feibelman stated the Mayor Protem position is currently vacant after the former Mayor Pro Tem Sanders retired his Council position after 18 years of service.

Motion: Upon a motion made by Councilmember McCaw and a second by Councilmember Roberts, to approve Councilmember Joe Britan as Mayor Protem, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

b) Update and possible action on public safety concerns in the Wild Wind Unit 3 Subdivision of Garden Ridge, Texas and to include City of Garden Ridge v. Vordenbaum, Inc. D/B/A Bracken Rifle and Pistol Range, (Cause No. C2011-1647A, in the 22nd Judicial District Court)

Nancy Cain, City Administrator, reported that George Hyde, City Attorney had provided a copy of the letter that was sent to the Attorney General and the District Attorney. She also stated the City Attorney also provided the Attorney General and the District Attorney with all the documentation the City had. Mr. Hyde is currently waiting to hear whether they will take the case.

Mayor Feibelman stated the City attempted to find non-adversary means to obtain resolution with the range; however, as soon as the range was initially evaluated and found lacking in adequate safety precautions, the City was banished from further involvement by range owners.

Donna O'Conner, Police Chief, reported the Wilson Family hired a private investigator to look into the situation of bullet being found on their property. She also reported Mr. Wilson recently produced some bullets that were located by metal detector under the surface of their property.

The City Council agreed by consensus to send a letter to the Bracken Rifle and Pistol Range to request representatives of the City be allowed to inspect the range under Texas Rule of Civil Procedures Rule 202. They also provided direction for Nancy Cain, City Administrator to contact

the City Attorney regarding sending a letter and if Bracken Rifle and Pistol Range chooses to not respond to the request then pursue a civil suit.

Councilmember Dalton reported that an article be written in the Grapevine to correct the miss quotes that were in the Garden Ridge Magazine.

c) Planning and Zoning Commission recommendation on a request by Jean Brannon for a variance to Ordinance 55-112004, Section 8b., Commercial Real Estate Signs, for real estate signs located on two properties listed for sale located on FM 2252 south of the intersection of FM 3009

Nadine Knaus, Planning and Zoning Commission Chair reported the Commission had received a variance request from Jean Brannon. Ms. Brannon requested a variance to Ordinance 55-112004 due to the slope of the properties she is advertising for sale on FM2252. She stated the property sits lower than the road and with the vegetation it makes it difficult to see. She also reported the Planning and Zoning Commission recommended to City Council approval of the variance of a 20 square foot sign (only allowing an extra 2 feet of ground clearance), four (4) for and one (1) opposed (Owen and Knaus were absent).

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Dalton, to approve the Planning and Zoning Commission recommendation on a request by Jean Brannon for a variance to Ordinance 55-112004, Section 8b., Commercial Real Estate Signs, for real estate signs located on two properties listed for sale located on FM 2252 south of the intersection of FM 3009 with the variance allowing an extra 2 feet in height for ground clearance, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

d) City Water Commission recommendation on a request by Tim and Michelle Thomas, 21926 Cristobal, for an exemption from drought management stage watering restrictions to establish new lawn and plants

Nancy Cain, City Administrator, reported on May 22, 2012 the City Water Commission met in regular session and considered a request from Tim and Michelle Thomas, for an exemption from drought management stage watering restriction to establish a new lawn and plants. She reported the Water Commission did approve this variance to the drought management stage watering restrictions.

Tim Thomas, 21926 Cristobal, Garden Ridge, reported he is requesting a variance for the exemption from drought management stage watering restriction. He stated he desires to establish a new lawn with plants which would consist of Zoyzia Grass and drought tolerant native plants, which takes 4 to 6 weeks. He explained that his yard was supposed to be completed in March, but his contractor had filed bankruptcy which caused the delay.

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Dalton, to approve the City Water Commission recommendation on a request by Tim and Michelle Thomas, 21926 Cristobal, for an exemption from drought management stage watering restrictions to establish new lawn and plants. The exemption would be for 4 weeks because of the contractual difficulties with contractor and the 4 week count would begin once the lawn is in, but if Stage 3 begins before the lawn is in then the lawn must wait, the City Council voted four (4) for, one (1) opposed (Councilmember Young). The motion carried.

e) City Water Commission recommendation on a request by Ron and Linda Franklin, 21028 Cedar Branch, for an additional 50% leak adjustment to their March 2012 water bill due to two water leaks at their residence

Nancy Cain, City Administrator, reported on May 22, 2012 the City Water Commission met in regular session and considered a request from Ron and Linda Franklin for an additional 50% leak adjustment to their March 2012 water bill due to two water leaks.

Eugene Hubnik, reported he is speaking on behalf of Ron and Linda Franklin his neighbors. He stated the Franklins were previously granted a 50% leak adjustment to their March 2012 water bill which reduced the bill to \$1,145.18 and now they are requesting their bill be reduced an additional 50%. He also stated pictures were provided to the City Council in their packets which he feels the damage that was caused by deer while the Franklin' were out of town. Since the damage a cut off valve was installed at the house.

Motion: Upon a motion made by Councilmember McCaw and a second by Councilmember Young, to approve the City Water Commission recommendation on a request by Ron and Linda Franklin, 21028 Cedar Branch, for an additional 50% leak adjustment to their March 2012 water bill due to two water leaks at their residence, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

f) Appointment of City Councilmember Andrew Dalton to serve as the ex-officio member on the Garden Ridge City Quarry Commission

Mayor Feibelman reported with the retiring of Councilmember Sanders the ex-officio member position on the City Quarry Commission is vacant. He stated he feels with Councilmember Andrew Dalton's past Quarry Commission experience and knowledge he would be able to set into this position easily.

Motion: Upon a motion made by Councilmember McCaw and a second by Councilmember Young, to approve the appointment of City Councilmember Andrew Dalton to serve as the ex-officio member on the Garden Ridge City Quarry Commission, the City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Dalton). The motion carried.

g) Reschedule of Regular City Council meeting date from July 4, 2012 to July 3, 2012

Mayor Feibelman reported due to the 4th of July Holiday is on the first Wednesday of the month, he is recommending the July Regular City Council meeting be held on Tuesday, July 3, 2012.

Motion: Upon a motion made by Councilmember Young and a second by Councilmember Roberts, to approve the reschedule of the Regular City Council meeting date from July 4, 2012 to July 3, 2012, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

h) Update on relocation of 12" water line beginning at the FM 3009/FM 2252 intersection and moving in a westerly direction along the north side of FM 3009 and in a southerly direction along the west side of FM 2252

Garry Montgomery, River City Engineering, updated the City Council by reporting the contract for the project was executed and once TxDOT approves, the work will begin within 2 weeks after receiving the proper permits. He also stated the estimated duration of the City's project is 65 days.

i) Update on 2010 Storm Water Master Plan for the City of Garden Ridge and as it relates to storm water drainage through the Hickory Bend drainage easement and the Arrowood Subdivision

Garry Montgomery, River City Engineering, reported AR Excavations, LLC. was awarded the Hickory Bend drainage easement and the Arrowood Subdivision project bid on May 2, 2012. The contract documents were provided to AR Excavations, LLC with 10 days following receipt of the Notice of Award. AR Excavations, LLC was given 2 extensions to complete and execute the contract documents, which they failed to meet. So a final notice was sent to AR Excavations, LLC and their bond company with a final deadline of May 31, 2012 at 5pm, which they again failed to meet. He recommended the City Council rescind the award of the 2012 Hickory Bend-Arrowood Drainage Improvement Contract made to AR Excavations, LLC and award the project to the second lowest bidder. He also recommended the City Council pursue the collection of the AR Excavations, LLC bid bond.

j) Rescind bid awarded to AR Excavations, LLC for the 2012 Hickory Bend – Arrowood Drainage Improvements Project for failure to comply with Notice of Award and execution of contract documents for the project and possible pursuit by the City of Garden Ridge of collection on bid bond for aforementioned project

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Dalton, to rescind bid awarded to AR Excavations, LLC for the 2012 Hickory Bend – Arrowood Drainage Improvements Project for failure to comply with Notice of Award and execution of contract documents for the project and pursuit by the City of Garden Ridge of collection on bid bond for aforementioned project the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

k) Award of bid for the 2012 Hickory Bend-Arrowood Drainage Project to Qro Mex Construction, Inc., second lowest bidder or reject all bids and re-bid said project

Garry Montgomery, River City Engineering, reported QroMex Construction, Inc. was the second lowest bidders. He also reported QroMex Construction, Inc. bid was for the amount of \$493,750.00 and the alternate bid for the concrete stain was \$22,000.00. The total bid is \$507,581.25 for construction and includes 15% contingency. He recommended the City Council go with the second lowest bidder QroMex Construction, Inc.

Motion: Upon a motion made by Councilmember Dalton and a second by Councilmember Roberts, to approve the award of bid for the 2012 Hickory Bend-Arrowood Drainage Project to Qro Mex Construction, Inc., second lowest bidder, in the amount of 493,750.00 for the base bid, not award the alternate bid of \$22,000.00 and to include a 10% contingency, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

l) Release of Garden Ridge Police Officer Felipe Lopez from 6 month probationary period effective May 3, 2012 with 5% pay increase

Donna O'Conner, Police Chief, reported Officer Felipe Lopez joined the department on November 3, 2011 and fulfilled his six months probationary period. She also reported Officer Lopez

continues to perform his duties in a manner consistent with our community policing philosophy and is eligible for his 5% pay increase effective May 3, 2012.

Motion: Upon a motion made by Councilmember Young and a second by Councilmember Britain, to approve the Release of Garden Ridge Police Officer Felipe Lopez from 6 month probationary period effective May 3, 2012 with 5% pay increase, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

m) Presentation and review of Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge General Fund, Water Fund, Interest and Sinking Fund and Capital Improvement Fund

Nancy Cain, City Administrator, reported the need for these Budget Amendments is due to the impact of the economy, significant legal expenses during the fiscal year and the two major capital projects.

General Fund

She reported the proposed budgeted revenue for the 2012 Budget Amendment #1 is \$2,073,640 which is an increase of \$30,128 from the 2012 budgeted revenue of \$2,043,512.

After reviewing expenditure adjustments she reported the General Fund Budget Amendment #1 for 2012 reflects that Revenue exceeds Expenditures by \$2,382. The General Fund Budget Amendment #1 also reflects the Transfer In of \$82,519 in excess funds from the 2005 Tax Note into Reserves and the Transfer Out of Reserves to Capital Projects in the amount of \$592,672 for the Hickory Bend Drainage Project which leaves Projected Total Available Funds at September 30, 2012 at \$652,395 for the General Fund.

Water Fund

Water Fund revenues in the 2012 Budget Amendment #1 show an increase of \$9,442 from the 2012 original budget.

Water Fund expenditures in the 2012 Budget Amendment #1 increase \$47,402 from the original 2012 budget.

Water Fund revenues exceed expenditures by \$200,610 in the 2012 Budget Amendment #1.

Transfer from Water Fund Investments to Capital Projects Fund proposed in the 2012 Budget Amendment #1 is \$337,440 for the FM 3009 12" Waterline Relocation Project.

Interest and Sinking Fund

The City's Interest and Sinking Fund 2012 Budget Amendment #1 Revenue \$5535.00

The Interest and Sinking Fund 2012 Budget Amendment #1 Transfers Out the remaining \$82,519 in the 2005 Tax Note Account to General Fund.

Capital Improvement Fund

Expenditures in the Capital Improvements Fund reflect the close out of the projects associated with the 2009 Water Improvement Project which total \$180,227. Expenditures also reflected are the FM 3009 12" Waterline Relocation Project and Hickory Bend Drainage Project.

Ms. Cain reported overall, the Proposed 2012 Budget Amendments #1 for all of the City of Garden Ridge Funds remain strong and continues to allow the city to provide quality services to the citizens of Garden Ridge, as well as allow the City and Water Departments to accomplish projects that are necessary and instrumental in improving those services.

n) Resolution 254-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge General Fund for the period of October 1, 2011 through September 30, 2012

Motion: Upon a motion made by Councilmember Britan and a second by Councilmember Young, to approve Resolution 254-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge General Fund for the period of October 1, 2011 through September 30, 2012, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

o) Resolution 255-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Water Fund for the period of October 1, 2011 through September 30, 2012

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Dalton, to approve Resolution 255-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Water Fund for the period of October 1, 2011 through September 30, 2012, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

p) Resolution 256-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Interest and Sinking Fund for the period of October 1, 2011 through September 30, 2012

Motion: Upon a motion made by Councilmember Young and a second by Councilmember McCaw, to approve Resolution 256-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Interest and Sinking Fund for the period of October 1, 2011 through September 30, 2012, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

q) Resolution 257-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Capital Improvement Fund for the period of October 1, 2011 through September 30, 2012

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Britan, to approve Resolution 257-062012 approving Fiscal Year 2012 Budget Amendment #1 for the City of Garden Ridge Capital Improvement Fund for the period of October 1, 2011 through September 30, 2012, the City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

r) Discussion regarding Texas Open Meetings Act and Texas Public Information Act

Mayor Feibelman reported with all the changes in the way government does business he recommends being cautious especially with e-mails.

Nancy Cain, City Administrator, stated if any of the members of the City Council are interested in learning more about the Texas Open Meetings Act and Texas Public Information Act, then she will organize a workshop for the City Council and all the City Commissions.

Mayor Feibelman stated if any of the City Councilmembers are interested, please contact Ms. Cain.

9. State of the City

The City Council may discuss, consider and/or take possible action on the following items:

a) Financial Statement and Investment Report

i. April, 2012

Nancy Cain, City Administrator, reported City Funds total is 1,618,382.76 at .325 % interest and the Water Funds total \$ 4,127,109.10 at .3662% interest which the total of both Funds are \$5,745,491.86 at .3456 % interest. She also reported the total General Fund reserves for City is \$ 969,202.19 and total water company reserves is \$ 3,070,207.91.

Motion: Upon a motion made by Councilmember Roberts and a second by Councilmember Britan, the City Council voted five (5) for and none (0) opposed, to approve the Financial Statement and Investment Report April, 2012. The motion carried unanimously.

ii. May 2012

Nancy Cain, City Administrator, reported City Funds total is \$1,412,697.34 at .284 % interest and the Water Funds total \$ 4,170,713.89 at .308 % interest which the total of both Funds are \$5,583,411.23 at .296% interest. She also reported the total General Fund reserves for City is \$813,190.81 and total water company reserves is \$ 3,113,975.45.

Motion: Upon a motion made by Councilmember Young and a second by Councilmember Britan, the City Council voted five (5) for and none (0) opposed, to approve the Financial Statement and Investment Report May, 2012. The motion carried unanimously.

b) City Administrator Monthly Activity

Sign approvals since prior Council meeting

Community Center usage and financial report

Building Permits issued to date for residential, commercial and minor building projects

Update on new city website

Nancy Cain, City Administrator, reported:

Sign approvals since the last Council meetings-

- Motivational Product Sale

Community Center usage and financial report-

- Revenues for the month of May are \$ 9,110.00 and since the last report on May 2, 2012, five new events have been booked.

Building Permits- 4 Major Permits and 19 Minor Permits which total revenue for the month is \$18,182.76 and \$79,037.07 for the year.

Website- Goal to go live is by the end of June.

c) Public Works/Water Department Monthly Activity

Water pumping/usage from city wells

Water system infrastructure maintenance, repairs and/or projects

Public Works projects

Animal Control apprehensions, nuisance/complaints, animal bites

Royce Goddard, Public Works/Water Director, reported:

May- 71.82 total acre feet from the Trinity Well were used and 18.44 pumped from Edwards Wells. For the year - 42.18 total acre feet from the Edwards Well have been used and 311.36 total acre feet from the Trinity Well have been used.

Water system infrastructure maintenance, repairs and/projects- no new meters were installed, 12 meters replaced, 4 new services line installation and 2 leaks adjusted. Animal Control apprehensions, nuisance/complaints, animal bites- 14 dogs and 22 cats were apprehended and year-to-date 60 dogs and 40 cats.

d) Police Department Monthly Activity

Citations issued

Warnings issued

Criminal activity within city

Code Compliance:

Citations issued

Warnings issued

Compliance achieved

Chief O'Conner reported in May the Police Department received 181 total calls, which 22 were code compliance violations. She reported there were 14 arrests, 6 accidents, 198 warnings and 107 citations. She also reported on May 14th three burglaries of vehicles were reported in Trophy Oaks and 1 in Regency Oaks. Both Home Owners Association have assisted in notifying residents and provided information to the police department. She stated in each incident a window was broken in the car and electronics were stolen.

e) Recognition of employees and/or city events

Nancy Cain, City Administrator, reported she received thank yous for

- Detective Spiller and Lieutenant Johnson and the Explorers for organizing the Bike Rodeo
- Officer McMann for his quick response and professionalism
- Mayor Feibelman for participating in Garden Ridge Elementary book event
- Chief O'Conner for participating in Garden Ridge Elementary book event
- Chief O'Conner for speaking at the Forest Water sCook Off
- Chief O'Conner for her support during a recent drowning of a dog
- Chief O'Conner thanked Linda Crosland, Library for her role recognizing something was wrong with one of the Library Volunteers, which probably helped saved the volunteer's live

Mayor Feibelman announced the City of Garden Ridge annual 4th of July festivities are being worked out now.

f) Observations and activities of wildlife within the city

Royce Goddard, Public Works/Water Director, reported the deer are having babies so be careful.

Mayor Feibelman reported when does have babies they will become very aggressive.

g) Water and/or Drought Management

Royce Goddard, Public Works/Water Director, reported the City is currently in Stage 1 Drought Management, but within the next 2 weeks if we don't receive rain we will be in Stage 2 Drought Management.

h) Update on FM 3009 Construction Project

Mayor Feibelman report this was discussed earlier in the meeting.

Citizen's Participation – 3 minute limit per citizen

Kay Bower, Garden Ridge Drive, stated she was disappointed in the approval of the Thomas' variance request and hopes this doesn't set a precedence with other homeowners wanting to establish a new lawn.

11. Reports and Comments from Mayor and City Councilmembers

The Mayor and/or City Councilmembers may comment, make general announcements and/or provide progress reports on events, activities and/or committees/board meetings concerning the following:

Northeast Partnership

City Water Commission

City Quarry Commission

Garden Ridge Police Academy Alumni Association

Cellular on Patrol

Garden Ridge Lion's Club

Councilmember McCaw reported the Cibolo Valley Local Government is on schedule but now the estimated bond amount is fifty million.

12. Adjournment

There being no further business, the Wednesday, June 6, 2012 Garden Ridge City Council regular meeting was adjourned at 8:20 pm by Mayor Feibelman.

Jay Feibelman
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary

LEGAL NOTICE

NOTICE OF PUBLIC HEARING
CITY OF GARDEN RIDGE CITY COUNCIL

The City Council of the City of Garden Ridge, Texas will conduct public hearing on Tuesday, July 3, 2012 at 6:00 p.m. in the City Council Chambers in the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

The purpose of the public hearing will be to receive citizen comments on proposed amendments to City of Garden Ridge Ordinance 34 prohibiting blasting within the city limits; providing for limited exemption permit; establishing regulations pertaining to blasting; establishing criminal and civil penalties for violations of said ordinance.

The public is invited and welcome to attend the public hearing to provide input.

S/: Shelley Goodwin, City Secretary

Please publish one time on June 23, 2012

**CITY OF GARDEN RIDGE, TEXAS
ORDINANCE 34-072012**

AN ORDINANCE OF THE CITY OF GARDEN RIDGE TEXAS PROHIBITING BLASTING, WITHIN THE CITY LIMITS; PROVIDING FOR LIMITED EXEMPTION PERMIT; ESTABLISHING REGULATIONS PERTAINING TO BLASTING; ESTABLISHING CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR SEVERABILITY; INCLUDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Garden Ridge, Texas finds it created the Quarry Commission of the City of Garden Ridge, Texas (hereafter the “Quarry Commission”) to study and report on the operation of Excavation sites, Surface Mining Operations, and Blasting within and adjacent to the City of Garden Ridge, Texas;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the City, through its Quarry Commission has extensively studied Excavation sites, Surface Mining Operations, and Blasting both generally and within and adjacent to the City of Garden Ridge and the related impact Excavation sites, Surface Mining Operations and Blasting has on property value, development, the economy, employment, property taxes and the public and communities who live and work adjacent to such operations;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the City, through the Quarry Commission has received substantial local citizen input, substantial industry input, and has obtained advice and counsel from professional consultants in the industries related to and supporting Excavation sites, Surface Mining Operations, and Blasting, and its Quarry Commission developed recommendations presented to the City Council in the form of a local ordinance;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the City, through its Quarry Commission held numerous public meetings, sought input from professionals in the industry and the community, and considered all the information provided and available to the City, including historical information related to operation and impact of Excavation sites, Surface Mining Operations, and Blasting (including but not limited to the achievable level of performance for Blasting activities) over the last several years, and after significant, complex and detailed deliberations, has formulated and presented information demonstrating a need for the City of Garden Ridge, Texas to pass this ordinance, exercising its general police power and powers to control nuisances to protect and preserve the health, safety and general welfare of the public in connection with Excavation sites, Surface Mining Operations and Blasting;

WHEREAS, the City Council of the City of Garden Ridge, Texas recognizes the related value of Excavation sites, Surface Mining Operations, and the ability to use Blasting techniques in certain development, demolition, and/or commercial activities;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds this ordinance is enacted to address the need to reasonably balance the City's obligations of protecting property interests and public safety of all impacted by Blasting in the operation of Excavation sites, Surface Mining Operations and the use of Blasting techniques in certain development, demolition and generally within the City, with the rights of the public to expect and receive protection of their property values, their property, public safety, health & welfare interests, environmental concerns with respect to particulate air quality (dust), water quality and quarry operational noise, including the quality of life within the City;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the Quarry Commission presented comment for a proposed ordinance to the Planning & Zoning Commission to consider the land use elements of its recommendations to prohibit quarry operations that result in negative secondary impact on citizens' land use and to amend the City's Zoning regulations;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the City conducted all necessary public hearings and all other acts necessary and has met all conditions precedent to the adoption and enforcement of this ordinance, including publication upon its passage;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds that Excavation sites, Surface Mining Operations, and Blasting (including not only the use of Blasting for exploration and/or production and removal of Minerals, but for other development and construction related uses within the City) should be generally prohibited within the City, and only permitted otherwise under limited circumstances to be regulated by this Ordinance;

WHEREAS, the City Council of the City of Garden Ridge, Texas finds and adopts the attached Blasting data demonstrates and supports the Blasting regulations set forth in this ordinance and do not infringe on the rights of and/or improperly infringe upon any land use, or unreasonably interfere with any reasonable investment backed expectations of existing property owners regulated by this ordinance. (See Attachment A – Blasting Data)

WHEREAS, the City Council of the City of Garden Ridge, Texas finds the City of Garden Ridge, Texas possesses the police power of the state, which is delegated to cities by law, and hereby invokes such power to aid in the enforcement and the adoption this ordinance.

WHEREAS, the City Council of the City of Garden Ridge, Texas finds that this Ordinance, when considered by any City Commission and the Council has done so in full and complete compliance with the Texas Open Meetings Act at properly posted and conducted public meetings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GARDEN RIDGE, TEXAS:

SECTION 1: CITY OF GARDEN RIDGE, ORDINANCE 34:

The City Council of the City of Garden Ridge, Texas hereby revokes and repeals in its entirety the now existing Ordinance 34, and replaces it by the adoption of the regulations contained in this Ordinance.

SECTION 2: DEFINITIONS

All technical industry words or phrases related to Excavation sites, Surface Mining Operations, and Blasting not specifically defined in this Ordinance shall have the meanings customarily attributable thereto by prudent and reasonable persons in the field of Excavation, Surface Mining and Blasting unless otherwise provided in this Ordinance. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section.

Air Overpressure or Air Blast¹ is the airborne shock wave or acoustic transient generated by an explosion. As this air wave (measured in decibels (dBL)) contacts structures, it causes walls to vibrate.

Blasting¹ shall mean the firing of any Explosive Material that generates seismic waves and/or Air Blast. It does not include or apply to those explosives generally referred to as “fireworks”, which is governed under a separate ordinance.

Decibel shall mean a unit of sound pressure commonly used to measure Air Blast from explosives.

Excavation means the act of digging, mining or otherwise removing Minerals. This term does not include site grading or other site development activity that has been reviewed and/or authorized by the City of Garden Ridge; or site preparation activities on land that is the subject of a then applicable development permit or agreement with the City.

Explosive Material¹ is a term which includes, but is not necessarily limited to, dynamite and other high explosives, slurries, water gels, emulsions, blasting agents, black powder, pellet powder, initiating explosives, or any other similar Blasting materials used in Excavation activities, as well as any detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Flyrock means the fragments of rock thrown and scattered during quarry blasting.

Frequency refers to how many waves occur within a second, which is measured in Hertz.

¹ See generally ISEE (International Society of Explosive Engineers), Blasters Handbook 18th Edition 2011.

Hertz is a term used to express the frequency of ground vibrations and Air Blast; one hertz is one cycle per second.

Minerals shall mean shall include coal, lignite, uranium, clay, sand, hard rock, soil or other substances of value (commercial or otherwise), from natural deposits on or in the earth.

NOISE

Noise shall mean any undesired sound, especially a statistically random and persistent disturbance that provokes strong discomfort on the part of those people experiencing the noise.

Noise Level is the weighted sound pressure level called sound level.

dBA is the term used to measure noise and involves quantifying both the rate (frequency in Hz) and intensity (pressure) relative to normal atmospheric pressure. People do not perceive all frequencies with same sensitivity and are more responsive to higher frequencies. A dBA sound level measurement weighs the various frequency components of sound as perceived by the human ear in order to yield a single number indicator of its relative intensity.

Peak Particle Velocity (PPV)¹ the measure of the intensity of ground vibration, specifically the velocity of motion of the ground particles as they are excited by the wave energy.

Regulatory Authority shall mean the City of Garden Ridge, Texas.

Partial Exemption Permit means a permit issued from the City, for a single event or for continuing operations, for a maximum term of 12 months, or that remaining to the end of the City's Fiscal Year, to be renewed annually from fiscal year to fiscal year, permitting a person to conduct Blasting activities otherwise prohibited by this Ordinance.

Surface Mining means the mining of Minerals by Excavation or other commercial removal of the overburden lying above the natural deposit of Minerals and mining directly from the natural deposits that are exposed and those aspects of underground mining having significant effects on the surface.

Surface Mining Operation means those Surface Mining activities conducted at or near an Excavation site and concomitant with Surface Mining including extraction, storage, processing and shipping of minerals and reclamation of the land affected.

SECTION 3: BLASTING PROHIBITED.

All Blasting within the City's municipal limits is prohibited.

Any violation of any state or federal law, rule or regulation related to Blasting now in effect or in effect at the time of the violation is additionally prohibited by this Ordinance.

SECTION 4: SCOPE AND APPLICABILITY:

1. Nothing contained herein is intended to, nor shall it be interpreted to mean, that future action of the Regulatory Authority is in any manner regulated, affected or constrained through the terms of this Ordinance; rather, all Regulatory Authority operations are specifically exempted from the provision of this Ordinance.

SECTION 5: PARTIAL EXEMPTION PERMITS - BLASTING

The City of Garden Ridge, Texas may, by the issuance of a Partial Exemption Permit to the owner of property or his designee seeking a Partial Exemption Permit, allow the person to engage in an activity contrary to the prohibitions contained in this Ordinance upon a finding of the following conditions:

1. Partial Exemption Permits may be issued for Blasting. Such permits may be issued by the City Council upon the finding of a complete application for a Partial Exemption Permit to conduct Blasting within the City limits as provided by this Ordinance. All applications for Partial Exemption Permits must be in the form as provided in Attachment B.
2. The City Council shall evaluate all information pertinent to the Partial Exemption Permit request exercising reasonable discretion to ensure the aspects contained in the findings of this ordinance are adequately being remediated by the applicant. If the City Council finds inadequate remediation, it may deny the application or move to authorize the City to mediate with the applicant before taking final action on the application. The City Council will endeavor to make a determination with regard to the Partial Exemption Permit within ninety (90) days of the receipt of the administratively complete petition. The decision of the City Council is final and not subject to appeal.
3. Any Partial Exemption Permit otherwise approved by the City Council is not valid unless any and all conditions are met and all fees are paid in full.
4. Blasting with a Partial Exemption Permit must be conducted pursuant to the limitations and conditions provided for such Blasting in this Ordinance.
5. All quarry blasting and surface mining operations are to be in strict compliance with any and all local, state and federal regulations and permits with respect to environment including air quality, water quality and noise pollution.

SECTION 6: REGULATIONS ON BLASTING WITH PERMIT

1. All Blasting activity conducted by Partial Exemption Permit shall comply with the following regulations:
 - a) **Distance Requirements** - No blasting shall occur from either a distance of 500 feet from the nearest adjacent property line or the berm contour on the subject property from the nearest adjacent property line, whichever distance is greater unless the owner of the affected real property(s) issues written permission, which must be filed with the City prior to the Blasting taking place. See Attachment D for berm contour coordinates. If written permission from the affected property owner(s) is not obtained, a permit holder may request a variance to the minimum distance requirement from the Regulatory Authority.
 - b) **Timing** - No Blasting shall occur on Saturdays, Sundays and legal holidays. Blasting operations shall only occur between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. The permit holder shall notify the Regulatory Authority, or its designee, at least 10 minutes prior to and after each Blast. In the case of circumstances resulting in a potential danger to public safety requiring the detonation of explosives outside this time period, notification and approval of the detonation outside this time limitation may be obtained from either the Chief of Police or City Administrator. Each request and determination made shall be reported to the Quarry Commission.
 - c) **Air Blast Limit** – Air Blast shall not exceed 122dB as recorded by any city designated monitor.
 - d) **Ground Vibration Limit** – Ground vibration shall not exceed the frequency based PPV limit of 70% of the USBM Z-Curve. See Attachment C.
 - e) **Air Particulate Limit** – Air Particulates shall not exceed the lowest permissible limits as identified in any required city, state or federal permits obtained by the Permit Holder or its blaster. A copy of all such permits shall be filed with the City upon any new or renewal application for Partial Exemption Permit(s).
 - f) **Noise Limit** – Noise shall not exceed 85 dBA. Noise in excess of 85 dBA, when monitored at the designated property line or a residence, shall constitute a noise level that is deemed reasonably calculated to disturb the peace and unreasonably offensive to the public.
 - g) **Flyrock control** – Flyrock traveling in the air or along the ground shall not be cast from the Blasting site beyond the area under the control of the operator.
 - h) **Third-Party Monitoring** – all Blasting shall be monitored by a third-party selected by the City and paid for by the Permit Holder to accumulate data with respect to the seismographic, frequency and Air Blast effects of said Blasting activities. Additionally in order to monitor environmental effects of blasting and surface mining operations with respect to

particulate air quality and operational noise, monitor(s) may be utilized at designated locations to take air samples and record noise levels during Permit Holder's operations.

- i. Single event blasting operations, such as pool excavations or basement excavations may be monitored at the discretion of the third-party consultant retained by the City.
- ii. Any Blasting operations taking place beyond single events shall be regularly monitored and such monitoring shall be performed at a minimum of three and maximum of six different locations. Additionally one noise monitor and one air particulate monitor may be utilized at designated locations. While the location of all monitoring devices will remain at the discretion of the Regulatory Authority, the Regulatory Authority, or its designee, will seek to recover, at least on a monthly basis, all data obtained from other than single event monitoring locations. In all cases, one of the monitoring locations shall be at the closest permissible real property line from each blast site.
 1. A seismographic record including both particle velocity and vibration-frequency levels shall be maintained for each blast.
 2. Seismographs shall be self-triggering and capable of recording three mutually perpendicular components of ground motion time histories, in terms of velocity. Additionally, the units shall be capable of recording Air Blast levels and reporting the frequency as well as peak values for all vibration time histories.
 3. Seismographic units shall be calibrated annually to ensure the units are operating within the specifications.
 4. Air particulate monitor(s) shall be able to sample air on a continuous or intermittent basis and record air particulate size consistent with quarry operational air permitting requirements. Records documenting air quality compliance shall be made available to the City upon request or upon application for renewal of Partial Exemption Permit(s). Permit holders shall demonstrate compliance with air quality requirements.
 5. Noise monitor(s) shall be capable of monitoring and recording on a continuous or intermittent basis any noise level in excess of 80 dBA.
- iii. All monitoring data obtained by monitoring devices used to monitor Quarry Operations including Blasting Activities and environmental effects shall be posted for public inspection at City Hall and shall be available for inspection by the public. Data will be provided on a monthly basis and shall be posted at City Hall (if available electronic posting on the City's internet site will satisfy this posting requirement.)

- i) **Proof of Insurance** – Permit Holder shall have in effect \$10,000,000 of insurance insuring against any loss or damage suffered by a third-party and shall provide to the City all information necessary in order to verify insurance and that would allow a person to file a claim. The city shall make the information available to any person wishing to file a claim.
- j) **Annual Fee** – Any Permit issued is automatically revoked for lack of payment of the required fee, or for failure to comply with this section. If the initial fee is not paid by the date the Permit is issued and any subsequent renewal fee is not paid by the date of any subsequent renewal such revocation is automatic. If it is for the failure to comply with another provision of this section, a Permit Holder may obtain a 30 day extension upon request for Action at the next City Council meeting to discuss violation and request exemption from the revocation provision. If Permit Holder’s permit expires, there is no refund of any fee paid and the permit holder must re-apply for a new permit should they wish to continue Blasting activities within the City.
- k) **Inspection of Records** – as a condition of the Permit, any Permit Holder shall allow City designees to observe all Blasting activity to ensure compliance with this Ordinance and shall make all business records available for inspection to the Regulatory Authority, to the extent necessary to ensure compliance and enforcement of this Ordinance. Any request for records shall be fulfilled within 7 days of request. Failure to provide such access and/or inspection or records constitutes a voluntary surrender of any such permit effective upon the failure by the Permit Holder.
- l) Any real property owner who permits Blasting activities on their property in violation of this Ordinance violates this Ordinance and is held jointly and severally responsible for any such civil or criminal penalty, cost or fee, including attorney’s fees expended in the pursuit of enforcing this Ordinance.

SECTION 7: ENFORCEMENT & INSPECTION

- 1. This Ordinance shall be enforced by the Regulatory Authority and its designated agencies or representatives through all means available by law.

SECTION 8: PENALTIES

- 1. Violation of any administrative provision of this Ordinance is a Class C misdemeanor and upon conviction shall be punished by a fine of \$500 per occurrence.
- 2. Violation of any non-administrative provision of this article that shall be subject to a fine of \$2,000 upon conviction. Additional remedies and civil penalties may all be sought and assessed.

3. Each section of the ordinance violated constitutes a separate violation and each day a violation occurs is a separate violation.
4. The Regulatory Authority may immediately seek additional remedies at law, or in equity, to prevent a violation of this Ordinance.
5. Concurrent with any criminal prosecution, the City may for any violation of this ordinance, seek up to \$1,000 per day as a civil penalty for any violation of this ordinance in addition to declaratory and injunctive relief in an action to enforce this ordinance pursuant to Texas Local Government Code Chapter 54, as amended.
6. The Regulatory Authority may immediately seek additional remedies at law, or in equity, to prevent blasting by any party who does not have a Permit or is to blast in violation of this ordinance.
7. The Regulatory Authority may revoke a Blasting Permit where the Permit Holder has demonstrated a pattern of intentional or repeated non-administrative violations of this Ordinance. A pattern of violations is established upon three final convictions within a 12 month period, not otherwise overturned on appeal.

SECTION 9: SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part. In the event that changes are made to Texas Health & Safety Code §§ 342 or 343, or Texas Transportation Code § 683, the provisions of state law will govern in the event of a conflict.

SECTION 10: REPEAL

All former ordinances, including the prior Ordinance 34 is repealed and all other ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed insofar as the same is in conflict with the provisions hereof.

SECTION 11: NOTICE

The City Secretary for the City of Garden Ridge is hereby directed to publish notice of this Ordinance as required by the laws of the State of Texas.

SECTION 12: FEES

All fees assessed in this ordinance shall be determined by amending Ordinance No. 11 which is the City's Fees ordinance and are subject to change without prior notice.

SECTION 13: EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law. The prohibitions against Blasting contained herein shall not be enforceable for a period of 90 days (during which time the predecessor Ordinance 34 will remain in effect), to permit any such activities to come into compliance with this Ordinance.

Passed and approved this ____ day of _____ 2012.

Jay F. Feibelman, Mayor

Attest:

Shelley Goodwin, City Secretary

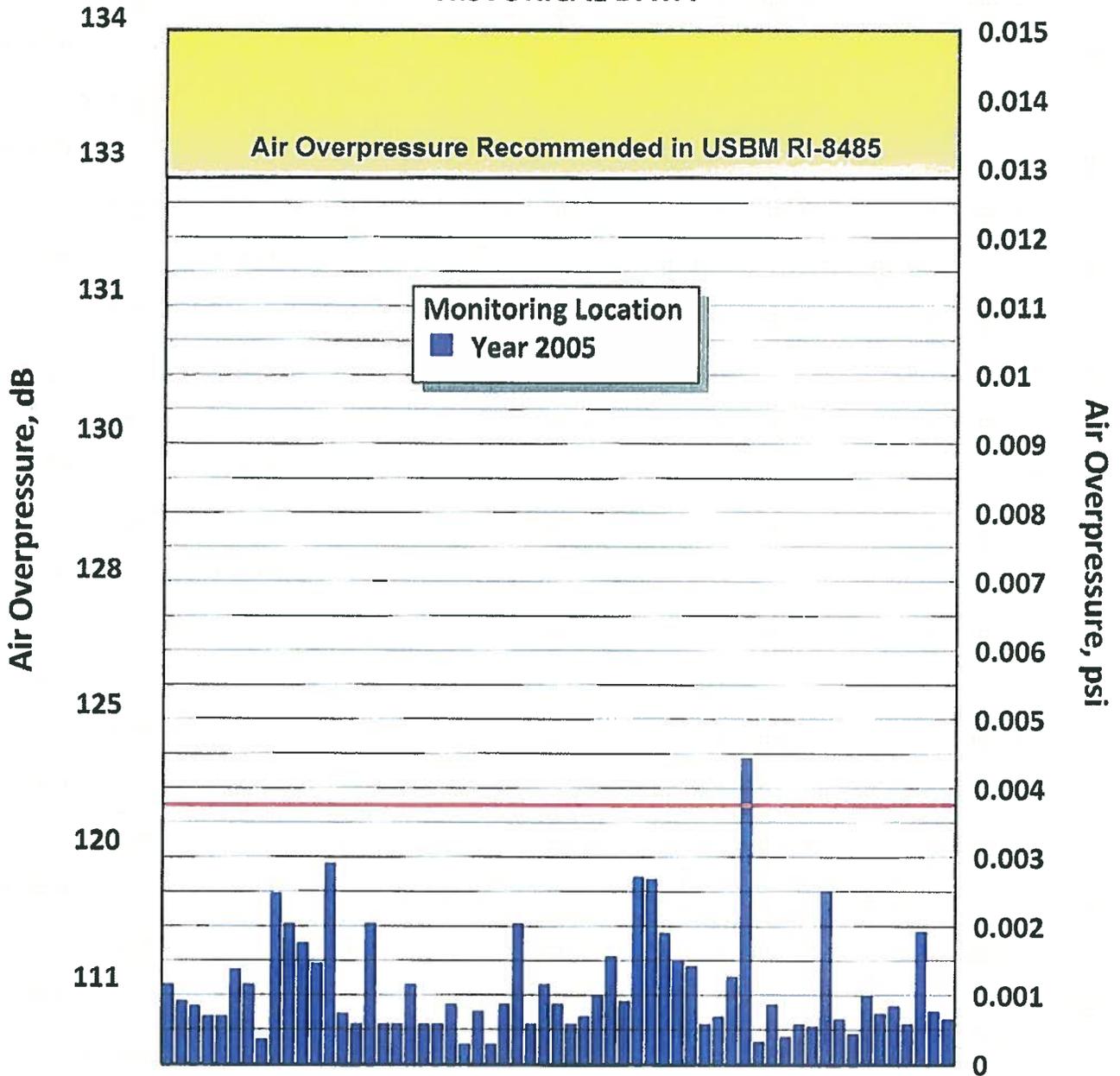
ATTACHMENT A

TO ORDINANCE 34-052012

City of Garden Ridge, Texas

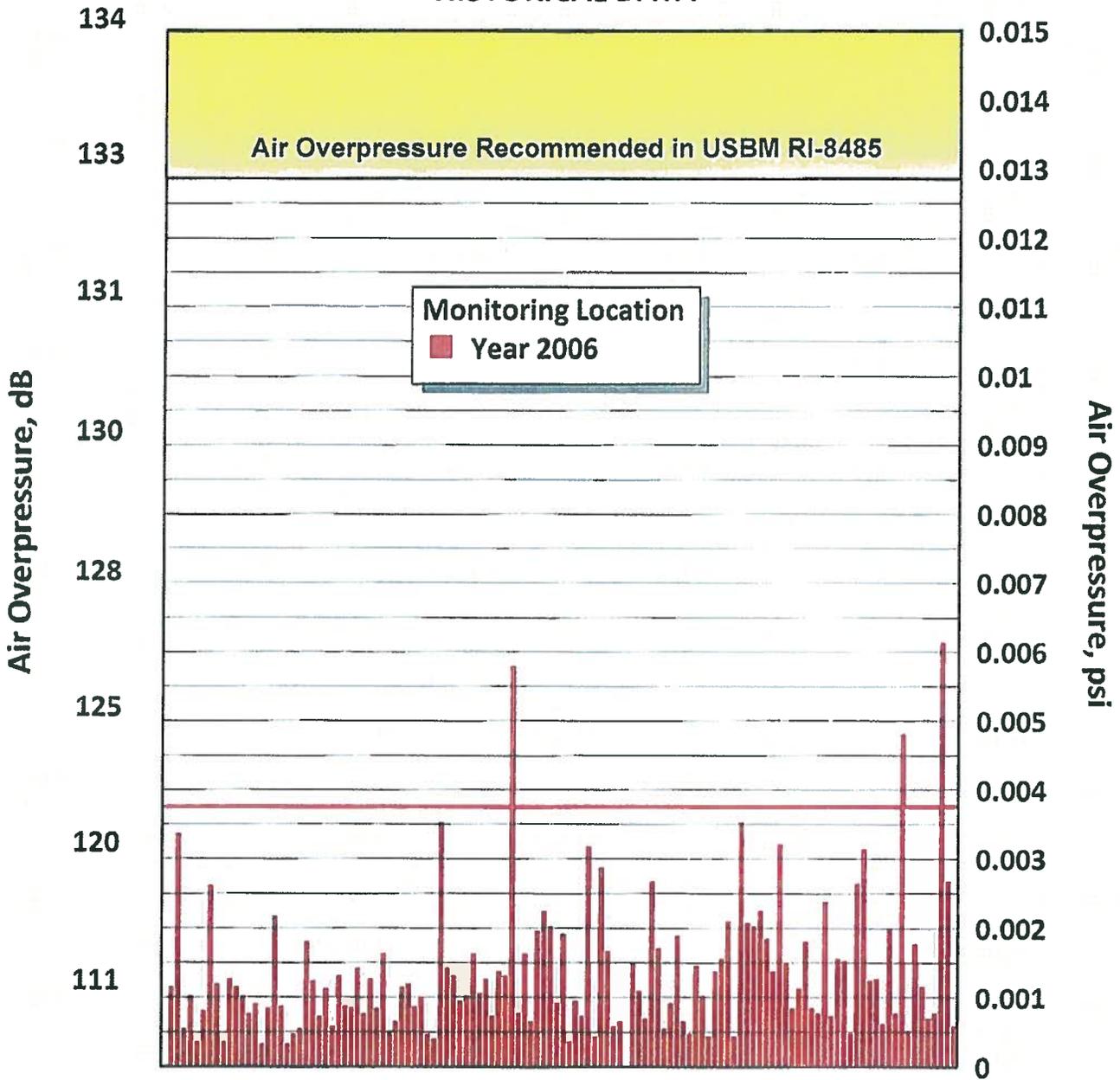
HISTORICAL VIBRA TECH BLAST DATA

**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



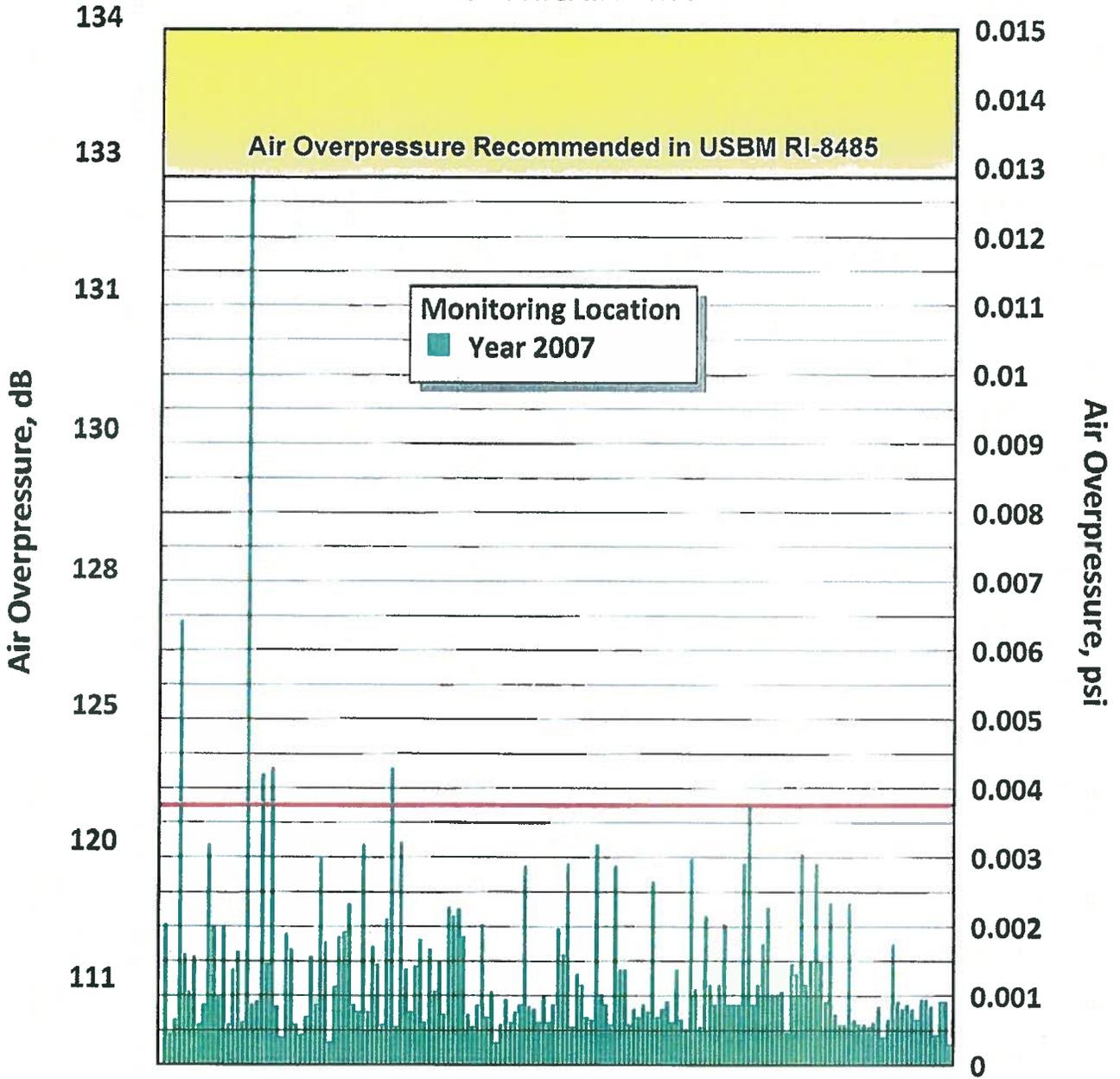
**Note: Air Overpressure Level Recommended in USBM RI-8485 (133 dB)
 Air Overpressure Level Required to Crack Window Panes (150 dB)**

**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



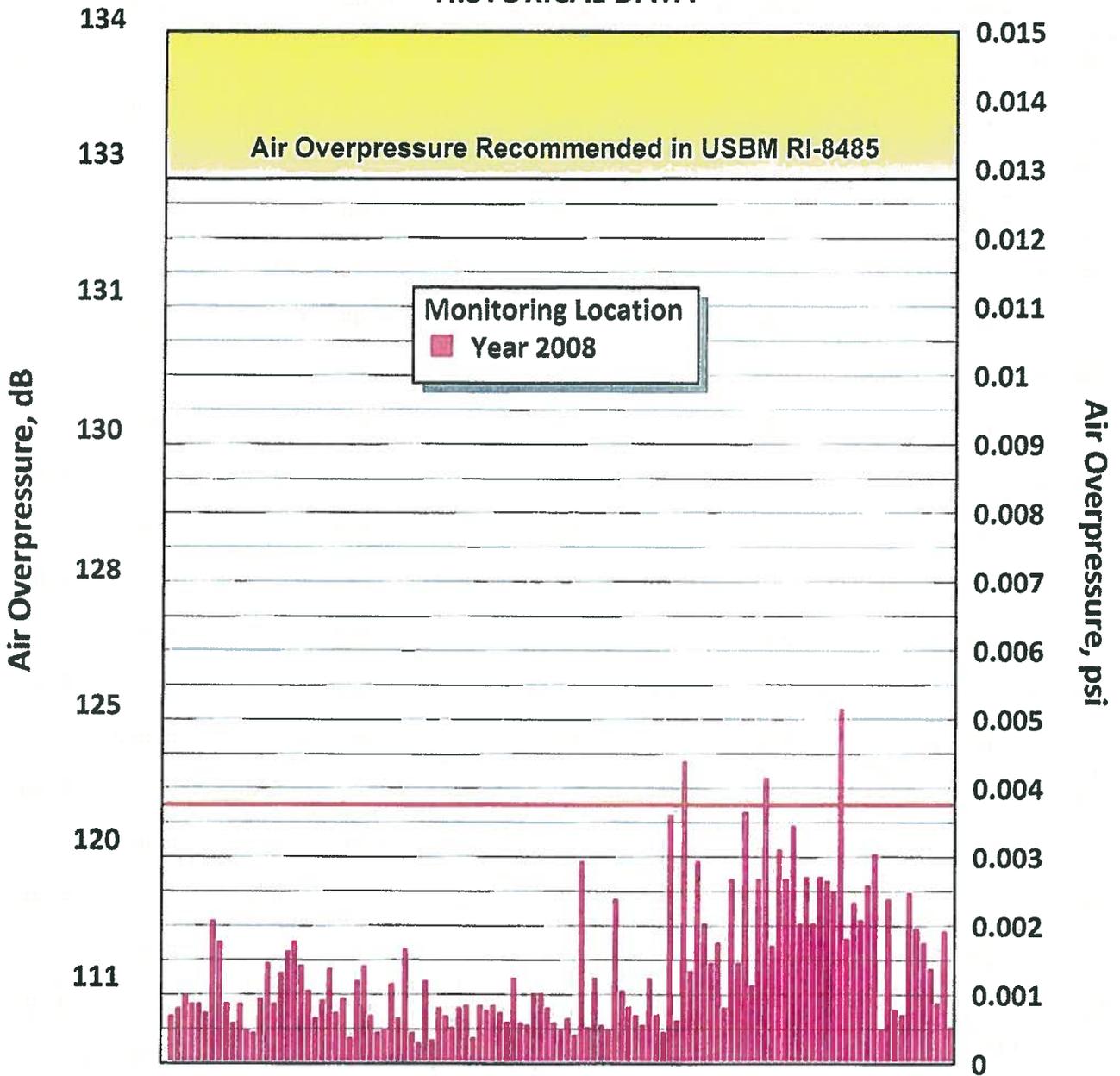
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GARDEN RIDGE QUARRY COMMISSION
AIR OVERPRESSURE LEVELS
HANSON - SERVTEX QUARRY
GARDEN RIDGE, TEXAS
HISTORICAL DATA



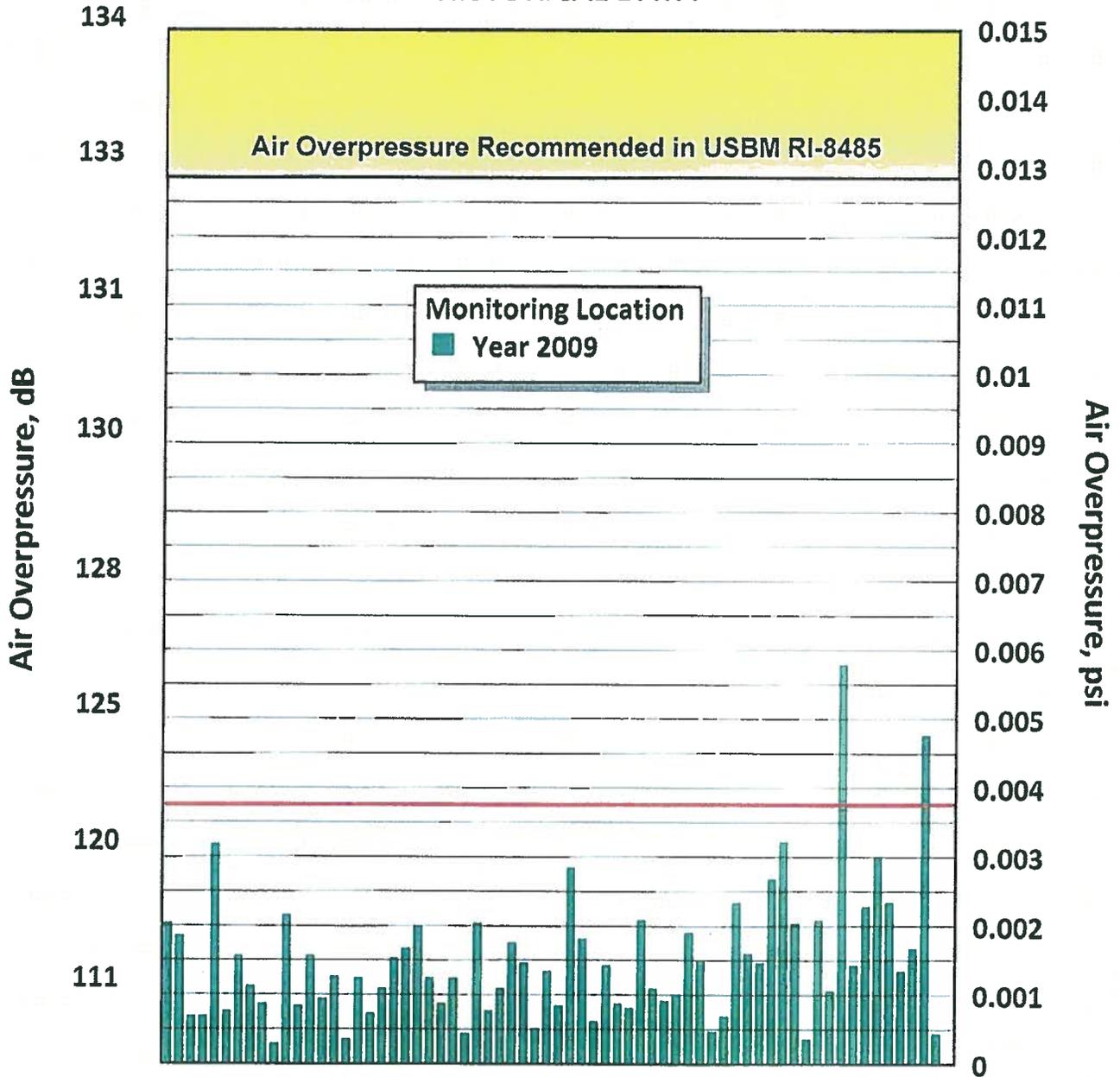
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**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



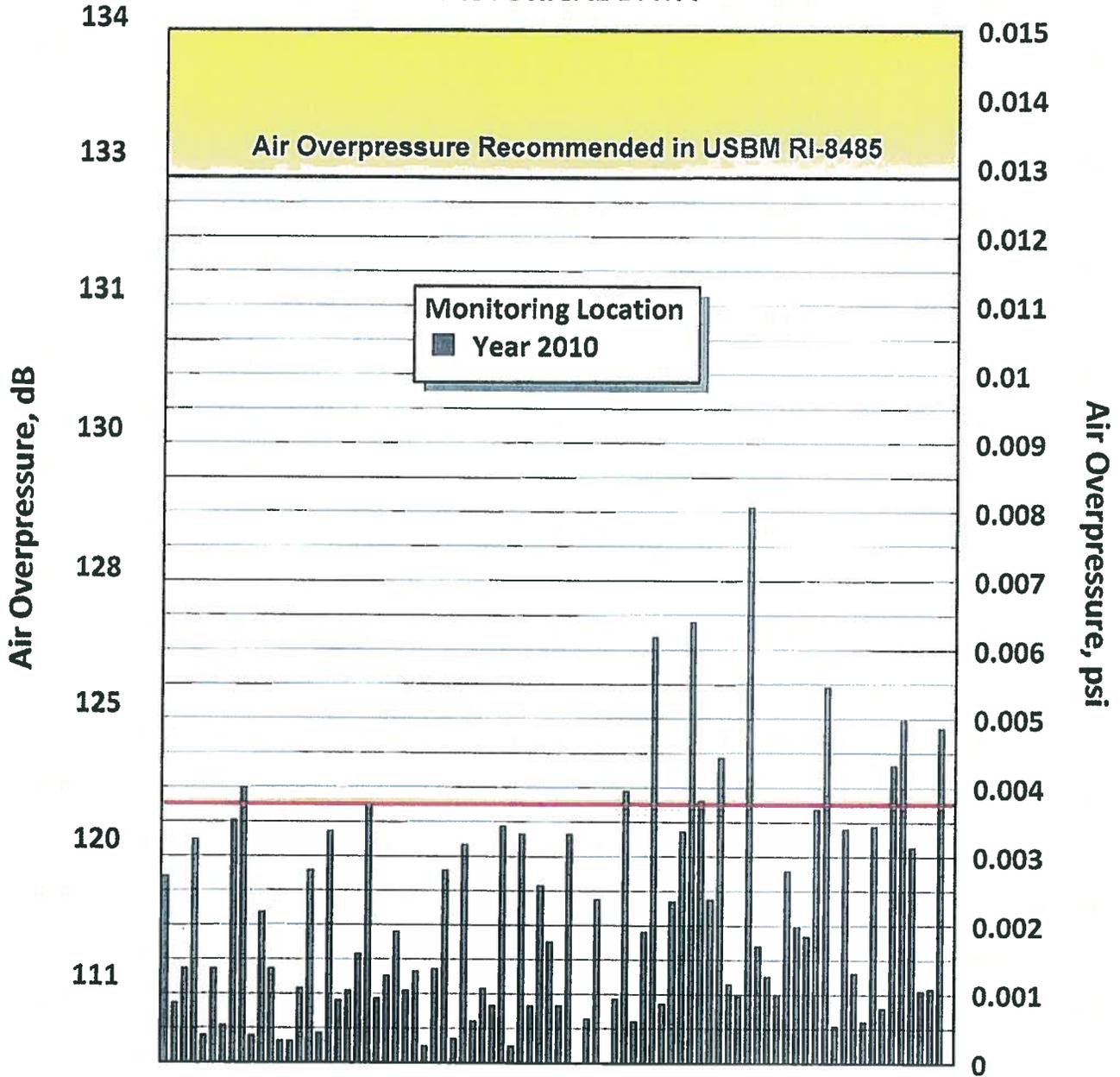
**Note: Air Overpressure Level Recommended in USBM RI-8485 (133 dB)
 Air Overpressure Level Required to Crack Window Panes (150 dB)**

**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



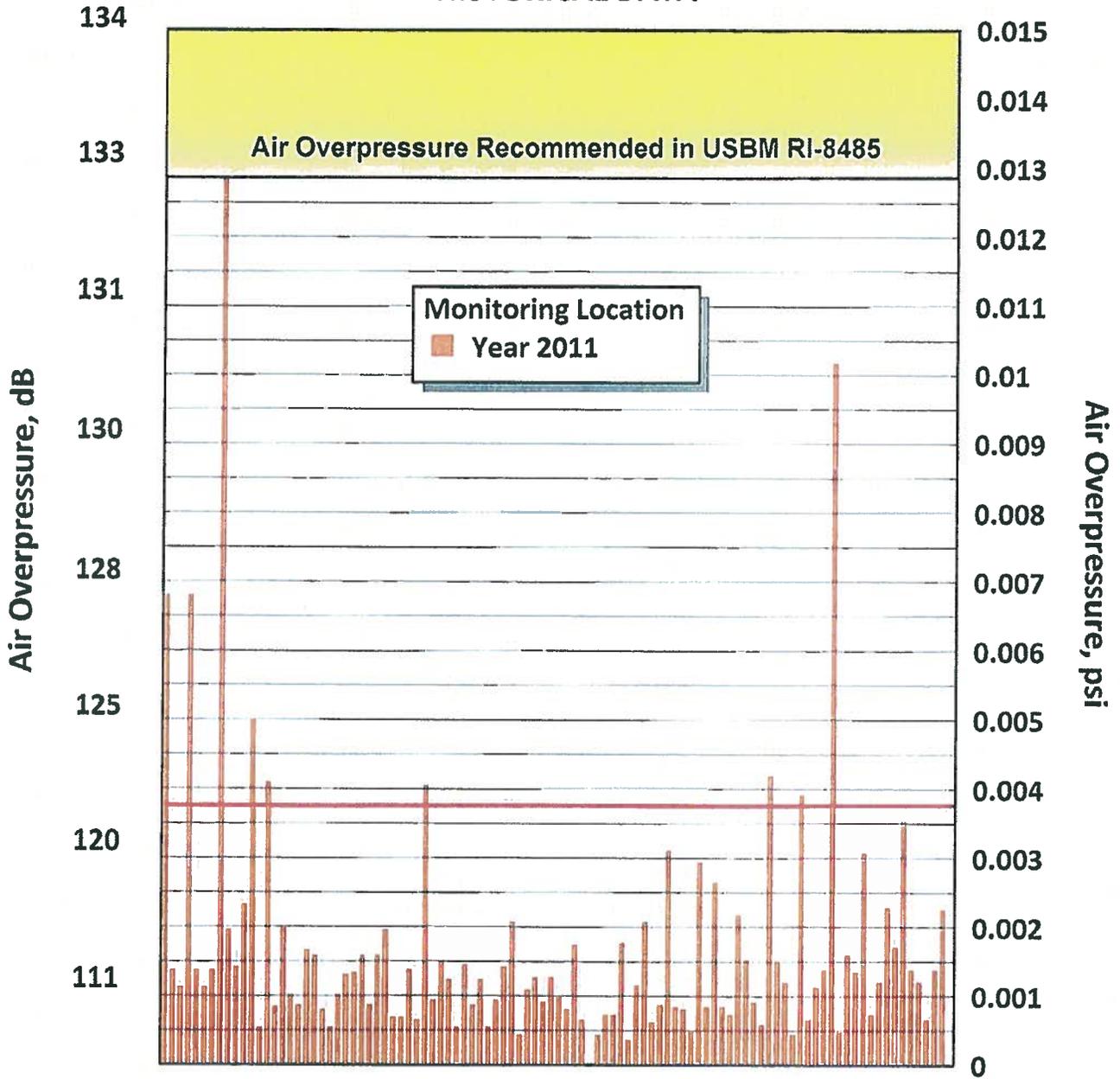
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 Air Overpressure Level Required to Crack Window Panes (150 dB)**

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 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



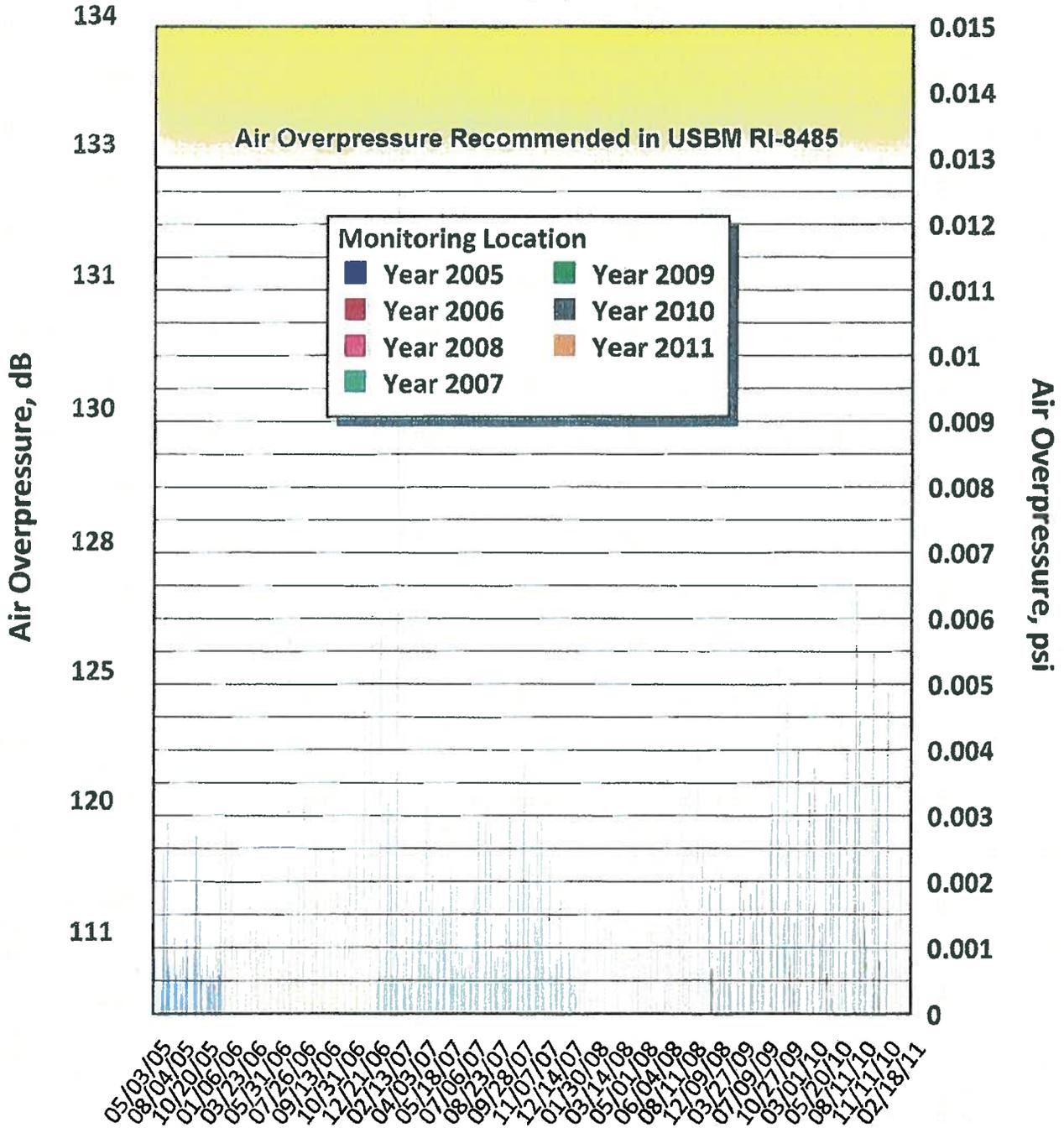
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**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



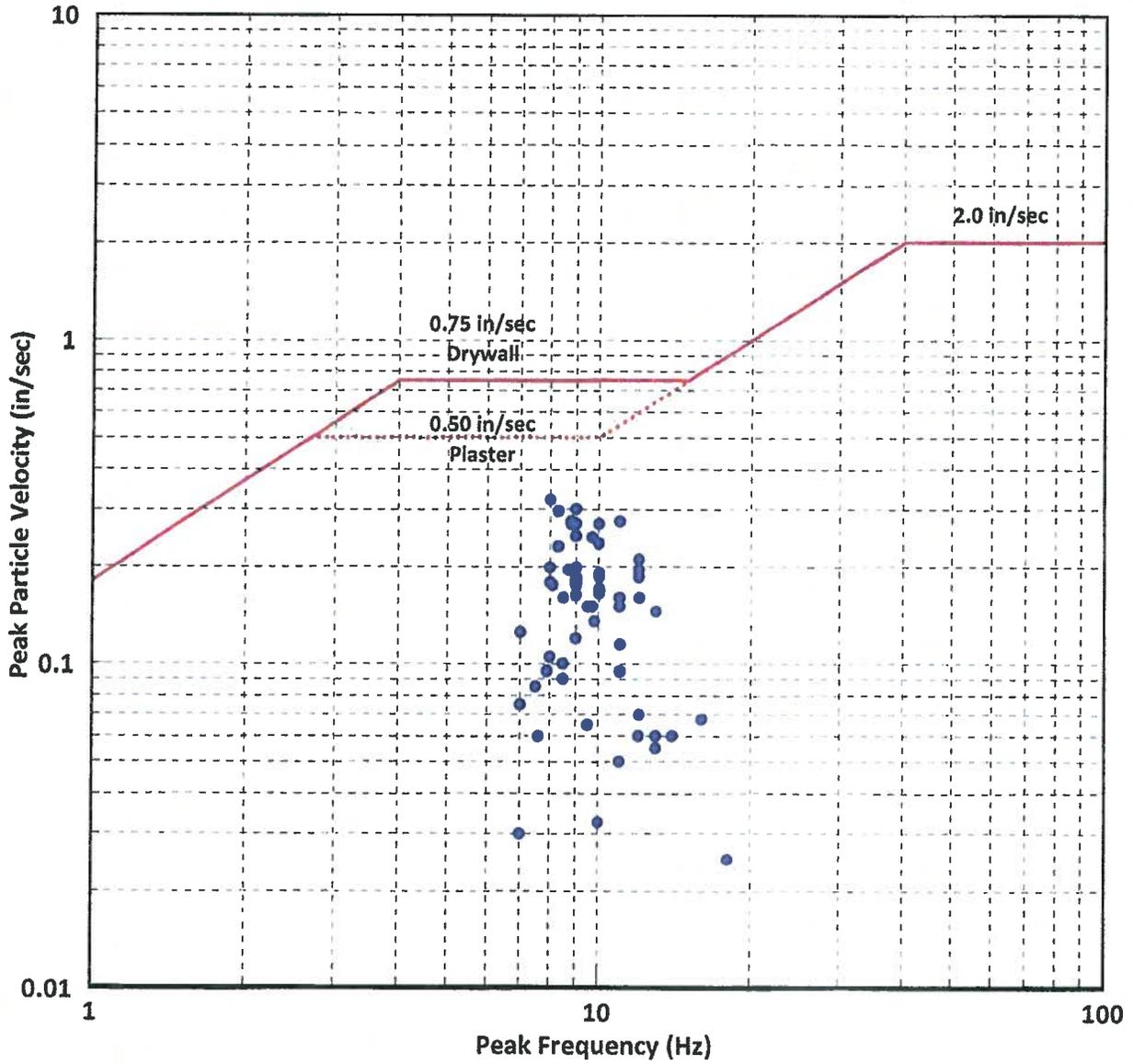
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**GARDEN RIDGE QUARRY COMMISSION
 AIR OVERPRESSURE LEVELS
 HANSON - SERVTEX QUARRY
 GARDEN RIDGE, TEXAS
 HISTORICAL DATA**



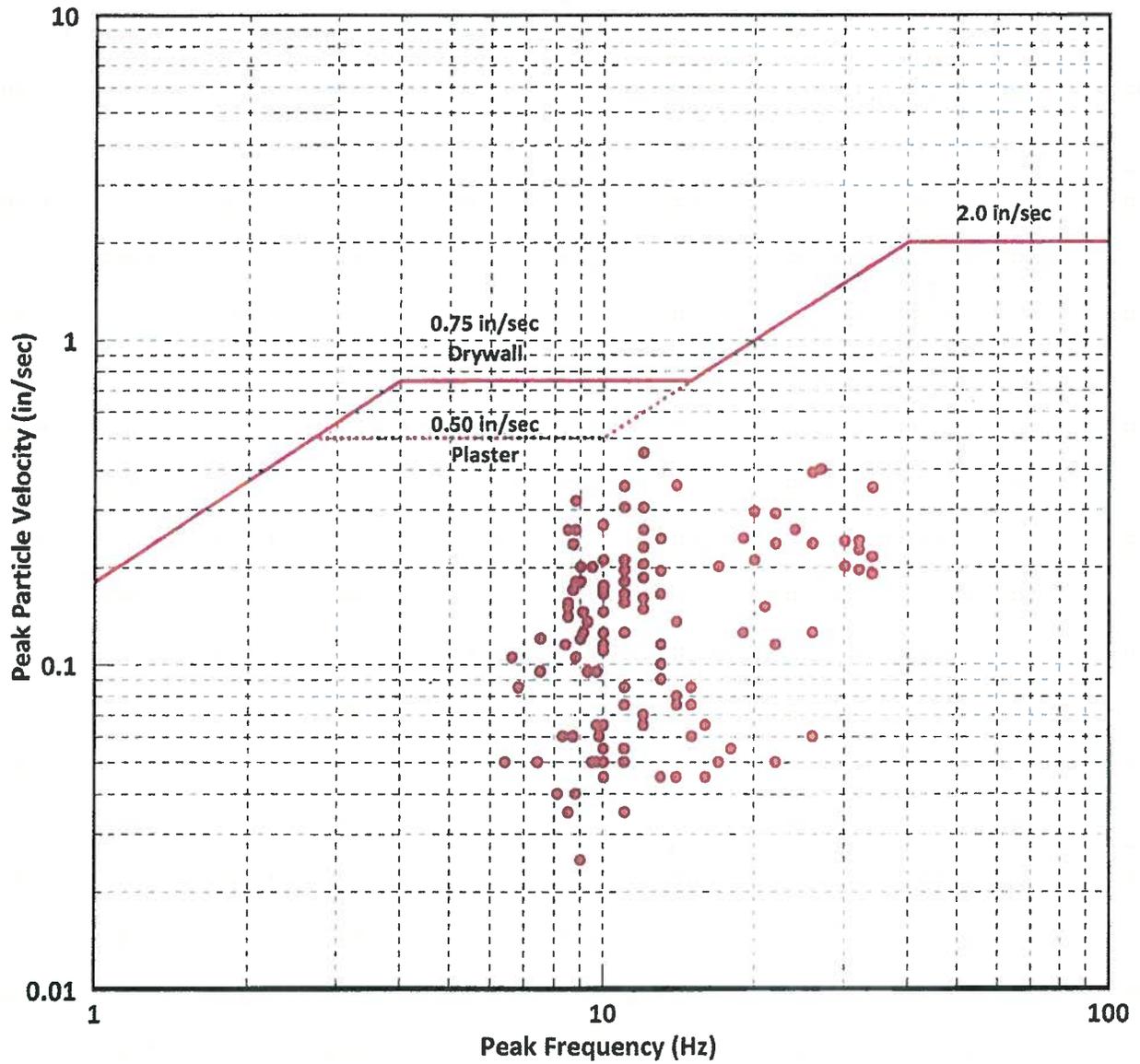
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 Air Overpressure Level Required to Crack Window Panes (150 dB)**

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



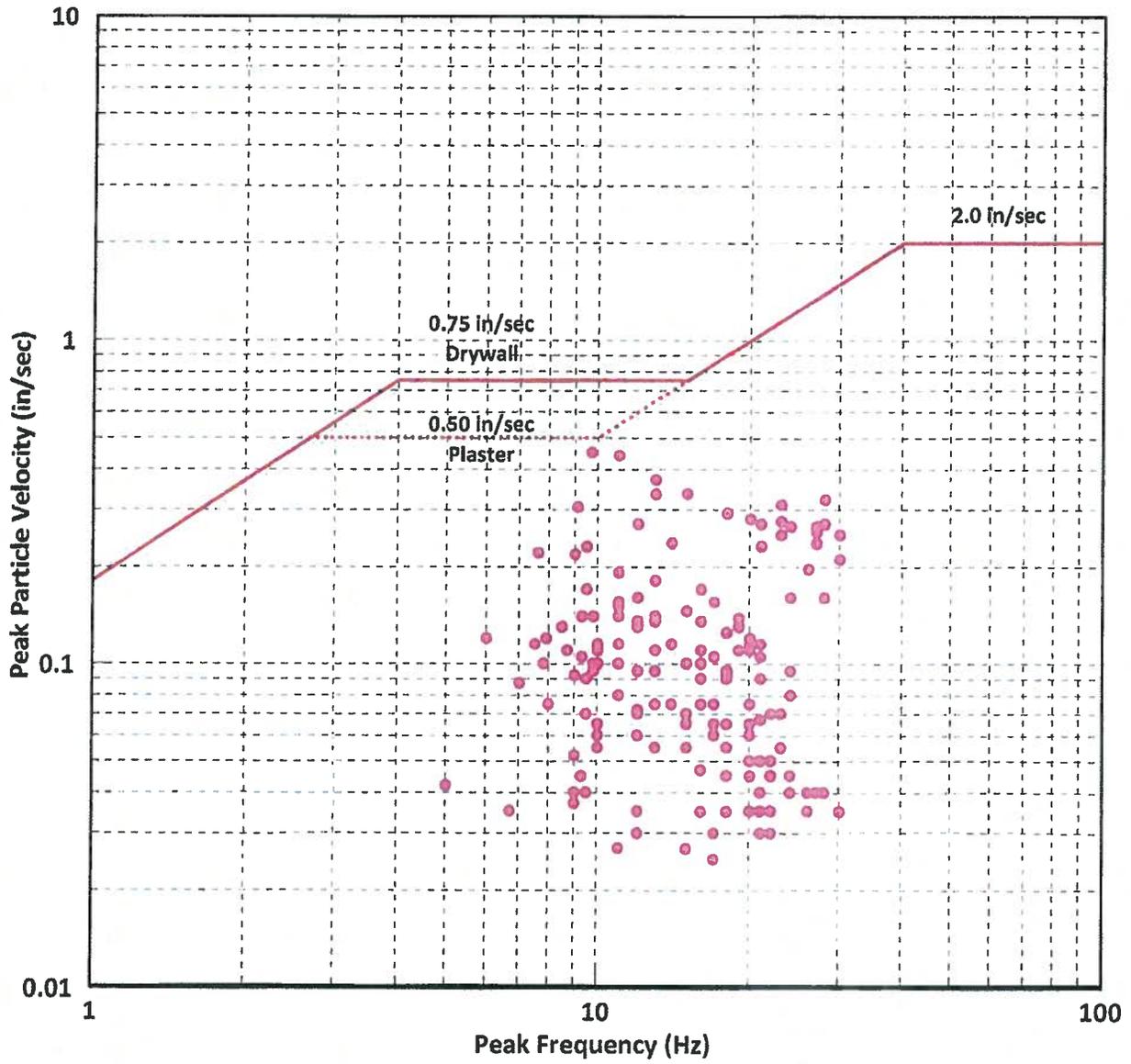
Monitoring Location
• Year 2005

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



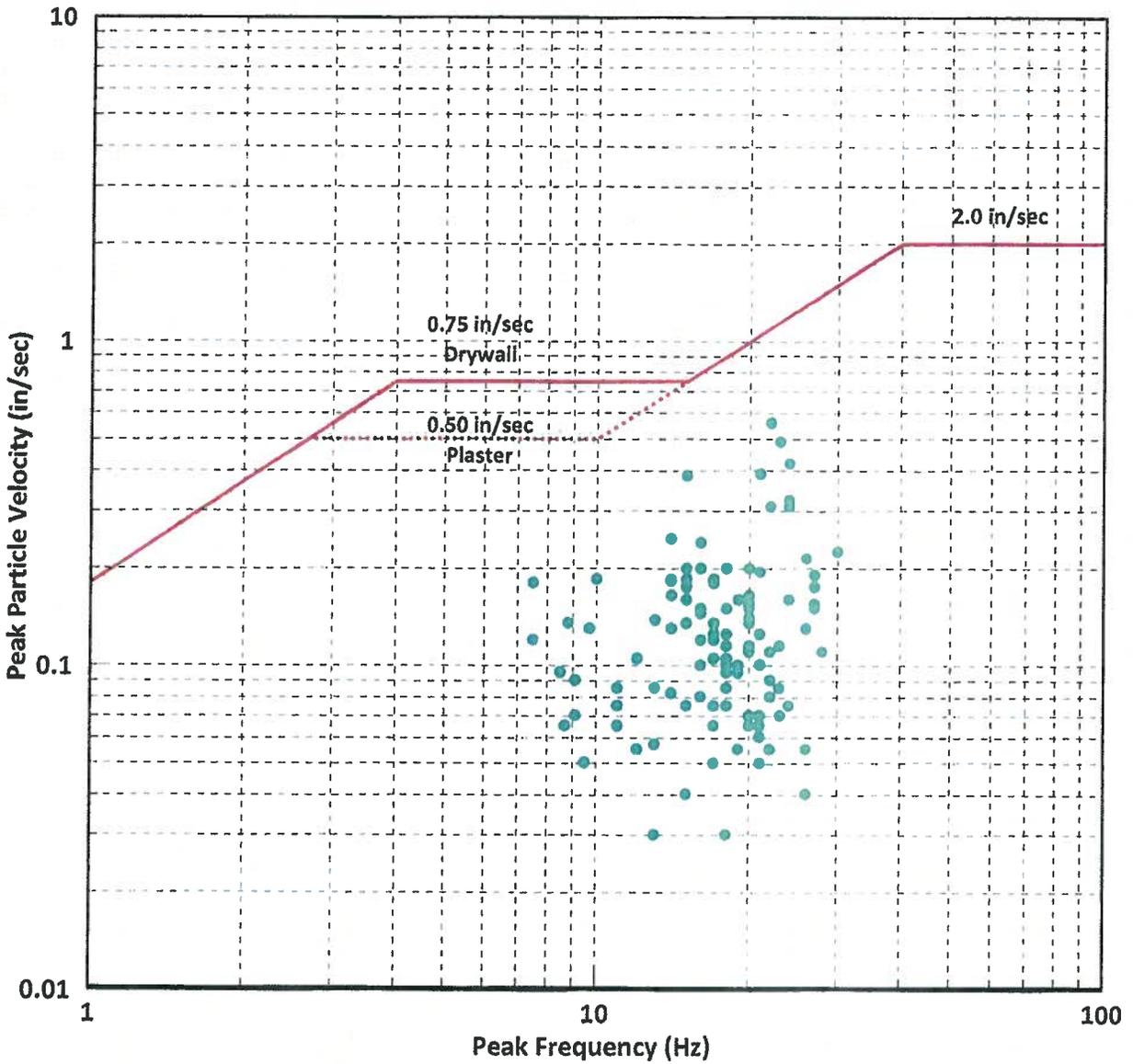
Monitoring Location
• Year 2006

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



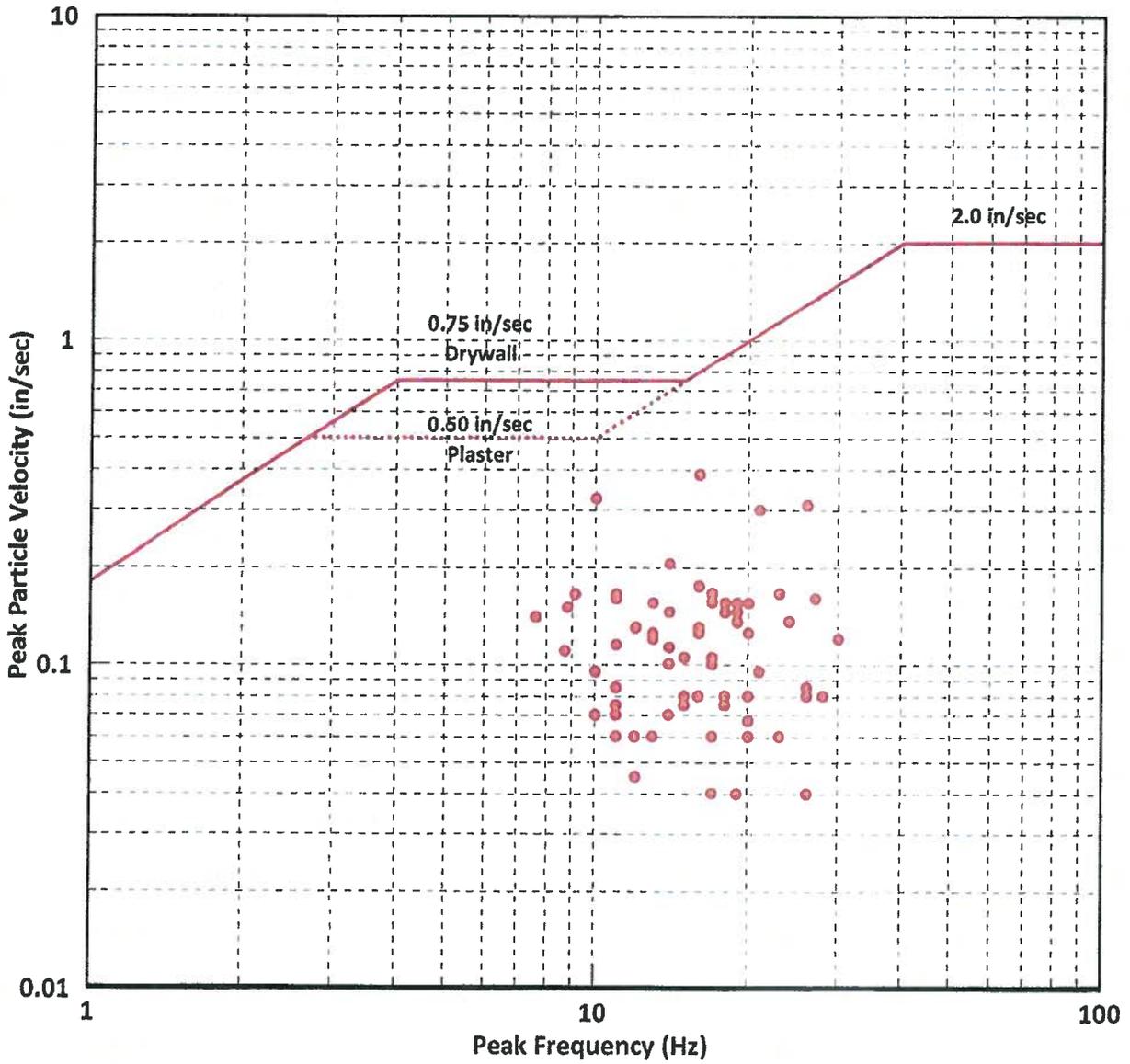
Monitoring Location
• Year 2007

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



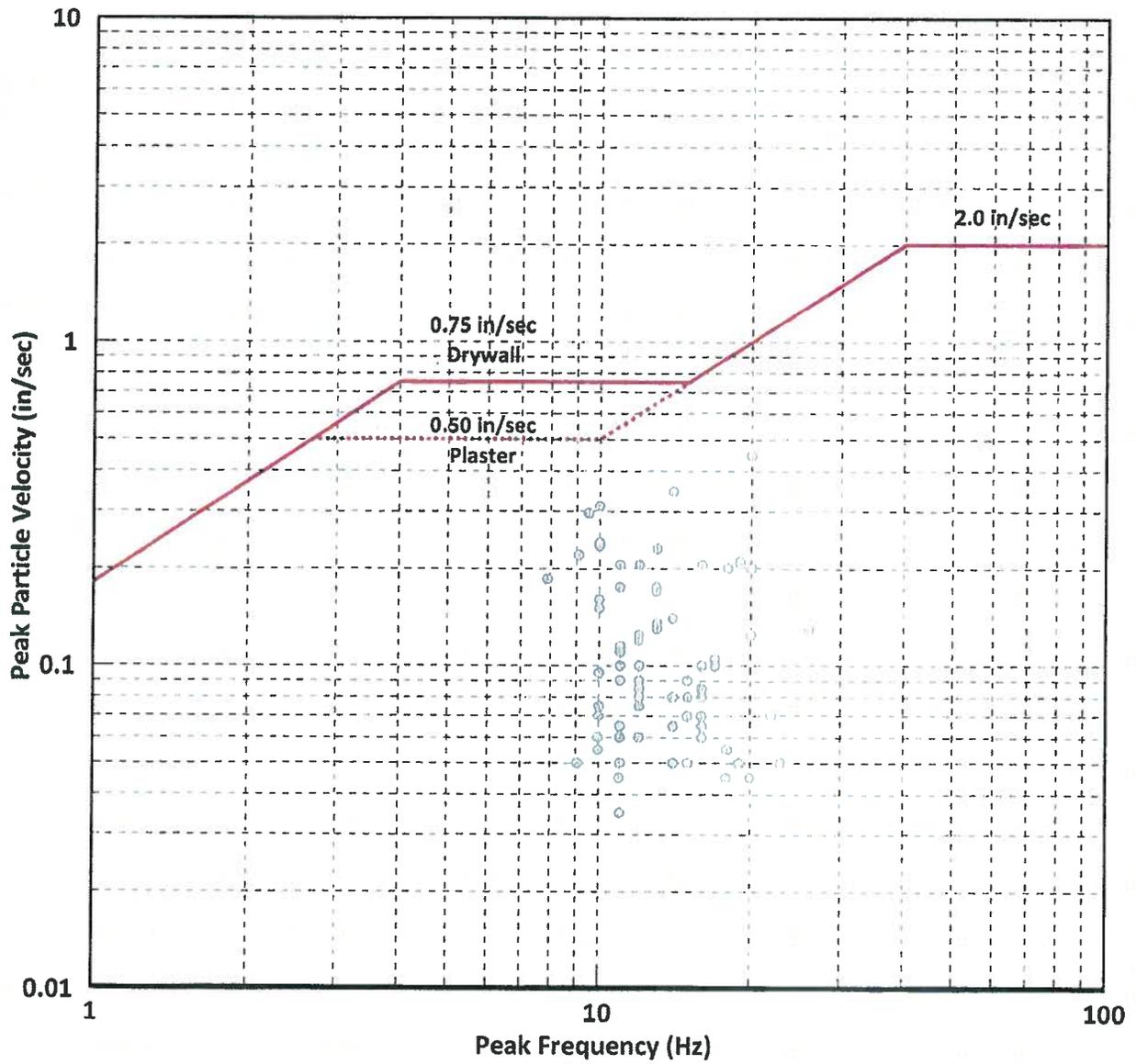
Monitoring Location
● Year 2008

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL

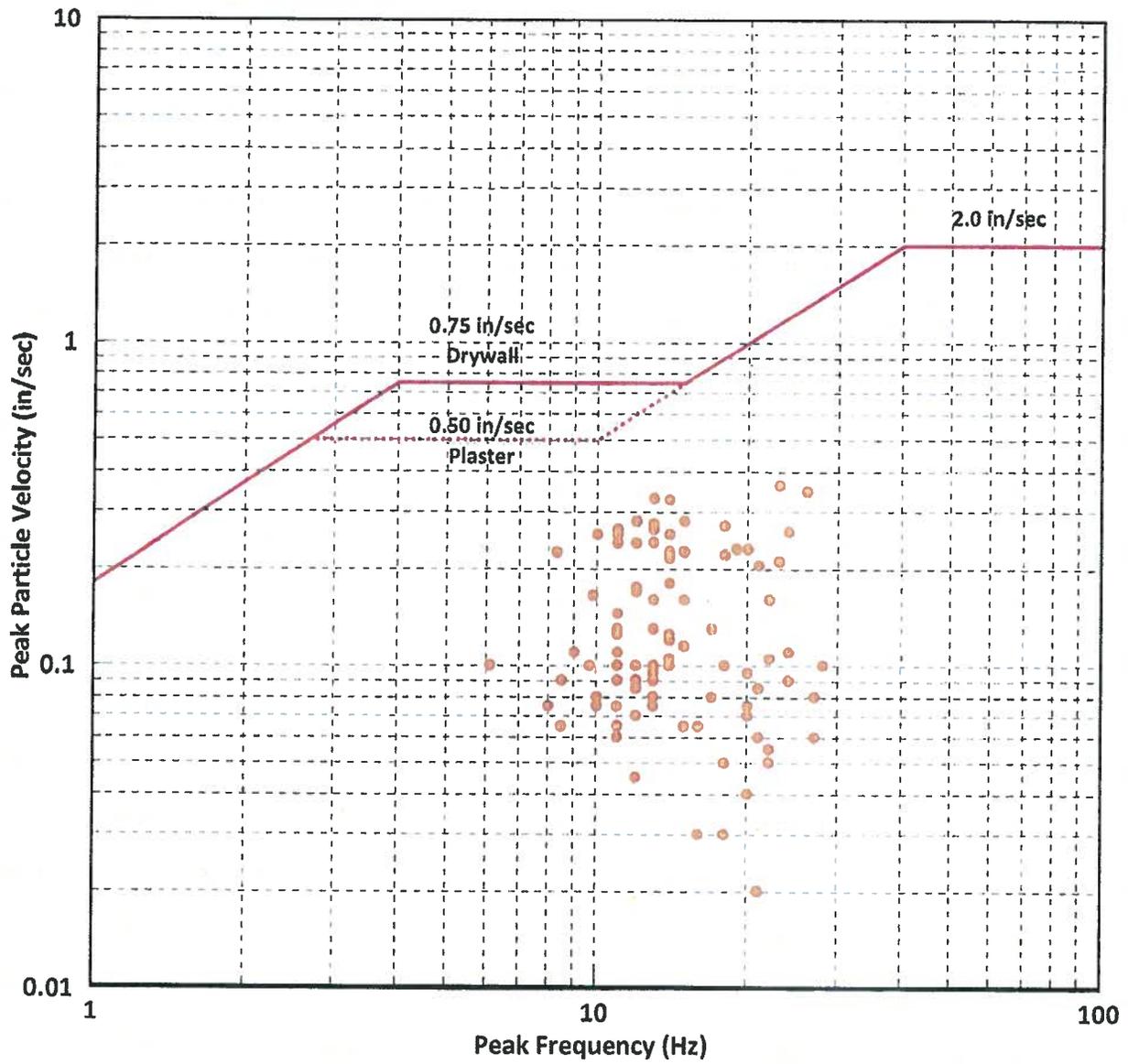


Monitoring Location
• Year 2009

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL

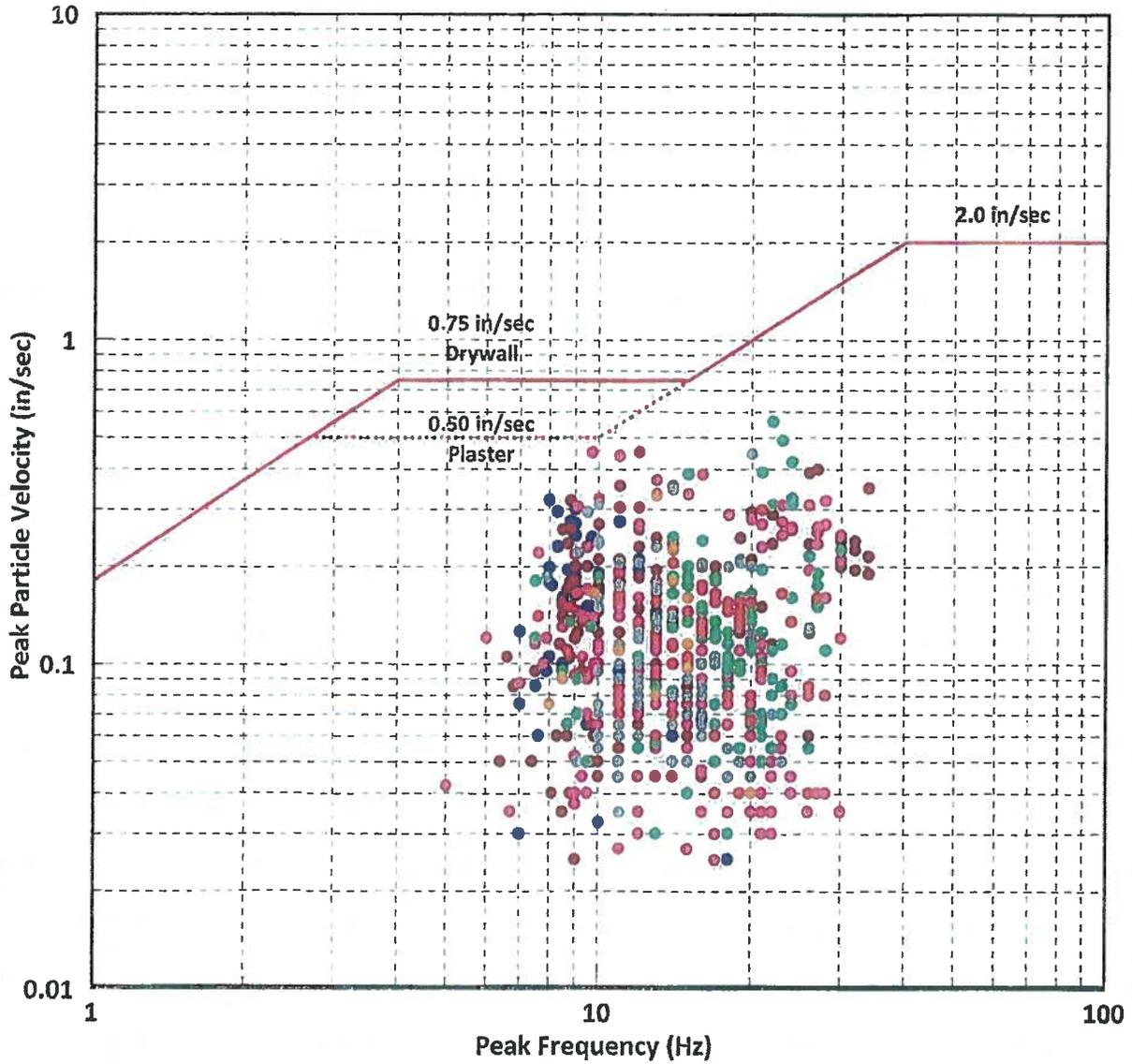


GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



Monitoring Location
● Year 2011

GARDEN RIDGE QUARRY COMMISSION
HANSON - SERVTEX QUARRY
WARDEN - HISTORICAL



Monitoring Location	
● Year 2005	● Year 2009
● Year 2006	● Year 2010
● Year 2007	● Year 2011
● Year 2008	

ATTACHMENT B

TO ORDINANCE 34-052012

City of Garden Ridge, Texas

Request for Partial Exemption Permit to Conduct Blasting

Instruction Sheet

To be considered for a Partial Exemption Permit to conduct Blasting as defined in City of Garden Ridge, Texas Ordinance 34, please prepare a letter addressed to the attention of the City Administrator for the City of Garden Ridge, Texas, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

In the letter, please include:

- 1) The name of the designee;
- 2) The name of the designee's representative for purposes of the application (if the designee is not a natural person);
- 3) Copies of any state or federal licenses and permits authorizing the Requestor to possess and use explosives.
- 4) Complete contact information, including name, address, phone number, facsimile number and e-mail address for the City's use in processing the application. The contact information provided shall be used for all communications in connection with the processing of the application and the operation;
- 5) A full description of the designee's legal and factual relationship to the property(ies) upon which the Blasting shall be conducted;
- 6) A detailed description of the operation to be conducted;
- 7) The period of time the anticipated use shall continue;
- 8) Any supplemental information requested and deemed pertinent by the City Administrator;
- 9) Any supplemental information the designee deems pertinent prior to City Council consideration;

Also, include with your letter, the attachments identified below:

- 1) Identifying all real property where the activity of Blasting shall be conducted by street address (if any) and legal description. Any property not listed will not be included in any permit, if authorized. If multiple properties are to be considered, and some are not within the City limits, but is within the City's extra-territorial jurisdictional limits, please include each property in the list but designate the property with the comment: "ET J Property".
- 2) A plan view drawing completed under seal by a licensed professional surveyor or civil engineer to appropriate scale, showing all properties listed for inclusion into the Partial Exemption Permit for Blasting.
- 3) If you are not the owner of the real property, a letter from the Owner executed before a notary, that they are the owner of the property and authorize blasting activities on the property.
- 4) Documentation and facts demonstrating that the Requestor's Blasting operation is going to be conducted in a manner that minimizes its related adverse impact on property value, other land use development, the economy, employment, property taxes and the public and communities who live and work adjacent to such land use. Please specifically list all steps taken, such as distance limitations related to adjacent properties, use of berms and any dust and noise remediation efforts, etc.
- 5) Documents and facts demonstrating efforts by designee to protect and mitigate the perceived negative adverse affects such activity has on real property values, public safety, health & welfare interests, including the quality of life within the City, neighboring properties and the public.
- 6) Payment of the appropriate application fee, including any related City fees for monitoring blasting for each permitted Partial Exemption Permit site.

All applications for Partial Exemption Permits to conduct Blasting activities shall be submitted for review at the next regularly scheduled Quarry Commission meeting if received 14 days prior to the date of the meeting. The Commission shall determine whether the request is complete. If incomplete, the City shall inform the designee what aspects of the application are insufficient and will provide the designee seven (7) business days to supplement and/or modify the application to permit it to be placed for City Council consideration as a completed application.

If the application meets all criteria provided by the ordinance as determined by the Commission, or by subsequent supplementation as provided in the determination of the Chair of the Commission, the permit request shall be scheduled for City Council action as provided below for complete applications. Any application considered incomplete shall not be considered for approval by City Council. Any application that remains incomplete for a period of more than 60 days shall be considered withdrawn.

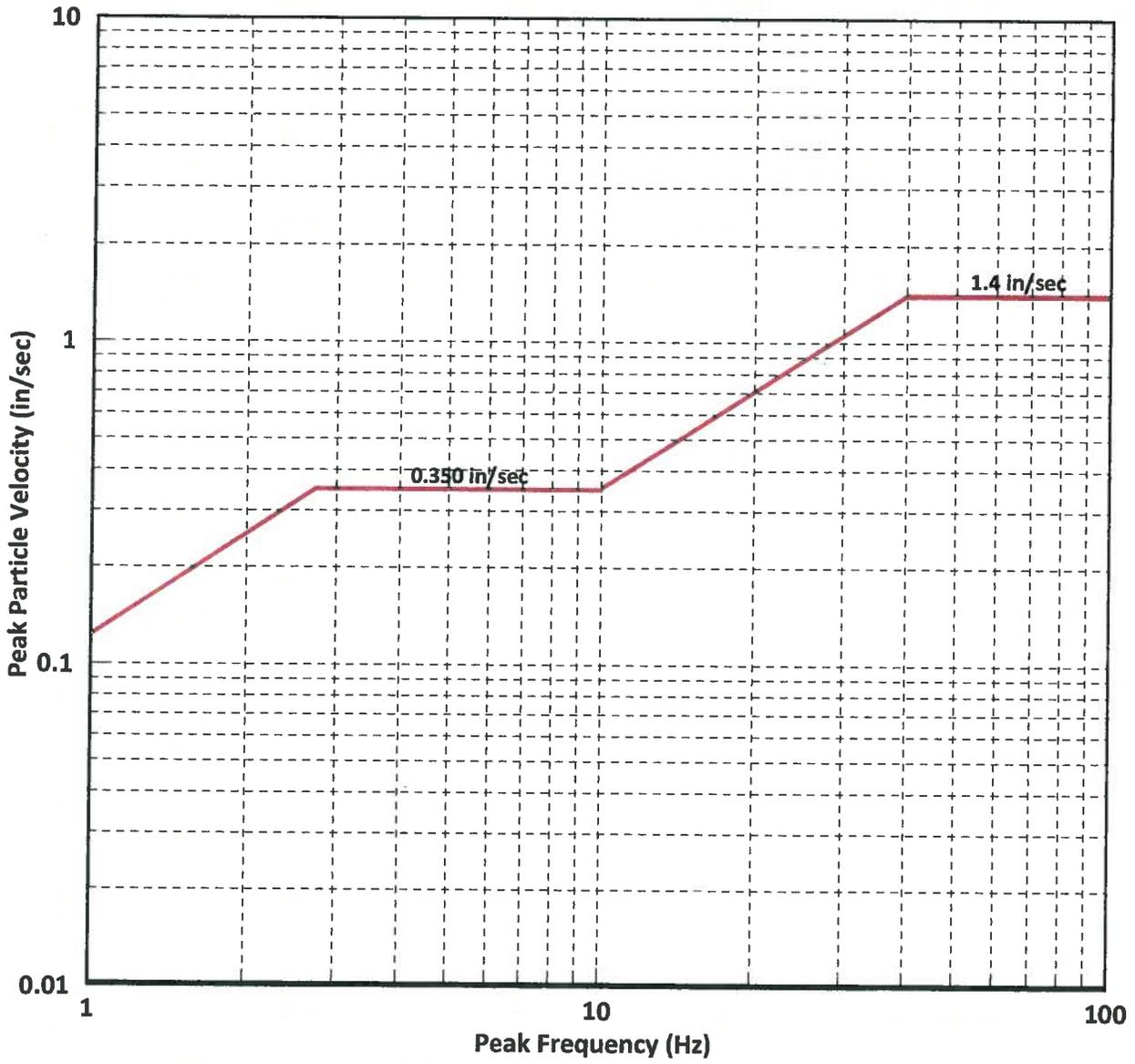
If the request is found complete, the City Administrator shall place the matter on the next regular City Council meeting agenda for action (but may include it on an agenda for a specially called meeting at her discretion). If the City Council approves the permit, the City Administrator shall issue a Partial Exemption Permit to the Requestor, which is not transferable or assignable and is revocable if the permit holder is found to repeatedly violate the blasting regulations under the ordinance or fail to pay any related fees.

ATTACHMENT C

RED LINE - 70% OF USBM Z-CURVE

(Provided by - Vibra-Tech)

GARDEN RIDGE QUARRY COMMISSION

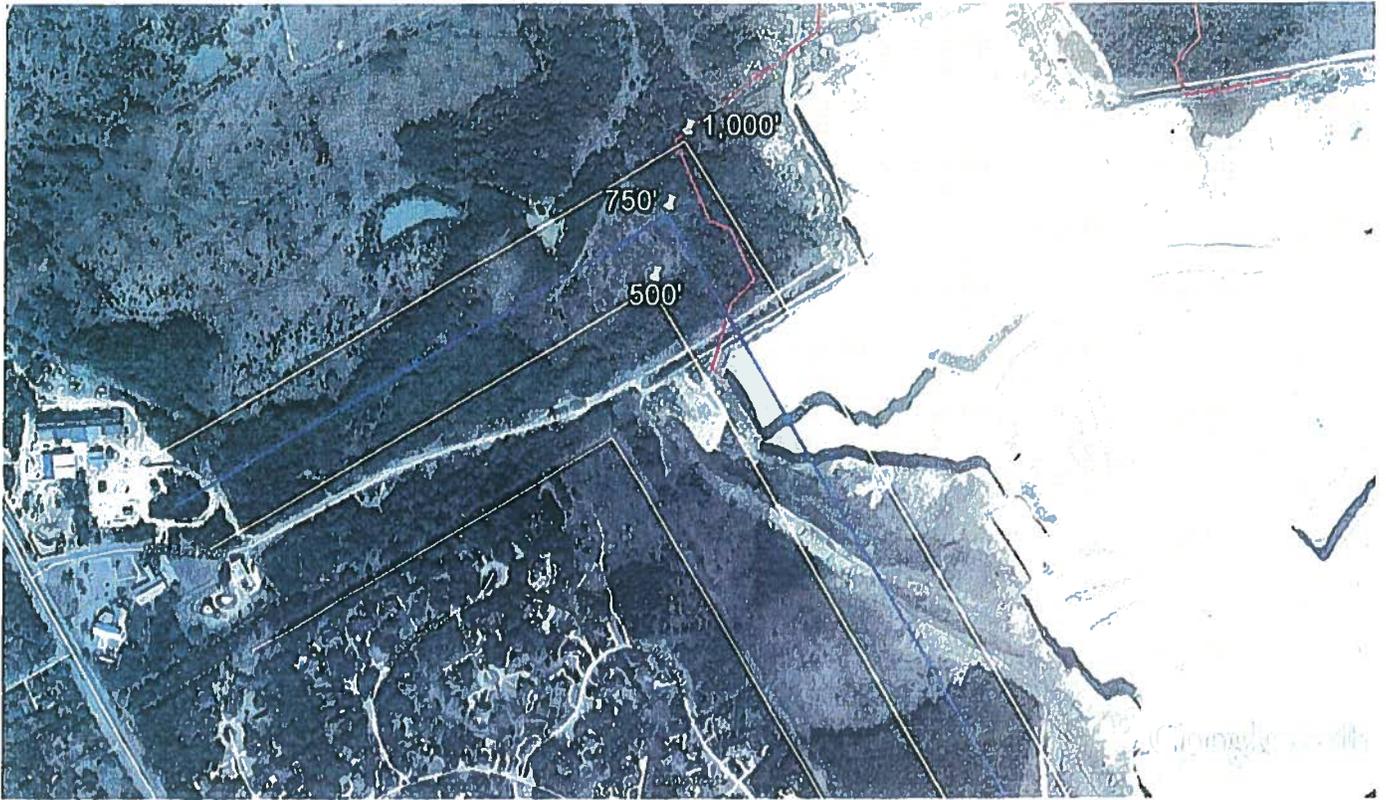


ATTACHMENT D

TO ORDINANCE 34-052012

City of Garden Ridge, Texas

BERM CONTOUR COORDINATES



Google earth



July 3, 2012

From: Garden Ridge Planning and Zoning Commission (Meeting June 12, 2012)

To: Garden Ridge City Council

Subjects:

- a. Request by Eric and Peggy Moede for a variance to Ordinance 13-122008, Section 8, General Provisions, 8.4. Fences, Walls and Plants, 8.4.2 for a fence height that exceeds six (6) feet in height in sections on their property located at 9616 Aster
- b. Master Development Plan for The Forest of Garden Ridge IV subdivision consisting of approximately 103 residential lots and proposed subdivision located on the west side of Bat Cave Road northwest of its intersection with Schoenthal Road

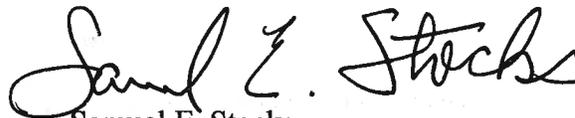
Commission Recommendation on a. Eric and Peggy Moede

The Commission was reluctant to consider the petition in the absence of the petitioners. Motion was made and passed unanimously to table request until July meeting when the petitioners can be present and present their petition to best advantage.

Commission Recommendation on b. MDP for The Forest of Garden Ridge IV

The petitioner addressed in considerable detail the myriad of questions raised by the Commission in May. Lengthy discussions ensued about the change in the MDP from an open to a gated subdivision. The private land swap between an earlier developer and Triumphant Lutheran Church was discussed; consensus being the current developer in providing a dedicated access road outside the boundaries of their gate met the obligation (albeit unwritten) inherent in the land swap. An alternate exit for emergency use only was settled on and connects with Twisted Oaks. The developer and the fire department agreed upon internal road expansion within the subdivision (see amended exhibit EX. 2 Lot Layout and associated emails) thus allowing residents access to emergency egress.

Motion made and passed 4 yea (Vice-Chair voting yea) to 1 nay to recommend approval of the MDP for The Forest of Garden Ridge IV with the notation that a road be constructed to the end of their property along the route shown for Tonkawa Pass in the Master Transportation Plan. This would allow a second entrance/exit for residents of the gated subdivision as circumstances warrant in the future. If the MDP is approved by Council, the Commission further recommends the Master Transportation Plan be changed to reflect the new reality and the name Tonkawa Pass not used in any road within the subdivision.



Samuel E. Stocks

Vice Chair

Planning and Zoning Commission

Attachments:

June 8, 2012 Letter from KFW Engineers with attachments and email clarifications.



June 27, 2012

City of Garden Ridge
Attn: Nancy Cain, City Administrator
9400 Municipal Pkwy
Garden Ridge, TX 78266

Re: Forest of Garden Ridge IV – MDP
City Council Meeting

Dear Ms. Cain:

As you are aware the Garden Ridge Planning and Zoning Commission recommended the Forest of Garden Ridge IV MDP for approval to City Council on June 12, 2012. The two points of discussion that required clarity are comments received from the Fire Department via emails dated June 12, 2012 and the request or need for a street projection to the south which would reflect the previously approved Tonkawa Pass extension to Bindseil Ln. These issues have been resolved in our meeting with city staff and the fire department at City Hall on June 21, 2012.

The steps we have taken to resolve the issues include providing a secondary connector to the Twisted Oaks emergency access as well as a projected street towards Bindseil Ln. Please note the location of the street projection towards Bindseil will be discussed in detail during the platting of Unit 2. A final location will be determined based on cooperation of adjacent land owners and what is best for the integrity of the Forest of Garden Ridge IV Master Plan. Please see exhibits attached to this letter which include:

- Exhibit 1: MDP recommended by Planning and Zoning
- Exhibit 2: Emails from Bracken Fire Department
- Exhibit 3: Revised Layout proposed by KFW
- Exhibit 4: Proposed Entry layout

Please contact our office if you have any questions or require additional information.

Sincerely,
KFW Engineers

A handwritten signature in blue ink, appearing to read "Burt Wellmann".

Burt Wellmann, P.E.
Project Manager

Burt Wellmann

EXHIBIT ZB

From: bill anz <txarsoncop@sbcglobal.net>
Sent: Tuesday, June 12, 2012 5:00 PM
To: Burt Wellmann; Nancy Cain
Subject: Re: FW: Forest of Garden Ridge - Alternate layout
Attachments: txarsoncop.vcf

Burt,

After discussing your proposed change today with the Chief the fire department finds the addition of another connection street to the Twisted Oaks emergency access and another connecting street from the area of the intersection at lots 66 & 67 to the cul-de-sac at lots 57 & 56 (exact location to be determined) to meet the minimum access requirements.

If you have any other questions please contact me.

Best regards,

William Anz
Assistant Chief/Fire Marshal
Bracken VFD
210 838-6052

On 6/12/2012 4:18 PM, Burt Wellmann wrote:
Please review attached and give me a call.

Thanks,

Burt Wellmann, P.E.
KFW Engineers & Surveying
TBPE Firm #9513
14603 Huebner Rd., Bldg 40
San Antonio, Texas 78230
Phone: (210) 979-8444
Fax: (210) 979-8441
bwellmann@kfwengineers.com

-----Original Message-----

From: support@kfwengineers.com [mailto:support@kfwengineers.com]
Sent: Tuesday, June 12, 2012 2:57 PM
To: Burt Wellmann
Subject:

This E-mail was sent from "RNPF1C846" (Aficio MP C3300).

Scan Date: 06.12.2012 15:56:41 (-0400)
Queries to: support@kfwengineers.com

Burt Wellmann

EXHIBIT ZA

From: bill anz <txarsoncop@sbcglobal.net>
Sent: Tuesday, June 12, 2012 1:15 PM
To: citysecretary@ci.garden-ridge.tx.us; Nancy Cain; Burt Wellmann
Subject: Forest of Garden Ridge Master Plan IV Plan
Attachments: txarsoncop.vcf

06/12/12

City of Garden Ridge
Planning and Zoning

Regarding: Forest of Garden Ridge IV Master Plan re-design

After discussing the subdivision's Master Development Plan re-design with Burt Wellman it is the fire department's recommendation that a plan for a remote ingress/egress be reconsidered. The proximity of the emergency access off of Twisted Oaks to the main entrance could lead to both accesses being blocked. During an emergency, such as a fire, once our five inch supply-line is laid on the road mutual-aid assistance from our neighboring departments most likely will not be able to access the fire scene. This will hamper our ability to effectively fight fires in this area. With a remote ingress/egress other responding apparatus will have alternate routes to respond to an emergency. It will also give residents better access while we are working an emergency.

If you have any questions or comments, please call me.

Best regards,

William J. Anz
Assistant Chief/Fire Marshal
Bracken VFD
210 838-6052

cc: Burt Wellman, KFW Engineers
Nancy Cain, Garden Ridge City Administrator





Shelley Goodwin

From: bill anz [txarsoncop@sbcglobal.net]
Sent: Tuesday, June 12, 2012 1:15 PM
To: citysecretary@ci.garden-ridge.tx.us; Nancy Cain; bwellmann@kfwengineers.com
Subject: Forest of Garden Ridge Master Plan IV Plan
06/12/12

City of Garden Ridge
Planning and Zoning

Regarding: Forest of Garden Ridge IV Master Plan re-design

After discussing the subdivision's Master Development Plan re-design with Burt Wellman it is the fire department's recommendation that a plan for a remote ingress/egress be reconsidered. The proximity of the emergency access off of Twisted Oaks to the main entrance could lead to both accesses being blocked. During an emergency, such as a fire, once our five inch supply-line is laid on the road mutual-aid assistance from our neighboring departments most likely will not be able to access the fire scene. This will hamper our ability to effectively fight fires in this area. With a remote ingress/egress other responding apparatus will have alternate routes to respond to an emergency. It will also give residents better access while we are working an emergency.

If you have any questions or comments, please call me.

Best regards,

William J. Anz
Assistant Chief/Fire Marshal
Bracken VFD
210 838-6052

cc: Burt Wellman, KFW Engineers
Nancy Cain, Garden Ridge City Administrator



June 8, 2012

City of Garden Ridge
Attn: Nancy Cain, City Administrator
9400 Municipal Pkwy
Garden Ridge, TX 78266

Re: Forest of Garden Ridge IV - MDP

Dear Ms. Cain:

This letter is intended to address various items associated with Planning and Zoning approval of the MDP for the above referenced project. Additionally, we have revised the MDP to represent a gated community with private streets.

Items:

1. File plans with TCEQ (In regards to EAA recharge)

Response: An approved WPAP is currently on file with TCEQ for the project. Any updates to the site plan and layout will be coordinated with TCEQ as necessary. Attached is the current approval in effect. (See Exhibit 1)

2. Get City of San Antonio to take the portion of the development out of their ETJ and put into the City of Garden Ridge's boundaries

Response: This issue has been discussed with both the City of Garden Ridge and the City of San Antonio. The City of San Antonio requires a resolution from Garden Ridge City Council to begin the process of releasing a portion of San Antonio's ETJ. It is the developer's intent to work with both cities in order to facilitate this procedure. Additionally, the phasing of the MDP allows necessary time for this issue to be worked out prior to platting of lots within ETJ. The only portion within the ETJ for Phase 1 is the detention area which will be maintained by the HOA. (See Exhibit 2)

3. Contact Triumphant Lutheran Church regarding property switch.

Response: Triumphant Lutheran Church has been contacted regarding any agreements in place due to a property switch with the previous developer. It was determined that no written agreements were in place, however, the previous developer agreed to provide a future access point to the church along the entry road. This access

will be provided by the platting of ROW contiguous to the church's north property line. An exhibit has been provided which shows the access point to be provided on the current MDP. (See Exhibits 3&4)

4. Check with Comal County to verify a deed was filed by Louis Wehman

Response: A deed was filed with Comal County in Volume 490, Pages 203-207. (See Exhibit 5)

5. Developer pave ½ of 70' right-of-way of Tonkawa Pass

Response: The subdivision is being submitted as a gated community with private streets thus not requiring the extension of Tonkawa Pass. The developer agrees that a non-gated, public subdivision would require pavement of half of Tonkawa Pass and dedication of a 70' ROW through the property.

6. Show how the drainage lines up with Triumphant Lutheran Church detention pond and drainage

Response: An exhibit has been provided to City staff which shows the current site plan as it relates to the church detention pond release point. Drainage improvements are planned to convey the detention pond release through the property. Survey data will be provided at time of platting. (See Exhibit 2)

7. Developer understands the standards of living for Garden Ridge

Response: As discussed in the previous P&Z meeting, it is the developer's intent to produce a product that meets the standards of living for Garden Ridge. Additionally, as a gated community the private nature of the subdivision reinforces these standards in our opinion.

8. Meet with Comal ISD regarding lighted bus stops and turn around areas for buses

Response: Bus turn around areas will be provided at phase lines where streets are to extend into future phases. We have coordinated potential bus stop locations with Comal ISD and the developer would be willing to install lighting in those areas. See attached exhibit for potential bus stop locations. (See Exhibit 2)

9. Meet with Fire Department and Engineers to clarify the turnaround radius

Response: KFW met with Bill Anz, Assistant Fire Chief on May 18, 2012 to discuss radius requirements. It was agreed that 30' internal radius measurements were acceptable to the fire department. It was also clarified by Mr. Anz that the 50' radius requirement referred to the outside radius. The fire department provided a letter with agreements stated. (See Exhibits 6&7)

10. Alternative exit

Response: An alternate exit for the subdivision has been discussed with the Bracken Fire Department as well as City staff. It was mutually agreed that Twisted Oaks provides the best available option for an alternate exit in case of emergencies and/or any issues with access through the main entrance off Bat Cave Rd. A break-away type gate and access road will be provided through an existing right-of-way that has been dedicated to the city. (See Exhibit 4)

11. Possibility of joint venture with developer and City regarding the extension of Tonkawa Pass to Bindseil.

Response: The subdivision is being submitted as a gated community with private streets thus not requiring the extension of Tonkawa Pass. The developer understands that the City of Garden Ridge would request a connection to Bindseil under a non-gated, public street scenario. Under the "public" scenario a joint venture would be pursued, however, the current direction is a gated, private street community.

12. Will need a second water connection

Response: There are multiple options for a secondary water connection. These include:

- **Connect to existing main along Twisted Oaks.**
- **Extend main offsite and connect to existing main along Bindseil. This would require an offsite easement.**
- **Extend dual mains to the site from Bat Cave Rd.**

All options seem acceptable and will be evaluated with the City Engineer during the forthcoming design of the first unit to determine exact method.

13. Will there be street lights and if so covenants need to reflect they are responsibility of HOA

Response: Street lights can be provided at the bus stops previously shown. It is understood that any lighting would be the responsibility of the HOA.

14. Cluster boxes (where and how access)

Response: The location of the cluster boxes are typically dictated by the US Post Office. We have received feedback from the post office for possible locations. Access would be provided by the private streets with an estimated 6' separation from the road. Final details and locations will be determined during platting. (See Exhibit 2)

We have attached the exhibits referred to in this letter. If you have any questions or require additional information, please contact our office.

Sincerely,
KFW Engineers



Burt Wellmann, P.E.
Project Engineer

EXHIBIT 1

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

RECEIVED

FEB 27 2008

BY:.....

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 27, 2008

Mr. Carlos Sandoval
Laredo GFG Development, Ltd.
18618 Tuscany Stone, Suite 100
San Antonio, Texas 78258

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Forest at Garden Ridge Unit IV; Located on Bat Cave Road near the intersection at Schoenthal Road ; Garden Ridge and San Antonio ETJ, Texas
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2753.00; Investigation No. 614395; Regulated Entity No. RN105390637

Dear Mr. Sandoval:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the above-referenced project submitted to the San Antonio Regional Office by Jacobs Carter Burgess, Inc. on behalf of Laredo GFG Development, Ltd. on January 8, 2008. Final review of the WPAP was completed after additional material was received on February 19, 2008 and February 21, 2008. As presented to the TCEQ, the Temporary Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The proposed single family residential project will have an area of approximately 107.1 acres. It will include approximately 103 lots, with supporting streets, utilities, and infrastructure. The impervious cover will be 18.83 acres (17.6%). Project wastewater will be disposed of by on-site sewage facilities. According to a letter dated, December 21, 2007, signed by Robert Boyd, P.E., with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

PERMANENT POLLUTION ABATEMENT MEASURES

Since this single-family residential project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved. A detention pond is proposed on site to satisfy city requirements.

GEOLOGY

According to the geologic assessment included with the application, the center of the site is characterized by a grassy pasture in a low topographic area. The rest of the site is characterized by dense vegetation. The northwestern portion of the site is underlain by the Del Rio Clay, while the remainder of the site is underlain by the Buda Limestone.

According to the Geologic Assessment Table (TCEQ-0585) contained in the application there were six features identified on site. Three closed depressions, one solution cavity, and one inferred fault were all assessed as not sensitive. A water well (Feature S-2), not in use, was assessed as sensitive. The water well will be properly abandoned. The San Antonio Regional Office did not conduct a site assessment.

SPECIAL CONDITIONS

- I. The holder of the approved Edwards Aquifer WPAP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.
- II. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- III. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.
- IV. Since this project will not have more than 20% impervious cover, an exemption from permanent BMPs is approved. If the percent impervious cover ever increases above 20% or the land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g), may no longer apply and the property owner must notify the appropriate regional office of these changes.

STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested form (Deed

Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.

3. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
4. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from

potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. One well exist on site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
11. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
12. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
13. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.

After Completion of Construction:

14. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years

Mr. Carlos Sandoval
February 27, 2008
Page 5

from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Javier Anguiano of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4019.

Sincerely,



Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/JA/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

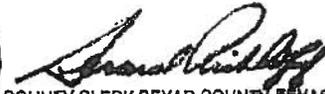
cc: Mr. Mark Kastner, P.E., Jacobs Carter Burgess, Inc.
Mr. Tom Hornseth, P.E., Comal County
The Honorable Jay F. Feibelman, City of Garden Ridge
Ms. Velma Reyes Danielson, Edwards Aquifer Authority
TCEQ Central Records, MC 212

Doc# 20080049498 Fees: \$40.00
03/11/2008 11:42AM # Pages 7
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAR 11 2008




COUNTY CLERK BEXAR COUNTY, TEXAS

SCANNED

Deed Recordation Affidavit
Edwards Aquifer Protection Plan



THE STATE OF TEXAS §

County of Bexar §



BEFORE ME, the undersigned authority, on this day personally appeared A. Bradford Crab who, being duly sworn by me, deposes and says:

- (1) That my name is Lorecia GFG Development, Ltd and that I own the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on Feb 27, 2008.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

[Signature]
LANDOWNER-AFFIANT



SWORN AND SUBSCRIBED TO before me, on this 0 day of March, 2008.

[Signature]
NOTARY PUBLIC

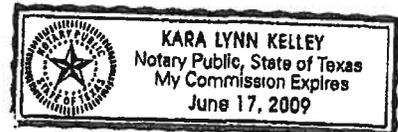
THE STATE OF Texas §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared A. Bradford Crab known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 0 day of March, 2008.

[Signature]
NOTARY PUBLIC



Typed or Printed Name of Notary

MY COMMISSION EXPIRES: _____

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2012

Ms. Sandra Johnson
Forest of Garden Ridge IV
18618 Tuscany Stone, Suite 100
San Antonio, Texas 78258

Re: Edwards Aquifer Protection Program, Comal County

NAME OF PROJECT: Forest of Garden Ridge Unit IV; located on Bat Cave Road near the intersection at Schoenthal Road, Garden Ridge ETJ, Texas

TYPE OF PLAN: Request for Extension of Time to Commence Regulated Activities Authorized by a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Edwards Aquifer Protection Program File No. 2753.05, Investigation No. 988955
Regulated Entity Number: RN105390637

Dear Ms. Johnson:

On February 14, 2012, the Texas Commission on Environmental Quality (TCEQ) received your request for an extension of time to commence regulated activities related to the above referenced WPAP approval. The request has been reviewed for compliance with 30 TAC §213.4(h) and §213.13 which set forth the procedures for requesting an extension of time to commence regulated activities authorized by the approval and was found to be in general agreement with these procedures. Therefore, the request for an extension to the term of approval for the referenced project is granted. A summary of the dates of approval and expiration is enclosed.

Date of Original Approval:	February 27, 2008
Date of Expiration:	February 27, 2010
Date Extension Request Received	Date of Extension Expiration
February 9, 2010	August 27, 2010
August 11, 2010	February 27, 2011

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

Ms. Sandra Johnson
March 21, 2012
Page 2

February 16, 2011	August 27, 2011
August 18, 2011	February 27, 2012
February 14, 2012	August 27, 2012

The request and fee were received in compliance with 30 TAC §213.4(h) and §213.13. As indicated in the rules, an extension may not be granted if the proposed regulated activity or approved plan for the regulated activity has changed. As understood, there will be no changes or modifications to the originally approved plan. This request for extension expires on August 27, 2012. Should construction not commence before the end of the six (6) month period, another request for extension would be required to keep the Edwards Aquifer Protection Plan validated.

If you have any questions or require additional information, please contact Yuliya Dunaway of the Edwards Aquifer Protection Program with the San Antonio Regional Office at (210) 490-3096.

Sincerely,



Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

MRV/YD/eg

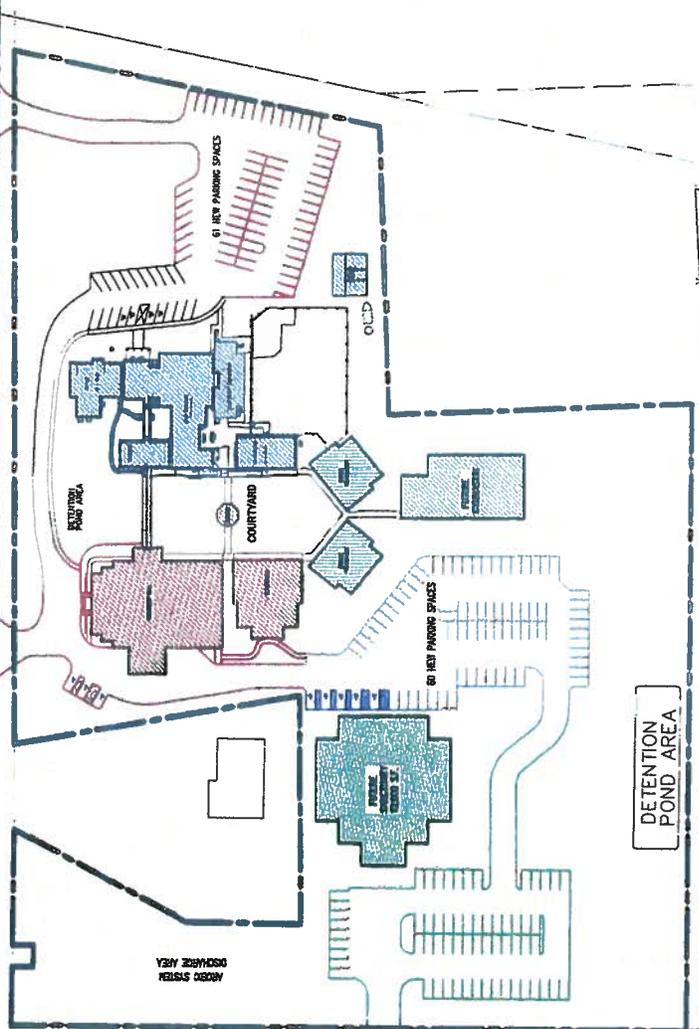
cc: Mr. Steven Granado, P.E., Jacobs Engineering
Mr. Roy Goddard, City of Garden Ridge
Mr. Tom Hornseth, P.E., Comal County
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, MC 212



EXHIBIT 3

BAT CAVE ROAD

TONKAWA PASS



TRIUMPHANT LUTHERAN CHURCH
 21315 BAT CAVE ROAD
 GARDEN RIDGE, TEXAS 78268



VACINITY MAP

- EXISTING BUILDINGS
- PROPOSED PHASE I BUILDINGS
- PROPOSED PHASE IA PARKING
- FUTURE BUILDINGS

SEPTEMBER 20, 2007

TRIUMPHANT LUTHERAN CHURCH - MASTER PLAN

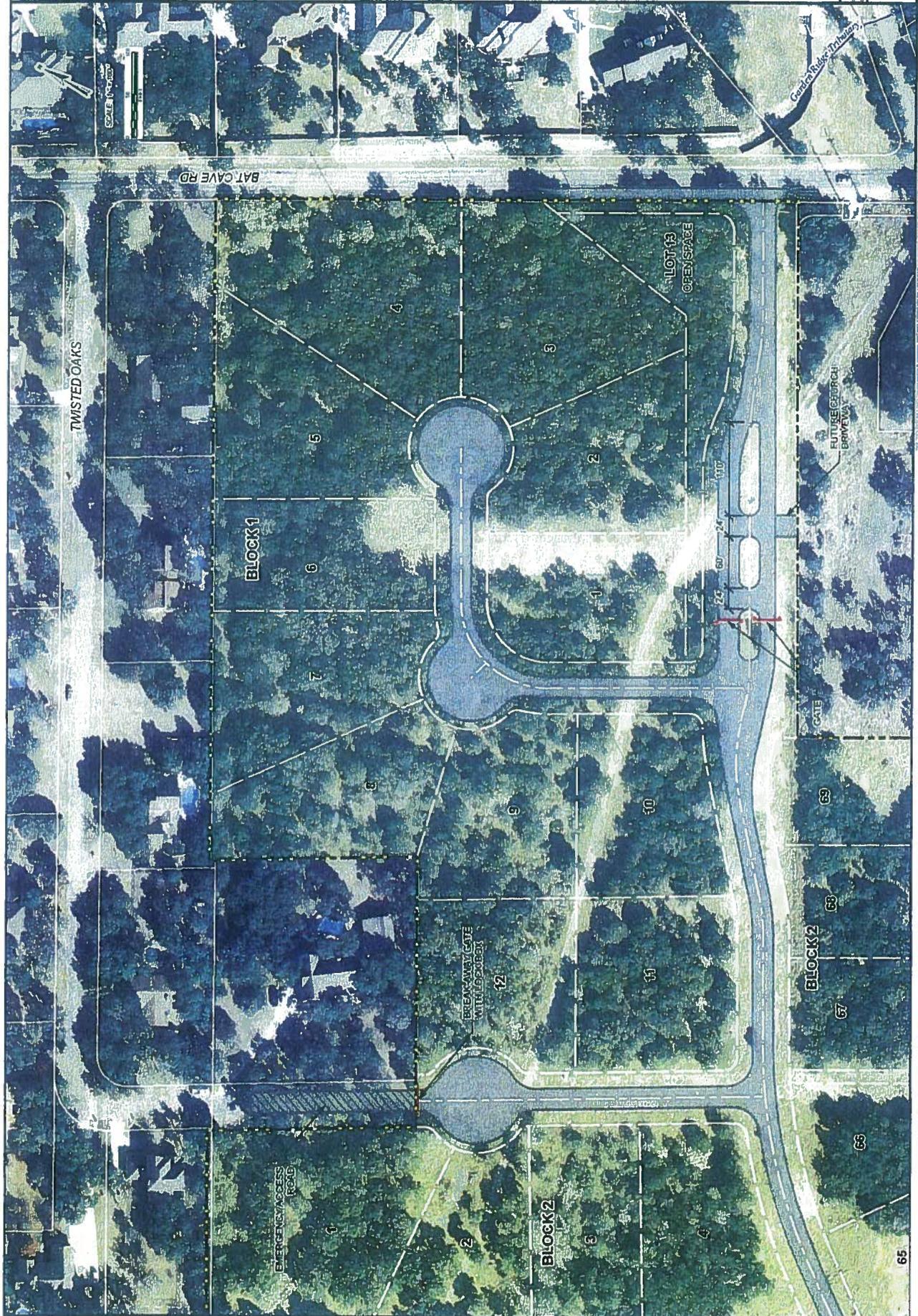


EXHIBIT 5

0490 0203
FILED FOR RECORD
1995 JAN 28 PM 1:56

Prepared by the State Bar of Texas for use by lawyers only. Reviewed
1-1-76. Revised to include grantee's address (art. 6626, RCS) 1-1-82.

275996

WARRANTY DEED WITH VENDOR'S LIEN
COUNTY OF COMAL STATE OF TEXAS
11.00pd

THE STATE OF TEXAS }
COUNTY OF COMAL } KNOW ALL MEN BY THESE PRESENTS:

That WE, ELEANOR HEIMER and husband, MELVIN HEIMER,
of the County of Comal and State of Texas for and in
consideration of the sum of -----
-----TEN AND NO/100-----
----- DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which
is hereby acknowledged, and the further consideration of the execution and delivery by Grantees
herein of their note of even date herewith for \$50,000.00, payable to ELEANOR HEIMER and
husband, MELVIN HEIMER, Grantors herein, in monthly installments, as therein provided;

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed
of trust of even date herewith to CALVIN E. MANSELL Trustee,
have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto
LOUIS G. WEHMAN and wife, JERRY A. WEHMAN
of the County of Comal and State of Texas, all of the following described real
property in Comal County, Texas, to-wit:

27443

0490 0204

A 0.990 acre tract of land out of the C.P.O. Hanlon Survey No. 72, Abstract No. 253, and also being out of the Eastern portion of a tract called 160.0 acres conveyed to Elenor Heimer, et vir, by Deed recorded in Volume 95, Page 114 of the Deed Records of Comal County, Texas, and being more particularly described in a field note description attached hereto as EXHIBIT A for further description.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee s, their heirs and assigns forever; and we do hereby bind ourselves and our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee s, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Current taxes on said property have been prorated and payment thereof is assumed by Grantees.

EXECUTED this 24th day of January, A. D. 19 86.

Eleanor Heimer
ELEANOR HEIMER
Melvin Heimer
MELVIN HEIMER

Mailing address of each grantee:

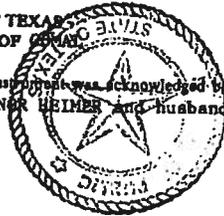
Name: LOUIS G. WEHMAN
Address: X Rt. 3, Box 519 AA
San Antonio, Texas 78218

Name: JERRY A. WEHMAN
Address: X Rt. 3, Box 519 AA
San Antonio, Texas 78218

0490 0205

(Acknowledgment)

STATE OF TEXAS
COUNTY OF *COMAL*



This instrument was acknowledged before me on the
by ELEANOR HEIMER and husband, MELVIN HEIMER.

24th day of *January*, 19 *86*
Lenise Brown
Notary Public, State of Texas
Notary's name (printed): LENISE BROWN
Notary's commission expires: MY COMMISSION EXPIRES
MAY 31, 1988

(Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the
by

day of , 19

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the
by

day of , 19

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the
by
of

day of , 19

a corporation, on behalf of said corporation.

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:
Calvin E. Mansell
Attorney at Law
Rt. 3, Box 972
San Antonio, Texas 78218

0490 0206

STATE OF TEXAS
COUNTY OF COMAL

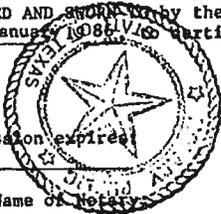
KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on the date set out below, personally appeared ELEANOR HEIMER, to me well known, who after being by me duly sworn upon oath did depose and state the following:

"My name is ELEANOR HEIMER and I am the Grantor, together with my husband, MELVIN HEIMER, in the above and foregoing Deed. I hereby state and affirm that I am one and the same person sometimes referred to as and known as ELENOR HEIMER, ELNORA HEIMER, and/or ELEONORA HEIMER."

Eleanor Heimer
ELEANOR HEIMER, Affiant

SUBSCRIBED AND SWORN TO by the said ELEANOR HEIMER, this 27th day of January, 1988, at 11:30 o'clock, P.M., and I hereby certify which witness my hand and seal of office.



Lenise Brown
Notary Public in and for the
State of Texas

My commission expires _____

Printed Name of Notary

LENISE BROWN

~~MY COMMISSION EXPIRES~~

MAY 31, 1988

BEGINNING: At a fence post in the Southwest line of Bat Cave Road, for the most Easterly corner of this tract, said point being the North corner of a 4.667 acre tract conveyed to the Triumphant Lutheran Church by Deed recorded in Volume 295, page 570 of the Deed Records of Comal County, Texas, said 4.667 acre tract being out of the above referenced 160.0 acre tract;

THENCE: S 50° 19' 49" W 269.33 feet, along an existing chain link fence, with the Northwest line of said 4.667 acre tract, to an iron pin set in same for the South corner of this tract;

THENCE: N 30° 28' 04" W 212.13 feet to an iron pin set for the West corner of this tract;

THENCE: N 60° 44' 30" E 106.05 feet to an iron pin set for a corner of this tract;

THENCE: N 88° 12' 47" E 181.81 feet to an iron pin set in a chain link fence on the Southwest line of Bat Cave Road, for the Northeast corner of this tract;

THENCE: S 30° 00' 00" E 79.73 feet, along said chain link fence and the Southwest line of said Bat Cave Road, to the Point of Beginning and containing 0.990 acres of land, more or less.

SUBJECT TO the following matters, to the extent same are in effect at this time: any and all restrictions, covenants, conditions, easements, mineral leases and reservations, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State.

0490 0207

0490 0207

EXHIBIT "A"

M. H.
E. H.



BRACKEN VOLUNTEER FIRE DEPARTMENT

EXHIBIT 6

(210) 651-5762

23600 FM 3009 · SAN ANTONIO, TX 78266

05/18/2012

City of Garden Ridge
Planning and Zoning

Regarding: Forest of Garden Ridge IV Master Plan

After discussing the subdivision's Street Master Plan with Bert Wellman it is the fire department's recommendation that the intersections be constructed with 30' interior radius corners to ensure that our apparatus can maneuver through the subdivision with traffic and/or street parking due to the street widths.

We also recommend that an emergency access route be provided off of Twisted Oaks to provide secondary access to the subdivision in the event the main entrance is unusable.

If you have any questions or comments, please call me.

Best regards,

William J. Anz
Assistant Chief

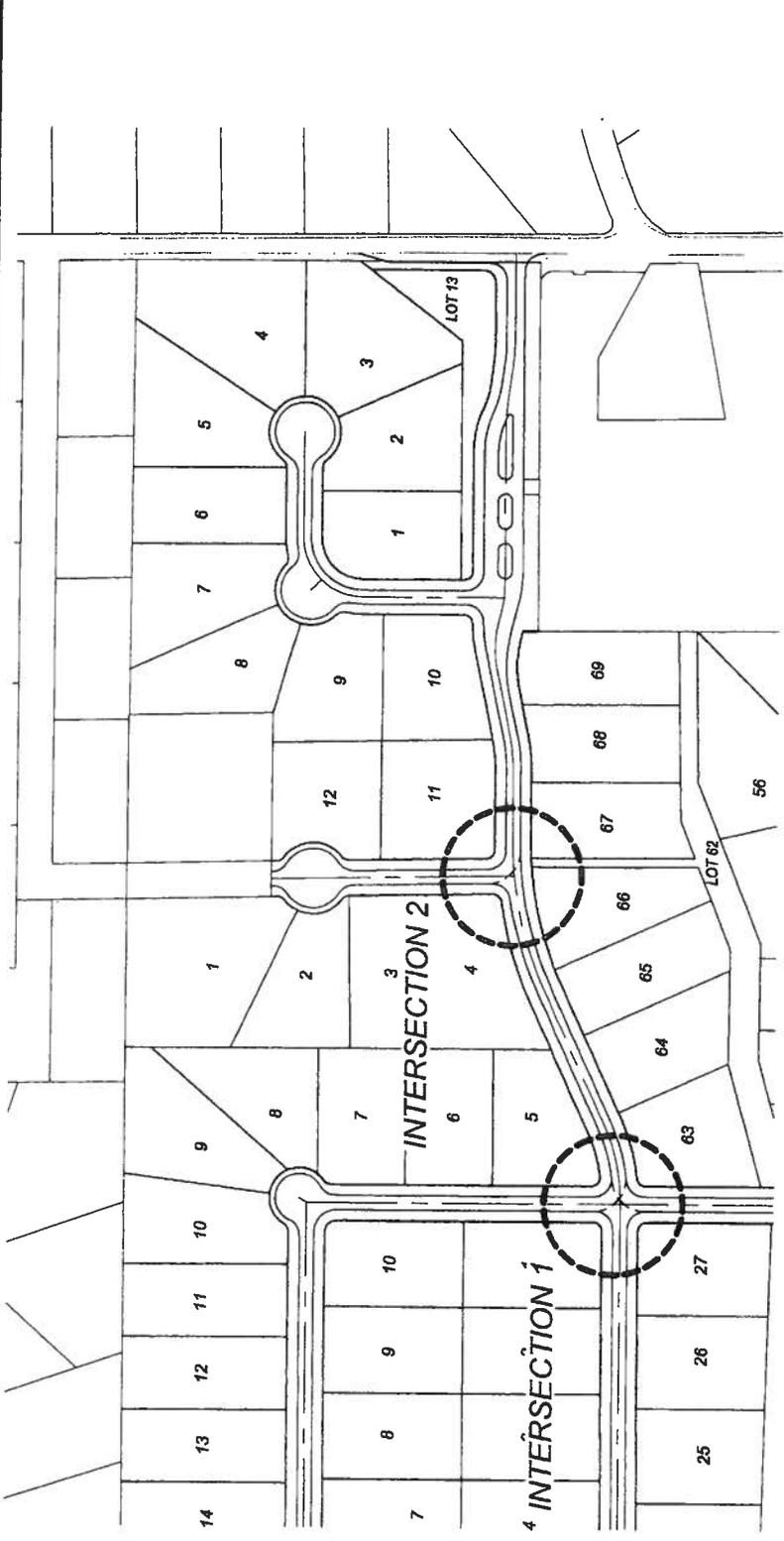
cc: Bert Wellman, KFW Engineers



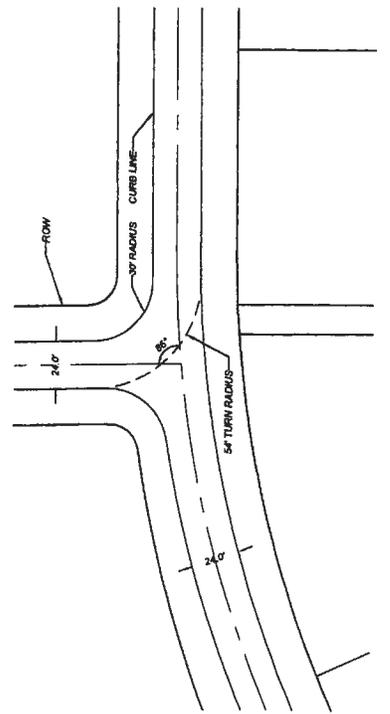
DATE: 04/18/13
DRAWN BY: JMM
CHECKED BY: JMM
SCALE: AS SHOWN

FOREST OF GARDEN RIDGE IV INTERSECTION EXHIBIT

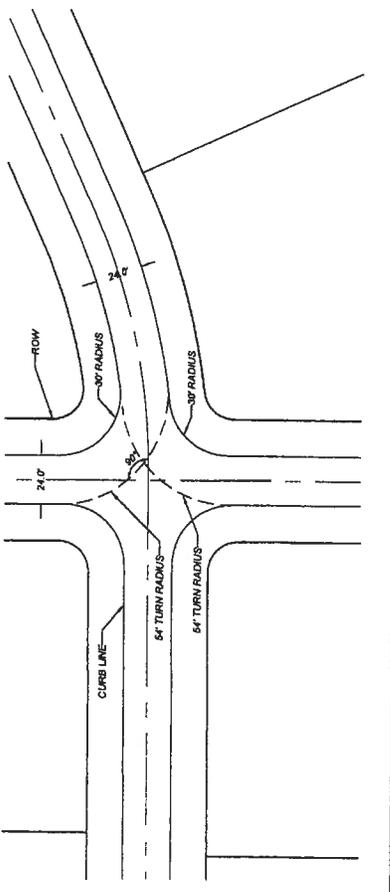
SHEET NO. 7
EX. 7



INTERSECTION 2



INTERSECTION 1



THIS DOCUMENT HAS BEEN PREPARED FROM MATERIAL THAT HAS BEEN TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN MODIFIED. IT IS THE USER'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



BRACKEN VOLUNTEER FIRE DEPARTMENT

(210) 651-5762

23600 FM 3009 - SAN ANTONIO, TX 78266

05/04/2012

City of Garden Ridge
Planning and Zoning

Regarding: Forest of Garden Ridge IV Master Plan

The subdivision's street master plan looks acceptable to the fire department. Our only concern is that the intersection be constructed with 50' radius corners to ensure that our apparatus can maneuver through the subdivision with traffic due to the street widths. This is especially important for the streets that intersect at less than 90 degrees.

If you have any questions or need any more information please call.

Best regards,

William J. Anz
Assistant Chief

City of Garden Ridge

Policy on Leasing Water

July 2012

WHEREAS, The City of Garden Ridge and South Texas are experiencing significant growth, and as a semi-arid area of Texas, water supplies continually struggle to meet current demands of the populace, it shall be the policy of the City of Garden Ridge, Texas to retain all water rights and to refuse any requests for leases, selling or giving of water rights owned by the City so as not to jeopardize current water assets. Without significant rationale no actions in this regard to the City's water supply shall be approved. As with any water related matter the Water Commission may review such requests with recommendation forwarded to the City Council for final determination. Water lease agreements now in effect shall be reviewed as agreement expirations occur.

Recommended by City Water Commission: June 26, 2012

Approved by City Council:

ORDINANCE NO. 168-072012

AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS AUTHORIZING CITY EMPLOYEES TO USE GOLF CARTS ON CERTAIN PUBLIC STREETS; AUTHORIZING MEMBERS OF THE PUBLIC TO USE GOLF CARTS ON CERTAIN PUBLIC STREETS ONLY WHEN SUCH USE IS IN PARTICIPATION OF THE CITY SPONSORED ANNUAL 4TH OF JULY PARADE; AND PROVIDING FOR AN EFFECTIVE DATE; REPEALER CLAUSE; PREEMPTION CLAUSE; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, Texas Transportation Code Section 551.404 authorized the governing body of a municipality to allow an operator to operate a golf cart on all or part of a public highway that is in the corporate boundaries of the municipality and has a posted speed limit of not more than 35 miles per hour; and,

WHEREAS, for the purposes of Texas Transportation Code Section 551.404 the terms "Golf Cart" and "public highway" have the meanings assigned by Texas Transportation Code Section 502.001

WHEREAS, Council finds that it is beneficial to the environment, cost effective for the City and safe to allow City, employees, under the supervision of the city administrator, to use golf carts on those public streets within the City that have a posted speed limit of not more than 35 miles per hour where such use is pursuant to official city business; and

WHEREAS, Council finds it to be a risk to the health, safety and general welfare of the public at large to authorize members of the general public to use golf carts on those public streets within the City except to participate in the City sponsored annual July 4th parade; and

WHEREAS, Council finds that sufficient safety precautions shall be taken to allow members of the public to operate golf carts in the City sponsored annual July 4th parade; and

WHEREAS, Council finds that Golf Carts should not be operated on any public highway within the corporate boundaries of the municipality in a manner contrary to the provisions of this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

I. SECTION ONE.

Pursuant to Texas Transportation Code Section 551.404, the City of Garden Ridge, Texas, authorizes:

- a) City Employees to use Golf Carts or Utility Vehicle on all or part of a public highway that is in the corporate boundaries of the municipality and that has a posted speed limit of not more than 35 miles per hour when such use is in furtherance of the employees' official duties and is authorized by the City Administrator or the City Administrator's designee; and
- b) members of the public to use Golf Carts on all or part of a public highway only when such use is in participation of the City sponsored annual 4th of July Parade.

II. SECTION TWO.

Pursuant to Texas Transportation Code Section 551.404 (b), any Golf Cart or Utility Vehicle operated pursuant to the authority of this Ordinance on all or part of a public highway section must have the following equipment:

- a) headlamps;
- b) tail-lamps;

- c) reflectors;
- d) parking brake; and
- e) mirrors.

VIII. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

IX. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

X. PREEMPTION

Should any State or Federal law be enacted which prohibits the enforcement of this ordinance in its entirety than this ordinance shall automatically be repealed.

XI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

V. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this the 3rd day of July, 2012.

CITY OF GARDEN RIDGE, TEXAS

JAY F. FEIBELMAN, MAYOR

ATTEST:

SHELLY GOODWIN, CITY SECRETARY

Approved as to form:

GEORGE E. HYDE, CITY ATTORNEY

STATE OF TEXAS

COUNTY OF COMAL

CITY OF GARDEN RIDGE

**AGREEMENT INCIDENT TO TERMINATION OF THE COMMUNITY
INFRASTRUCTURE & ECONOMIC DEVELOPMENT (CIED) FUND PROGRAM**

This Agreement is entered into by and between the City of Garden Ridge, Texas, (“CITY”) acting herein by City Administrator, Nancy Cain, under the direction, approval, and authorization of the Mayor and City Council of the CITY; and City Public Service (“CPS Energy”) acting herein by Doyle N. Beneby, Chief Executive Officer, under the direction, approval and authorization of the Board of Trustees of CPS Energy.

WHEREAS; The CPS Energy Community Infrastructure and Economic Development Fund (“CIED Fund”) was established by the CPS Energy Board of Trustees (“Board”), by way of the CIED Fund Policy (“Policy”), in order to benefit the community and improve the quality of life of CPS Energy’s customers through support of electric system improvements that have public safety and public welfare benefits to customers of its systems, and other investments, consistent with electric system objectives, that support CPS Energy’s commitment to embrace emerging energy sources from distributed renewable sources and promote energy efficiency, conservation and environmental stewardship.

WHEREAS; On January 30, 2012, the Board resolved to terminate the CIED Fund and directed CPS Energy staff to enter into discussions with the affected Political Subdivisions for the development of a lawful mechanism by which to distribute each Political Subdivision’s unearmarked funds from the CIED Fund.

WHEREAS; The CITY is an affected Political Subdivision and thus, CPS Energy and the CITY have engaged in discussions and have agreed on the process outlined in this Agreement by which to accomplish the transferring of monies in the CIED Fund to the CITY.

WHEREAS; the parties agree as follows:

SECTION 1. *CIED Fund Program Balance*

The City’s final CIED Fund balance in the CIED Fund is \$423,184.64 (“CIED Fund Balance”), of which \$ 90,000.00 has been previously earmarked for projects meeting the requirements of the Policy (“Disbursable Amount”).

SECTION 2. Disbursement and Use of the Disbursable Amount.

The CITY shall be entitled to receive the Disbursable Amount in the following way:

The City shall receive quarterly, on or about the fifteenth (15th) day of the month following completion of a calendar quarter beginning after execution of this Agreement by both parties an amount equal to 25% of the total Disbursable Amount, until the Disbursable Amount reaches zero dollars, as reflected in more detail on Schedule A. The Disbursable Amount payments shall be made by wire transfer, or by a means mutually agreed upon by the parties, to the CITY's bank account in the same manner as the quarterly franchise fee payments are currently paid. Any City with ongoing projects, upon execution of this Agreement for which CIED Funds have been earmarked, will not receive the final disbursement of the Disbursable Amount until such time as the project(s) have been certified as completed.

The City shall use its best commercial efforts to use the Disbursable Amount funds in a manner consistent with the purposes expressed in the Policy including but not limited to, energy efficiency and conservation projects, overhead electric line conversions, renewable distribution projects, upgraded streetlighting, and economic development involving new facility construction.

The funds remaining in the CITY's CIED fund account by reason of being previously earmarked for qualified projects shall remain in the CIED Fund and be paid in accordance with the Policy and applicable ordinance from the CITY authorizing the CIED Fund project.

SECTION 3. *Reporting*

Upon request by the City, CPS Energy shall provide the City with an accounting of the payments made to the City and the balance of the remaining Disbursable Amount, if any.

SECTION 4. *Severability*

In case any provision in this Agreement or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby.

SECTION 5. *Construction*

This Agreement reflects the combined efforts of the parties and their attorneys and shall not be construed against any party on account of the preparation hereof by such party or its attorneys. The Section and subsection headings herein are for convenience only and shall not affect the construction or terms hereof.

SECTION 6. *Limited Obligations*

The CITY acknowledges and agrees that, in accordance with applicable law, (a) the obligations of CPS Energy under this Agreement are payable solely from and to the extent of revenues of its gas and electric utility systems, (b) the obligations of CPS Energy hereunder shall never constitute a pledge of the City of San Antonio's taxing powers or be payable from funds raised or to be raised by taxation, and (c) recovery of any claims arising out of the failure of CPS

Energy to observe or perform any of duty or obligation imposed upon it hereby shall be limited solely to the revenues of CPS Energy's gas and electric utility systems.

SECTION 7. *Coordination of Benefits and Terms.*

If after execution of this Agreement, the method or timing for disbursement of the Disbursement Amount described in Section 2 is modified in another Political Subdivision's CIED Fund termination agreement, the CITY and CPS Energy agree to enter into discussions regarding the merit of amending this Agreement to reflect a revised Section 2 that is consistent with the other Political Subdivision's agreement.

SECTION 8. *Venue*

Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision hereof shall be instituted only in the state district courts sitting in the County of Bexar, Texas.

SECTION 9. *Entire Agreement*

This Agreement embodies the entire agreement of the parties in respect of the subject matter hereof. There are no promises, terms, conditions, or obligations of the parties in respect of the subject matter hereof except those contained in this Agreement. This Agreement supersedes all previous communications, representations, and agreements, either verbal or written, between or among the parties in respect of the subject matter hereof. Each party acknowledges and represents that no representation or opinion of fact or law was made by or on behalf of any other party hereto to induce it, and it relied on no such representation or opinion in determining, to enter into this Agreement.

SECTION 10. *Binding Effect; Benefits*

Nothing in this Agreement, express or implied, shall give to any person or entity, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim under this Agreement, and it is not the intention of any party hereto to confer third-party beneficiary rights upon any other person or entity, including, without limitation, any taxpayer or customer thereof. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors.

SECTION 11. *Notice*

Unless otherwise specifically provided herein, any request, demand, authorization, direction, notice, consent, waiver, or other document by or from any party hereto provided to be made, given or furnished to, or filed with any other party hereto shall be sufficient for every purpose hereunder if made, given, furnished, or filed in writing to or with such party in writing mailed, first-class postage prepaid, to and received by such party addressed to it at the address and to the attention stated below receipt confirmed, or at such other address or attention or to such other number furnished in writing to the other parties hereto by such party.

If to the City:

If to CPS Energy

Nancy Cain
City Administrator
City of Garden Ridge
9400 Municipal Pkwy
Garden Ridge, Texas 78266
Email: administrator@ci.garden-ridge.tx.us

John Leal (MC 110905)
Sr. Mgr., Local Gov't Relations
CPS Energy
P. O. Box 1771
San Antonio, Texas 78296
jcleal@cpsenergy.com

SECTION 12. Due Authorizations

Each party hereto acknowledges, has officially found, determined, and declared, and represents to the other party hereto that its governing body has duly authorized and approved the execution, delivery, and performance of this Agreement, and that all acts and proceedings done by staff consistent with and in furtherance of the intent of this Agreement are ratified, approved and validated.

EXECUTED and EFFECTIVE the _____ day of _____, 2012.

CITY OF GARDEN RIDGE

CPS ENERGY

By: _____

By: _____

NANCY CAIN
City Administrator

DOYLE BENEBY

President and Chief Executive Officer

ATTEST:

ATTEST:

By: _____

By: _____

Community Infrastructure & Economic Development (CIED) Fund Program Termination

City of Garden Ridge

Schedule A

Effective Date: _____

Final Balance on Page 1: \$423,184.64

Earmarked Funds: \$90,000.00

Disbursable Amount: \$333,184.64

Payment #	%	Approximate Payment Date	Payment amount	Balance after payment
1	25	Aug 15, 2012	\$ 83,296.16	\$ 249,888.48
2	25	Nov 15, 2012	\$ 83,296.16	\$ 166,592.32
3	25	Feb 15, 2013	\$ 83,296.16	\$ 83,296.16
4	25	May 15, 2013	\$ 83,296.16	\$ 0.00

****Earmarked amount is for funds held by CPS Energy until such time the street light CIED Fund project is completed. The estimated completion date is June 2012. If the final charges exceed the \$90,000.00, the City of Garden Ridge is responsible for remittance to CPS Energy. If the payout described above has not been completed, the "payout" funds may be used for remittance to CPS Energy. If the final charges are below the earmarked amount, those funds will be added to the disbursable amount and paid in addition to the payout described above.**

BEXAR METRO

9-1-1 Network District

MEMORANDUM

TO: County Judges and City Mayors
FROM: W. H. Buchholtz, Executive Director
SUBJECT: Fiscal Year 2013 *Proposed* Budget
DATE: June 1, 2012

Enclosed for your review and comment is the Bexar Metro 9-1-1 Network District's *Proposed* Fiscal Year 2013 Budget.

Please address your written comments to the Chairman of the Board at the address on the bottom of this memorandum. The Bexar Metro Board will review your comments, make changes as necessary, and *adopt* the Fiscal Year 2013 Budget at the board meeting scheduled on August 8, 2012. Please forward your comments to ensure arrival at the Bexar Metro office no later than 4:00 p.m. on August 3, 2012.

Enclosed is a post card to facilitate your response. The contents of this post card are consistent with the provisions of the Texas Health & Safety Code, Chapter 772.309, which enables each participating jurisdiction to either approve or disapprove the Bexar Metro Fiscal Year 2013 Budget. Should a jurisdiction choose to take no action, budget approval is by operation of law on the sixty-first day following the jurisdiction's receipt of the proposed budget.

Please call me if you have questions or require further information or clarification.

Sincerely,



W. H. Buchholtz
Executive Director



Bexar Metro 9-1-1 Network District

Fiscal Year 2013 Budget

PURPOSE: The purpose of this document is to obtain consensus approval of the district's Fiscal Year 2013 operational and financial plans by the district's board of directors and the governing bodies of the thirty-seven participating jurisdictions; and provide the continuing operational and fiscal authority necessary for the staff to aggressively establish and maintain a "world-class" 9-1-1 system.

AUTHORITY: The authority for the Bexar Metro 9-1-1 Network District is the Texas Health and Safety Code, Chapter 772, Subchapter D, Section 772.301—formerly Vernon's Annotated Civil Statutes Article 1432e, as approved by the Texas 69th Regular Legislative Session in Senate Bill 750 on May 21, 1985; and subsequently approved by a local election on January 17, 1987. This legislation's purpose is to enable the provision of affordable, high quality, countywide Enhanced 9-1-1 service through implementation of emergency communication districts.

MANAGEMENT: A governing board of directors, appointed according to criteria in the enabling legislation, establishes policy and provides oversight of the district. The board members and their appointing authority include:

<u>Member</u>	<u>Authority</u>
James C. Hasslocher (Chair)	Bexar County
Stephen R. Schneider	Bexar County
Sherman Krause	Comal County
Dudley Wait	Guadalupe County
Heberto Gutierrez	City of San Antonio
Steven J. Jewell	City of San Antonio
Cathy C. Talcott	City of New Braunfels
Jerry R. Kneupper	Member at Large
Principal Service Provider (Non-Voting)	Vacant

To implement board policy and to manage the conduct of day-to-day operations, the board of directors appointed W. H. Buchholtz as Executive Director.

MISSION: The district's mission is to deploy and maintain a state-of-the-art 9-1-1 emergency communication system that enables citizens in distress to quickly communicate their request for police, fire, or emergency medical assistance; and to ensure member jurisdictions have the appropriate 9-1-1 tools necessary to efficiently and accurately receive and process those requests.

RESPONSIBILITY: To successfully accomplish the mission, the district must deploy and manage a technology neutral network that routes all 9-1-1 requests to the appropriate answering and responding jurisdiction; create and maintain a time-sensitive, highly accurate database that displays the location, callback number, and owner's name of the specific

instrument used to call 9-1-1; procure, install, and maintain the specialized 9-1-1 equipment utilized by each authorized answering and responding jurisdiction; coordinate with municipal and jurisdictional addressing authorities to ensure the database contains accurate, standardized, and logical location information to ensure each citizen is easily and quickly locatable during time critical emergencies; and construct, deploy, and maintain a spatially accurate geographic digital map to support location determination technologies and enhance computer aided dispatch systems.

FUNDING: The district's source of revenue is the 9-1-1 emergency service fee applied to specified telephone access lines located in Bexar, Comal, and Guadalupe Counties. The Texas Health and Safety Code, Chapter 772, Section 772.314, authorizes the board to impose a 9-1-1 emergency service fee not exceeding six percent of the monthly base rate charged by the principal service supplier. The fee applies to all residential lines and up to the first one hundred business lines at one location. The fee does not apply to state and federal lines. Each year the board calculates the amount of the fee in conjunction with development and approval of the annual budget. By law, the fee has uniform application in each participating jurisdiction and must generate revenue sufficient to match current and projected operational expenses directly related to the district's mission and responsibilities, as well as providing reasonable reserves for contingencies and equipment replacement.

The board of directors initially established the emergency service fee on March 6, 1987, and it remains unchanged. The Fiscal Year 2013 emergency service fee is:

Residential Lines	\$ 0.22
Business Lines	\$ 0.51
Business Trunks	\$ 0.77
Nomadic VoIP	\$ 0.50

In addition to fees assessed on wireline telephones, the district also receives an emergency service fee from each wireless access line in the district. This monthly fee, set by Texas law at \$0.50 per line, recognizes that the wireless telephone is a link to 9-1-1 services and a wireless telephone user should therefore share a portion of the financial burden for provisioning the network. It also is in recognition of the cost recovery mechanism required to defray a fair and reasonable portion of the network infrastructure expense the wireless providers incur in meeting the federal mandate for wireless Enhanced 9-1-1. The current fee structure is adequate to support programmed spending in Fiscal Year 2013.

OVERVIEW: The journey began in January 1987. During the intervening years, we progressed from Basic 9-1-1 through Enhanced 9-1-1 and three phases of wireless to VoIP. We designed and created the Geographic Information System that is now the backbone of our call delivery system. We installed and managed various iterations of Customer Premise Equipment culminating in the current state-of-the-art IP equipment. Our Call Delivery network has grown in features and functionality concurrent with the technology explosion and complexity of emergency communication. Now, as we stand on the threshold of the Next Generation, nearly all the pieces are in place: a fully redundant high-speed fail-safe optical IP network ties the new SAPD/SAFD PSAPs, the BCSO PSAP, and the REOC together with two

fully redundant and geographically separated control facilities; a dedicated IP copper network connects each of the remaining PSAPs serving all other jurisdictions—with optical fiber scheduled to complement the copper in late 2012; and a District-wide MPLS network scheduled for implementation in 2012. Perhaps the best news is that we paid cash for all of this development and expansion using the service fee structure established in 1987. Finally, in the not-too-distant future we will apply the final touch and become truly survivable by incorporating a backup facility into the network. The journey has not been without obstacles and pitfalls, but the result is one of the most capable emergency communication systems in the country.

The Fiscal Year 2013 budget is comprised of operations and maintenance expense, facilities projects, and capital reserve. Most importantly we will continue to focus on our most critical resource—our employees. We plan to increase funding to our personnel account to enable salary adjustments and to defray increases in health care premiums; and as we have for the past several years, we will set-aside \$250 thousand for a year-end lump sum TCDRS contribution to mitigate a decline in investment return. Last year this action enabled the District to retain a fully funded (102%) pension rate. The remaining outstanding item in our strategic survivability plan is the alternate physical facility; and while not wholly satisfactory, we plan to acquire a transportable facility as a near-term solution. Consequently, the previously authorized \$15 million for a survivable physical facility, the \$1.5 million for a mobile capability, and the remaining \$1.5 million for PSAP Cost Share will roll forward to Fiscal Year 2013.

EXPENDITURES: The Fiscal Year 2013 budget total is \$12,561,000. The budget total includes \$7,757,284 for operations and maintenance (O & M); \$750,000 for capital improvements; and \$4,053,716 for capital recovery. O & M supports current operations; capital improvements support headquarters facility projects including parking lot maintenance; UPS and generator upgrades, and HVAC system replacement; and capital recovery is reserve accumulation. The district has zero debt (it operates in a cash-and-carry, net 30 mode) and is not authorized to incur debt. Therefore, capital recovery is an expense item into reserves to ensure the timely availability of sufficient funds necessary for technology advancement, modernization, and general equipment replacement. Projected revenue fully funds the O & M and new capital improvements, while continuing to invest in reserves. This budget matches projected revenue and expense as required by Texas law. To ensure responsiveness and operational flexibility, the Executive Director may authorize the transfer of funds among budget line items as long as the overall annual budget amount remains unchanged. This budget does not necessitate an adjustment to the current emergency service fee; and based on known and projected requirements, a near-term adjustment to the emergency service fee, provided capital recovery remains fully funded, is not projected.

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Proposed Fiscal Year 2013 Budget

Income

Wireline Service Fees	\$ 3,000,000
Wireless Service Fees	\$ 9,500,000
Interest Earned	\$ 60,000
Miscellaneous	\$ 1,000
Total Available Funds	\$ 12,561,000

Proposed Fiscal Year 2013 Operations & Maintenance

Expense

Personnel	\$ 1,617,284
Operations	\$ 5,500,000
Facilities	\$ 60,000
Education & Training	\$ 80,000
Contingencies	\$ 500,000
Total O & M Expense	\$ 7,757,284

Proposed Fiscal Year 2013 Capital Budget

Facilities Projects	\$ 750,000
Capital Reserve	\$ 4,053,716
Total Capital Expense	\$ 4,803,716

Total FY 2013 Budget \$ 12,561,000

BEXAR METRO 9-1-1 NETWORK DISTRICT

By: 
Name: James C. Hasslocher
Title: Chairman
Date: May 30, 2012

Bexar Metro 9-1-1 Network
Fiscal Year 2013 Budget
October 1, 2012 through September 30, 2013

Current as of March 31, 2012

	Category	FY 2012 Budget	FY 2012 Projected	FY 2013 Budget
Revenue	Wireline Fees	\$ 3,000,000	\$ 2,919,737	\$ 3,000,000
	Wireless Fees	\$ 9,500,000	\$ 9,334,361	\$ 9,500,000
	Interest	\$ 75,000	\$ 53,008	\$ 60,000
	Miscellaneous	\$ 1,000	\$ 1,000	\$ 1,000
	Total Revenue	\$ 12,576,000	\$ 12,308,106	\$ 12,561,000
	Reserve Transfer	\$ 11,000,000	\$ 6,941,212	\$ 0
	Total Available Funds	\$ 23,576,000	\$ 19,249,318	\$ 12,561,000
Expense	Personnel	\$ 1,593,922	\$ 1,414,786	\$ 1,617,284
	Operations	\$ 4,300,000	\$ 2,146,291	\$ 5,500,000
	Facilities	\$ 80,000	\$ 49,950	\$ 60,000
	Education & Training	\$ 100,000	\$ 76,216	\$ 80,000
	Contingencies	\$ 500,000	\$ 250,000	\$ 500,000
	Total O&M	\$ 6,573,922	\$ 3,937,243	\$ 7,757,284
Capital	Expense	\$ 17,000,000	\$ 7,483,561	\$ 750,000
	Reserve	\$ 2,078	\$ 7,828,514	\$ 4,053,716
	Total Capital	\$ 17,002,078	\$ 15,312,075	\$ 4,803,716
	Total Expense	\$ 23,576,000	\$ 19,249,318	\$ 12,561,000

SCOTT WATSON
CHAIRMAN

DAN KRUEGER
VICE CHAIRMAN

GARY BOLDT
SECRETARY

COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE
NEW BRAUNFELS, TX 78130

CURTIS KOEHLER
CHIEF APPRAISER

JAMES BOWER
MEMBER

CRAIG HALL
MEMBER

CATHY C. TALCOTT
MEMBER

June 12, 2012

Mayor Jay Feibelman
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

RE: 2013 Approved Comal Appraisal District Budget

Please find enclosed the 2013 Comal Appraisal District budget that was approved at the Board of Directors' Formal Budget Hearing on June 11, 2012.

This budget will take effect automatically; however, section 6.06(b) of the Texas Property Tax Codes states, "if a majority of the governing bodies of the taxing entities entitled to vote on the appointment of board members adopt resolutions disapproving the budget and files them with the secretary of the board within 30 days after its adoption, the budget does not take effect; and the board shall adopt a new budget within 30 days of the disapproval."

If you have any questions or would care to discuss the enclosed budget, please contact any board member or Curtis Koehler.

Sincerely,



Gary Boldt
Secretary, Board of Directors

Enclosure

**COMAL APPRAISAL DISTRICT
2013 APPROVED BUDGET**

2012 ADOPTED BUDGET		Acct #	2013 APPROVED BUDGET	
Employee Expenses	1,383,877.03	7099	Employee Expenses	1,531,316.51
Office Lease	26,527.74	7200	Office Mortgage	26,527.74
Telephone & Utilities	22,661.56	7300	Telephone & Utilities	25,600.00
Education	15,000.00	7400	Education	14,000.00
Directors Expense	3,000.00	7450	Directors Expense	500.00
Dues & Subscriptions	6,000.00	7500	Dues & Subscriptions	6,000.00
Advertisements	3,000.00	7600	Advertisements	2,000.00
Deeds & Mapping	98,717.50	7700	Deeds & Mapping	97,833.50
Capital Expenses	14,000.00	7800	Capital Expenses	20,500.00
Maintenance	5,000.00	7900	Maintenance	5,000.00
Office Supplies/Forms	12,275.00	8000	Office Supplies/Forms	13,175.00
Postage	33,650.00	8200	Postage	33,150.00
Copier/Printing Paper	7,200.00	8300	Copier/Printing Paper	6,200.00
Vehicle Allowance & Mileage	32,400.00	8400	Vehicle Mileage	25,000.00
Data Processing	91,932.50	8500	Data Processing	96,397.50
Contract Services	92,530.00	8600	Contract Services	93,530.00
Insurance & Bonding	8,200.00	8700	Insurance & Bonding	8,200.00
Appraisal Review Board	71,000.00	8900	Appraisal Review Board	69,000.00
Contingency	<u>10,000.00</u>	9001	Contingency	<u>10,000.00</u>
TOTAL	\$1,936,971.33		TOTAL	\$2,083,930.25
ADOPTED 2012 BUDGET	\$1,936,971.33		APPROVED 2013 BUDGET	\$2,083,930.25

TAXING UNIT	2012 Budget Contribution	2011 Tax Levy	% of Budget	2013 BUDGET CONTRIBUTION
Comal ISD	1,024,948.54	\$106,901,853.71	0.52539	1,094,870.32
Comal Co	333,403.39	35,062,180.83	0.17232	359,100.80
New Braunfels ISD	309,000.38	32,015,343.12	0.15734	327,895.62
City of New Braunfels	135,691.89	15,350,002.07	0.07544	157,212.07
Emergency Serv Dist #1	18,865.09	2,094,624.35	0.01029	21,452.78
Emergency Serv Dist #3	20,370.70	2,020,840.73	0.00993	20,697.10
City of Schertz	13,062.24	1,515,724.40	0.00745	15,523.79
City of Garden Ridge	14,404.60	1,486,674.78	0.00731	15,226.27
Emergency Serv Dist #7	12,175.49	1,232,909.30	0.00606	12,627.24
Emergency Serv Dist #2	11,459.28	1,136,722.91	0.00559	11,642.12
Emergency Serv Dist #5	11,233.12	1,092,771.77	0.00537	11,191.98
Emergency Serv Dist #4	9,529.46	928,127.92	0.00456	9,505.73
Emergency Serv Dist #6	3,332.09	802,992.88	0.00395	8,224.11
Boerne ISD	7,408.40	726,692.89	0.00357	7,442.66
City of Bulverde	6,855.52	596,421.37	0.00293	6,108.44
Rebecca Creek Municipal Util Dis	3,448.17	318,599.71	0.00157	3,263.04
Fair Oaks Ranch	1,456.42	147,959.23	0.00073	1,515.37
City of Selma	96.14	18,983.96	0.00009	194.43
York Creek Imp Dist	114.59	12,246.92	0.00006	125.43
Wimberly ISD	<u>115.82</u>	<u>10,830.26</u>	<u>0.00005</u>	<u>110.92</u>
	1,936,971.33	\$203,472,503.11	1.00000	\$2,083,930.22

* Contributions listed are an estimate. Actual contributions will be calculated when 2011 Tax Levy is received.

7099

EMPLOYEE EXPENSES

\$1,531,316.51

Administrative Salaries

286,382.60

1) Chief Appraiser Salary	90,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	7,068.60
Retirement Contribution	11,272.80
TOTAL EXPENSE	119,297.16

2) Deputy Chief Appraiser Salary	65,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	5,156.10
Retirement Contribution	8,222.80
TOTAL EXPENSE	89,334.66

3) Administrative Assistant Salary	44,800.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,610.80
Retirement Contribution	5,758.40
TOTAL EXPENSE	65,124.96

3) Administrative Assistant Trainee Salary	8,750.00
Medical Insurance Premium	2,034.78
Dental Insurance Premium	89.52
Life Insurance Premium	14.64
FICA Contribution	669.38
Retirement Contribution	1,067.50
TOTAL EXPENSE	12,625.82

Appraisal Salaries

829,941.36

4) Director of Operations Salary	65,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	5,156.10
Retirement Contribution	8,222.80
TOTAL EXPENSE	89,334.66

5) Residential Supervisor Salary	55,080.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	4,397.22
Retirement Contribution	7,012.56
TOTAL EXPENSE	77,445.54
6) Rural/Ag Supervisor Salary	53,040.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	4,241.16
Retirement Contribution	6,763.68
TOTAL EXPENSE	75,000.60
7) Commercial/Personal Property Supervisor	54,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	4,314.60
Retirement Contribution	6,880.80
TOTAL EXPENSE	76,151.16
8) Appraiser IV Salary	48,960.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,929.04
Retirement Contribution	6,265.92
TOTAL EXPENSE	70,110.72
9) Appraiser IV Salary	45,900.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,694.95
Retirement Contribution	5,892.60
TOTAL EXPENSE	66,443.31
10) Personal Property Appraiser Salary	43,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,473.10
Retirement Contribution	5,538.80
TOTAL EXPENSE	62,967.66

11) Appraiser Salary	37,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,014.10
Retirement Contribution	4,806.80
TOTAL EXPENSE	55,776.66
12) Appraiser Salary	37,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,014.10
Retirement Contribution	4,806.80
TOTAL EXPENSE	55,776.66
13) Appraiser Salary	32,750.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,688.98
Retirement Contribution	4,288.30
TOTAL EXPENSE	50,683.04
14) Exemption Technician/Appraiser Salary	32,750.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,688.98
Retirement Contribution	4,288.30
TOTAL EXPENSE	50,683.04
15) Appraiser I	32,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,631.60
Retirement Contribution	4,196.80
TOTAL EXPENSE	49,784.16
16) New Appraiser Position	32,000.00
Taxable Vehicle Allowance	2,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,631.60
Retirement Contribution	4,196.80
TOTAL EXPENSE	49,784.16

Operational Support Salaries

368,095.05

17) Systems Operator Salary	42,630.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	3,261.20
Retirement Contribution	5,200.86
TOTAL EXPENSE	59,647.82
18) Taxpayer Assistant Salary	29,525.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,258.66
Retirement Contribution	3,602.05
TOTAL EXPENSE	43,941.47
19) Appraiser Support Salary	32,075.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,453.74
Retirement Contribution	3,913.15
TOTAL EXPENSE	46,997.65
20) GIS/Abstract Technician Salary	32,315.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,472.10
Retirement Contribution	3,942.43
TOTAL EXPENSE	47,285.29
21) Taxpayer Assistant Salary	29,450.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,252.93
Retirement Contribution	3,592.90
TOTAL EXPENSE	43,851.59
22) Data Entry/Quality Control Salary	29,000.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,218.50
Retirement Contribution	3,538.00
TOTAL EXPENSE	43,312.26

23) Appraiser Support Salary	27,625.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,113.31
Retirement Contribution	3,370.25
TOTAL EXPENSE	41,664.32

24) Appraiser Support Salary	27,400.00
Medical Insurance Premium	8,139.12
Dental Insurance Premium	358.08
Life Insurance Premium	58.56
FICA Contribution	2,096.10
Retirement Contribution	3,342.80
TOTAL EXPENSE	41,394.66

Overtime/Pay Schedule Increase	35,000.00	35,000.00
FICA for OT/Pay Schedule Increase	2,677.50	2,677.50
Retirement for OT/Pay Schchedule Increase	4,270.00	4,270.00
Texas Employment Commission	4,950.00	4,950.00

Salary Total **1,531,316.51**

7200	MORTGAGE		26,527.74
	Building Mortgage	26,527.74	
7300	TELEPHONE & UTILITIES		25,600.00
	Long Distance	1,200.00	
	Line Charges	5,000.00	
	Maintenance & Repair	1,000.00	
	Cell Phone	3,600.00	
	Electric	12,000.00	
	Gas	600.00	
	Water	400.00	
	Garbage	1,440.00	
	Sewer	360.00	
7400	EDUCATION		14,000.00
	Schools	10,000.00	
	Travel	4,000.00	
7450	DIRECTORS EXPENSES		500.00
	Directors Expenses	500.00	
7500	DUES & SUBSCRIPTIONS		6,000.00
	Dues	3,000.00	
	Subscriptions	3,000.00	
7600	ADVERTISEMENTS		2,000.00
	Public Service	1,000.00	
	Legal	500.00	
	Help Wanted	500.00	

7700	DEEDS & MAPPING		97,833.50
	Supplies	200.00	
	Software Maintenance-True Auto	60,646.00	
	GIS Project Mapping Enhancement	23,100.00	
	GIS License	900.00	
	ESRI	2,500.00	
	Aerial Photography - License	7,500.00	
	County Clerk Link	900.00	
	GIS Warehousing	987.50	
	GIS Viewer Maintenance	1,100.00	
7800	CAPITAL EXPENSES		20,500.00
	Furniture	5,000.00	
	Building Equipment Replacement	8,000.00	
	Fence Replacement	7,500.00	
7900	MAINTENANCE		5,000.00
	Repairs & Supplies	3,000.00	
	Janitorial Supplies	2,000.00	
8000	OFFICE SUPPLIES/FORMS		13,175.00
	Operating Supplies	6,000.00	
	Paper Goods, Envelopes, Etc.	1,200.00	
	ARB Forms	500.00	
	Personal Property Renditions	400.00	
	Renditions	450.00	
	E/C, Late Homesteads	250.00	
	Homestead Applications	200.00	
	Worksheets	200.00	
	Open Space Applications	250.00	
	Stationery/Cards	725.00	
	Certified Mailers	3,000.00	
8200	POSTAGE		33,150.00
	Reappraisal Notices	20,000.00	
	Office Correspondence	2,000.00	
	Personal Property Renditions	150.00	
	Meter Rental	3,000.00	
	Annual Permit	500.00	
	Supplies	300.00	
	Certified Mail	6,000.00	
	Maintenance	1,000.00	
	Delivery Charges	200.00	
8300	COPIER/PRINTING PAPER		6,200.00
	Paper	2,500.00	
	Maintenance Usage Charge	500.00	
	Lease	3,200.00	
8400	VEHICLE ALLOWANCE & MILEAGE		25,000.00
	Mileage Allowance	25,000.00	

8500	DATA PROCESSING		96,397.50
	Software Maintenance	45,040.00	
	Capital Outlay (Equipment)	7,000.00	
	Capital Outlay (Software)	1,500.00	
	Data Line (Time Warner)	18,300.00	
	Paper, Forms & Supplies	5,000.00	
	Laser Processing	12,000.00	
	Non-Maintenance Repair	2,000.00	
	P C Support	1,000.00	
	Internet Housing & Administration	4,070.00	
	Internet Domain	487.50	
8600	CONTRACT SERVICES		93,530.00
	Legal	32,000.00	
	Audit	9,100.00	
	Appraisal Service	39,830.00	
	Bank Analysis Charges	1,500.00	
	Janitor Service	9,600.00	
	Lawn Care	500.00	
	Pest Control	1,000.00	
8700	INSURANCE/BONDING/WORKERS COMPENSATION		8,200.00
	Operational Insurance	4,500.00	
	Workers Compensation	3,500.00	
	Bonding	200.00	
8900	APPRAISAL REVIEW BOARD		69,000.00
	Per Diem	37,000.00	
	Camera, Photos & Expenses	4,000.00	
	Arbitration	3,000.00	
	Legal	3,000.00	
	Electronic Protest	22,000.00	
9001	CONTINGENCY	10,000.00	10,000.00
	TOTAL EXPENSES		\$2,083,930.25
	PROJECTED INCOME		0.00
	Interest Income	500.00	
	Copies & Other Income	8,800.00	
	Reserved-Capital Imps & Replacemts	(9,300.00)	
	APPROVED 2013 COMAL APPRAISAL DISTRICT BUDGET		\$2,083,930.25

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SET OF PERMIT FEES, SERVICE FEES, AND USER FEES DESIGNED FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF GARDEN RIDGE; PROVIDING A SEPARATE SCHEDULE OF FEES WHICH OUTLINES FUNCTIONS AND ACTIVITIES WHICH REQUIRE A PERMIT OR HAVE A SERVICE FEE OR HAVE A USER FEE; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00), NOR MORE THAN TWO THOUSAND DOLLARS (\$2000.00) FOR EACH VIOLATION INVOLVING SAFETY, ZONING OR PUBLIC HEALTH; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN TEN DOLLARS (\$10.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION NOT INVOLVING SAFETY, ZONING OR HEALTH; PROVIDING FOR EACH DAY OF CONTINUED VIOLATION OF THIS ORDINANCE BEING CONSIDERED A SEPARATE VIOLATION; PROVIDING FOR A TIME LIMIT FOR THE VALIDITY OF PERMITS ISSUED; PROVIDING A TIME LIMIT FOR THE VALIDITY OF ALL LICENSES ISSUED; AND PROVIDING FOR SEVERABILITY AND AMENDING ORDINANCE 11-~~102006~~ 052008 PASSED AND APPROVED ON MAY 7, 2008 ~~October 4, 2006~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS:

City Ordinance 11-~~102006~~, 052008, City of Garden Ridge, Comal County, Texas, dated, ~~October 4, 2006~~ May 7, 2008 is hereby amended effective on the date this Ordinance is passed and approved by the City Council of Garden Ridge for the purpose of amending *Section IV. Fees, and Attachment 1, Schedule of Permit and User Fees.*

SECTION I. PURPOSE OF THIS ORDINANCE. The purpose of this ordinance is to establish a Schedule of Fees for licenses, permits, inspections and services for the City of Garden Ridge. This Schedule of Fees does not supercede any requirement for the license, permit, inspection or service related to said fee as may be outlined or required by other ordinances of the City of Garden Ridge. The Schedule of Fees outlined in Attachment Number 1 to this ordinance is hereby adopted and incorporated as part of this Ordinance and said Schedule of Fees may be amended from time to time by approval by the City Council, City of Garden Ridge, Texas, without requiring a revision of this ordinance.

The Incorporated Schedule of Fees supercedes all fees heretofore established for the particular license, permit, Inspection or service which may be ordained or required in another ordinance of the City of Garden Ridge. The Incorporated Schedule of Fees ordinance does not supercede any requirement for the license, permit, Inspection or service, which may be ordained by another ordinance of the City of Garden Ridge. The Incorporated Schedule of Fees shall not be deemed all-inclusive.

SECTION II. VIOLATIONS. Any person, group of persons, business, corporation, builder, contractor, or association violating any provision of this Ordinance shall be guilty of an offense and, upon conviction, shall be punished by a fine according to the following schedule:

- A. For conviction of a violation dealing with a license, permit, Inspection or other service which involves the safety, zoning or public health, a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2000.00), with each day that the violation persists being a new and separate offense.
- B. For conviction of a violation dealing with a license, permit, inspection or other service which does not involve the safety, zoning or public health, a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), with each day that the violation persists being a new and separate offense.

In addition to the above, the fee for any required license, permit, inspection or service shall be double the normal fee outlined in the Schedule of Fees attached hereto if any activity or activities requiring a license, permit, inspection or service is commenced prior to securing the required license, permit, inspection or service authorization.

SECTION III. PERMITS. A City of Garden Ridge permit is required for the following listed activities or projects. Unless otherwise specified, permits issued by the City of Garden Ridge shall be valid for a period of one year from the date of issuance.

- A. **ALARM SYSTEM PERMIT.** Alarm System Special Use Permits will be applied for in accordance with the provisions outlined in City of Garden Ridge Ordinance 53. The Alarm System Permit fees specified in Ordinance 53 are superceded by the Schedule of Fees attached hereto.
- B. **ALCOHOLIC BEVERAGE PERMIT.** An annual Alcoholic Beverage Special Use Permit is required for any business or commercial entity involved in serving, providing or selling any alcoholic beverage in any business or commercial establishment in the City of Garden Ridge. An Alcoholic Beverage Special Use Permit will be issued only after a petition for such a permit is approved by the City Council.

Permit fees for an Alcoholic Beverage Special Use Permit are as outlined in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for the following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- C. **BLASTING PERMITS.** Blasting Permits will be applied for in accordance with provisions outlined in City of Garden Ridge Ordinance 34. The Blasting Permit fees specified in Ordinance 34 are superceded by the Schedule of Fees attached hereto.
- D. **BUILDING PERMITS.** A Building Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct a building, fence, wall, addition or modification to an existing structure, swimming pool, or any other construction project, excavation, layout or other activity associated with the construction project. All building and construction will be accomplished in accordance with the Building Code for the City of Garden Ridge, as specified in City of Garden Ridge Ordinance 19.

Building permits will be issued only after plans for the project have been reviewed and approved by the City Architect or, in the case of minor, non-residence construction projects, the City Building Inspector. Building permits will be issued only after the City Building Inspector has assured himself that all deed restrictions and City of Garden Ridge construction requirements have been satisfied.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction on City property or in a City or utility easement or right-of-way.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction in any water or storm drainage easement, be it private or public property. Since water or storm drainage easements are designed for the health, safety and welfare of all residents, variances for construction in said water or storm drainage easements will be approved only for reasons deemed to enhance their utility and usefulness to the community.

Building Permit fees specified in any other Ordinance are hereby superceded by the Schedule of Fees attached hereto. Building Permit fees are based on the following:

- (1) For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Architect at the time of building plans review and approval.

(2) For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Architect at the time of building plans review and approval.

(3) For construction of any detached (from the primary building) or free standing structure such as a workshop, garage, barn; shed, covered patio, carport, playhouse, outbuilding, gazebo, etc., the permit fee shall be as computed at either the specified rate per square foot of space, or the minimum permit fee as specified in the attached Schedule of Fees, whichever is greater. The total area to be determined by the City Architect or City Building Inspector, as appropriate, at the time of building plans review and approval.

(4) For construction of any fence, wall; new driveway, uncovered patio, fireplace, chimney, pool or spa deck, in-ground sprinkler systems, etc., the permit fee shall be as specified in the Schedule of Fees attached hereto.

(5) For construction of any garage built after the residence is constructed, the permit fee shall be based on generally accepted sizing (one-car, two-car, etc.) of the garage as specified in the Schedule of Fees attached hereto.

E. BUSINESS PERMITS.

(1) **BUSINESS IN-HOME PERMIT.** An annual business-in-home permit is required of all individuals operating a business from a personal residence in the City of Garden Ridge and will be applied for in accordance with the provisions specified in City of Garden Ridge Ordinance 13. The Business-in-Home Permit fees specified in City of Garden Ridge Ordinance 13 are hereby superceded.

The annual Business-In-Home Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

(2) **SPECIAL USE BUSINESS PERMIT.** An annual Special Use Business Permit is required by this Ordinance for all entities engaged in or conducting a business in the City of Garden Ridge other than a Business-in-Home. This includes, but is not limited to, restaurants, medical and dental offices, realty offices, convenience stores, auto dealerships, auto repair and maintenance shops, gasoline stations, welding shops, wholesale and retail sales outlets, Industrial production entities and, in general, all types of commercial business operations except those subject to franchise taxes.

The annual Special Use Business Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

F. ELECTRICAL PERMITS. An Electrical Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct any building, fence, wall, addition or modification to an existing structure, swimming pool, in-ground sprinkler system, or any other construction project where the use of electrical wiring, fixtures, etc., are required.

All electrical wiring and construction will be accomplished in accordance with the Electrical Code for the City of Garden Ridge as specified in City of Garden Ridge Ordinance 20.

Electrical permits are, unless otherwise specified, required in addition to any other permit (such as a building permit) issued for the project. Electrical permits will be issued only after plans for the project have been reviewed and approved by the City Architect or, in the case of minor electrical projects, the City Electrical Inspector.

Electrical Permit fees specified in any other Ordinance are hereby superceded by the Schedule of Fees attached hereto. Electrical Permit fees are based on the following:

- (1) For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., having electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto.
- (2) For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area; etc., the permit fee shall be computed at the specified rate per square foot of space, as specified in the Schedule of Fees attached hereto, the total area to be determined by the City Architect at the time of building plans review and approval.
- (3) For construction of any swimming pool or minor project (such as a garage, barn, shed, covered patio, carport, play house, outbuilding, gazebo, fence, wall, in-ground sprinkler system, driveway, etc.) requiring electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto. An individual and separate circuit breaker shall be required for all in-ground sprinkler systems.

- G. PARK RESERVATION PERMITS. All Special Use Park Reservation Permits will be applied for in accordance with provisions specified in City of Garden Ridge Ordinance 24.

In addition to the requirements specified in Ordinance 24, this Ordinance hereby establishes a refundable "clean-up" deposit as being required by any person or group or persons who reserve all or a portion of the City Park for private use, or the private use of a group with which they are associated.

Park Reservation Permit fees specified in any other City of Garden Ridge Ordinance are hereby superceded by the Schedule of Fees attached hereto.

Park Reservation Permits are valid only for the period of such reservation and, reservations must be cancelled by 5:00 p.m. the last working day before the date of the reservation in order to receive a refund of the permit fees.

- H. SIGN PERMITS. An annual Special Use Sign Permit is required for each sign authorized by the City Council as a variance to the City's sign ordinance, as specified in City of Garden Ridge Ordinance 55.

Sign Permit Fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of Issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- I. SOLICITING PERMITS. A Special Use Soliciting Permit is required of all persons, groups, or other entities seeking to solicit in the City of Garden Ridge, as specified in City of Garden Ridge Ordinance 23, which is hereby modified to adopt a fee schedule based on the length of time for which the permit is issued. Fees for Soliciting Permits are as specified in the Schedule of Fees attached hereto. Such permits are valid only for the period of time (i.e. day, week, month, or year) for which the permit is issued.
- J. SWIMMING POOL PERMITS. Both a building permit and an electrical permit are required for the construction of any swimming pool, spa, or similar facility in the City of Garden Ridge. If blasting is necessary, a separate permit is required.

The fee for the building permit required for a swimming pool, spa, or similar facility shall be based on the volume of water to be contained in the facility, as specified in the Schedule of Fees attached hereto. The electrical permit fee for a swimming pool, spa or similar facility designated in Section G of this ordinance.

- K. WATER WELL PERMIT. A Special Use Building Permit is required for all water wells drilled in the City of Garden Ridge. Permits for drilling of water well are only authorized for property owners in the following classifications and are only authorized for the purpose of serving the residence, business or commercial property and grounds physically situated on the property where the well is to be drilled. In no event are permit fees refundable due to inability to secure water (a dry hole), wells running dry, subsequent availability of water service, or other reason or cause.
- (1) Residential Property. Residential property, regardless of location, lot size, or zoning classification, whose location is not serviced with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one hundred and twenty (120) days from the date the application for a water well permit is received by the City.
- (2) Business or Commercial Property. Business or commercial property, regardless of location, lot size or zoning classification, whose location is not served with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one-hundred and twenty (120) days from the date application for a water well permit is received by the City.
- (3) Farm and Ranch Property. Farmers and ranchers owning and residing on property in zoning classification RA-Residential/ Agricultural are authorized to drill water wells on that property when such property is used for farming and/or ranching purposes. A "no-fee" Special Use Building Permit is required to drill a well on such property, provided the well is used strictly for farming, ranching and personal use activities on the property. The City will approve well location and reserves the right to inspect well drilling and installation. If the well is to be used for any purpose other than farming, ranching and personal use activities, a special use permit must be applied for from the City of Garden Ridge and must be approved by the City Council.

Persons, companies, political entities, or any other legal entity or entities, located in any area of the City of Garden Ridge, which are not, covered by the above categories and who desire water well, must apply for a Special Use Permit from the City of Garden Ridge. The permit fee, if special use is approved, is to be established by the City Council based on the intended use of the well.

In no event will water from any private well be used for purposes or activities beyond the owner's property unless a true emergency situation (such as fire or emergency water use) exists.

In no event will water from a private well be sold to a person, company, corporation or other entity, nor may the well be used for commercial purposes. No commercial sale of an existing or newly developed water producing well, truck or water line delivery, which is privately owned or owned by a commercial or political entity, shall be permitted within the corporate limits of the City of Garden Ridge without approval of the City Council of Garden Ridge.

SECTION IV. FEES.

- A. ANIMAL & PET FEES. The requirement for annual registration and inoculation of animals and pets is as specified in City of Garden Ridge Ordinance 18. All registration, inoculation and impoundment fees for animals and pets contained in any City of Garden Ridge Ordinance are hereby superceded by the animal and pet fees specified in the Schedule of Fees attached hereto. Annual registration fees are valid from the date the animal or pet is registered until, thirty days after the date in the following calendar year when the first animal or pet registration clinic is held by the City.
- B. CITY DOCUMENT FEE. ~~Official documents of the City of Garden Ridge will be made available for on-site (in City Hall) review by anyone requesting same. Anyone desiring a copy or copies of an official document of the City~~

of Garden Ridge will be assessed a fee, as specified on the Schedule of Fees attached hereto, for such copy or copies.

Anyone requesting Public Information from the City of Garden Ridge must make a Public Information Request. Any information provided will be made available pursuant to the Texas Public Information Act and any fee shall be assessed in accordance with the Texas Attorney General Charge Schedule as provided in 1 Texas Administrative Code 70.1-.12, as amended.

- C. COPYING AND FAX MACHINE FEES. Use of the City's copier machine to create a photo static copy or copies of private or personal documentation is authorized on an as-the-machine-is-available basis and provided the person requesting such service pays the copying fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's copier to any user if, in her judgment, such use would be detrimental to City operations or would impair future use of the copier.

Use of the City's fax machine to send or receive faxes of private or personal documentation is authorized on an as-the-machine-is-available basis and provided the person requesting such service pays the fax fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's fax machine to any user if, in her judgment, such use would be detrimental to City operations or would impair future use of the fax machine.

- D. NOTARY PUBLIC FEE. Fees for notary public services and endorsements are as outlined in the Schedule of Fees attached hereto.
- E. PLANNING & ZONING FEES. Fees for Planning & Zoning Commission services contained in any other City of Garden Ridge Ordinance are hereby superceded by the fees specified in the Schedule of Fees attached hereto.
- F. RETURNED CHECK FEES. A fee will be assessed for any personal check or auto draft given to the City of Garden Ridge in payment of any service, fine, permit, tax, fee or other charge, which is returned for any reason by a financial institution due an inability to process for payment. The Returned Check fee is as specified on the Schedule of Fees attached hereto.
- G. WATER SERVICE FEES. Fees for water lines, connections, sales, services, etc. are as specified in City of Garden Ridge Ordinance 54.

SECTION V. SEVERABILITY. If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

PASSED APPROVED AND ADOPTED ON THIS 3rd DAY OF July, 2008.

Jay F. Feibelman
Mayor

ATTEST: (seal)

Shelley Goodwin, TRMC
City Secretary

SCHEDULE OF PERMIT & USER FEES -- EFFECTIVE May 3, 2006

Alarm / Security System	
Private Residence	\$ 75.00
Commercial Establishment	\$ 75.00
Service charge for each false alarm after 3 in any 12 month period	\$ 35.00
Service charge for each false robbery alarm received from a commercial robbery alarm system	\$ 100.00
Alcoholic Beverage	
Beer and/or wine off premises (annual permit)	\$ 35.00
Beer and/or wine on premises (annual permit)	\$ 60.00
Package Store (annual permit)	\$ 100.00
Mixed Beverage permit (annual permit)	\$ 100.00
Blasting	\$ 175.00
Business	
In-Home Permit (annual permit, see footnote)	\$ 15.00
Business Permit (annual permit required for all businesses except those having a valid in-home business permit --see footnote)	\$ 25.00
Park Reservation	
<i>Pavilion</i>	
Garden Ridge Residents	\$ 30.00
Non-Garden Ridge Residents	\$ 60.00
CLEAN UP DEPOSIT	\$ 50.00
<i>BBQ Building</i>	
Garden Ridge Residents	\$ 25.00
Non-Garden Ridge Residents	\$ 50.00
CLEAN UP DEPOSIT	\$ 150.00
<i>Baseball Field</i>	\$ 20.00
<i>Volleyball Court</i>	\$ 15.00
<i>Horseshoe Pits</i>	\$ 10.00
Satellite/Other TV Antenna (special use permit required)	\$ 50.00
Sign	
Annual fee required for each sign authorized based on an approved variance to the City sign ordinance	\$ 50.00
Permanent sign not requiring a variance	\$ 15.00
Soliciting	
One week permit (7 days)	\$ 10.00
One month permit (30 days, see footnote)	\$ 20.00
One month year (365 days, see footnote)	\$ 50.00
Additional permits for agents	\$ 5.00
NOTE: These permits are one—half the listed cost for individuals and/or companies already having a valid Business-in-home or Business permit for another business activity.	
Water Well	
“A” No service available from the Water Department	\$ 150.00
“B” Service available from the Water Department and City Council approves permit fee to be established by City Council on an individual basis.	

BUILDING AND CONSTRUCTION RELATED PERMITS

House/Residence/Living Quarters	
Review and approve building plans	\$ 250.00
Review and approve revised building plans	\$ 125.00
Building Construction Permit	\$ 500.00+
\$.30 per sq. ft. of foundation plus square footage of additional floor levels	
Additions to residences	\$ 150.00+
\$.22 per sq. ft. of additional floor space	
Commercial Buildings	
Review and approve building plans	\$ 350.00+
City Engineer review cost \$150.00	
Review and approve revised building plans	\$ 100.00+
City Engineer review cost \$150.00	
Building construction permit	\$ 500.00+
\$.32 per sq. ft. of foundation plus square footage of additional floor levels.	
Commercial (Open) Storage Buildings	\$ 100.00+
\$.32 per sq. ft. of foundation	
Residential Outbuildings	
Workshops, barns, sheds, patios, wooden decks, gazebos, play houses, etc.	\$ 100.00*
*Or \$.32 per square foot (which ever is higher)	
<i>If electrical or plumbing is involved separate permits for each is required.</i>	
	\$100.00
Miscellaneous Structures	
Fences, retaining walls, landscape walls over two feet from ground level, driveways not in original house plans, driveways converted from gravel or asphalt to concrete, sidewalks, fireplaces, dog runs, dog kennels (fixed), etc.	\$125.00
Remodeling of house or commercial building	
Generally, there is no fee to remodel a house or building except for alterations of electrical, plumbing, mechanical (heat and air conditioning) systems and modifications to load bearing structural members of the facility. In these instances, the minor project fees for electric, plumbing, heating, etc. apply. The fee for remodeling impacting on a load bearing structural member of the building/facility	\$100.00+ \$.32/sq.ft.
Additions to pavement surfaces	
	\$ 100.00*
*Or \$.22 per square yard (which ever is higher)	
Carports (open)	\$ 100.00
Garages	
One-car garage (built after residence is constructed)	\$ 150.00*
*Or \$.32 per square foot (whichever is higher)	
Two-car garage (built after residence is constructed)	\$ 175.00*
*Or \$.32 per square foot (whichever is higher)	
Three-car garage (built after residence is constructed)	\$ 200.00*
*Or \$.32 per square foot (whichever is higher)	
Electrical	
House, residence or living quarters (New Construction)	\$ 175.00*
*Or \$.10 per square foot (whichever is higher)	
Commercial building/establishments:	\$ 300.00*
*Or \$.10 per square foot of space(which ever is higher)	

Swimming pools and minor electrical projects	\$ 125.00
Plumbing	
House, residence or living quarters (New Construction) *Or \$.10 per square foot of space (whichever is higher)	\$ 175.00*
Commercial building/establishments: *Or \$.08 per square foot of space (which ever is higher)	\$ 300.00*
Minor plumbing projects (as described by the inspector)	\$ 100.00
Heating/AC	
House, residence or living quarters (New Construction) *or \$.10 per square foot of space (whichever is higher)	\$ 175.00*
Commercial building/establishments: *Or \$.10 per square foot of space (which ever is higher)	\$ 300.00*
Minor heating and AC projects (as determined by the inspector)	\$ 100.00
Sprinkler Systems	\$ 100.00
Swimming Pool	\$ 150.00
Hot Tubs/Spas	\$ 100.00
Pool Decks	\$ 100.00*
*Or \$.32 per square foot (which ever is higher)	
RE-INSPECTION FEE – FOR ANY BUILDING AND CONSTRUCTION RELATED PERMIT	\$ 150.00

PLANNING AND ZONING FEES

Planning and Zoning	
Request for variance to zoning ordinance:	
Residential	\$ 400.00
Commercial	\$ 650.00
Request for after the fact variance to zoning	\$ 500.00
Residential	\$ 500.00
Commercial	\$ 750.00
Application for rezoning	\$ 500.00
Application for Special Use Permit	\$ 250.00
Platting Fees – Residential	
Master Plan	\$ 500.00+ Eng. Fee *
Amended/Replat – Single Lot	\$ 250.00+ Eng. Fee *
Minor Plat Amendment as defined in Ordinance 7	\$ 200.00 No Eng. Fee
Amended/Replat – Subdivision	\$ 500.00+ Eng. Fee *
Minor Plat Amendment as defined in Ordinance 7	\$ 400.00 No Eng. Fee
Preliminary Plat - Single Lot/Subdivision	\$ 500.00+ Eng. Fee *
Final Plat - Single Lot/Subdivision	\$ 1,500.00+ Eng. Fee *
Vacate Plat – Single Lot/Subdivision	\$ 500.00+ Eng. Fee *
*Engineering Fees (Eng. Fee) - \$50.00 per lot plus engineering fees Incurred by the city for Consultation/ Review on project	See Note *
Recordation Fees – Current Fee Schedule of Comal County	Comal Fees
Platting Fees – Commercial	
Master Plan	\$ 500.00+ Eng. Fee *
Amended/Replat – Single Lot	\$ 350.00+ Eng. Fee *
Minor Plat Amendment as defined in Ordinance 7	\$ 300.00 No Eng. Fee
Amended/Replat – Subdivision	\$ 600.00+ Eng. Fee *
Minor Plat Amendment as defined in Ordinance 7	\$ 500.00 No Eng. Fee
Preliminary Plat – Single Lot/Subdivision	\$ 500.00+ Eng. Fee *
Final Plat - Single Lot/Subdivision	\$1,500.00+ Eng. Fee *
Vacate Plat – Single Lot/Subdivision	\$ 300.00+ Eng. Fee
*Engineering Fees (Eng. Fee) - \$50 per lot plus engineering fees Incurred by the city for Consultation/Review on project	See Note *
Recordation Fees – Current Fee Schedule of Comal County	Comal Fees

ANIMAL AND PET REGISTRATION

Pet Registration (annual fee)	\$ 5.00
(replacement tag)	\$ 5.00
Impoundment Fees	
First impoundment	
Resident	
Registered	
Animal with tag on	Warning
Animal without tag on	\$ 10.00
Unregistered	
Animal with current rabies	\$ 25.00
Animal without current rabies	\$ 50.00*
* Additional \$50.00 refundable fee with proof of vaccination	
Non-resident	
Animal with current rabies	
Animal with tag on	Warning
Animal without tag on	\$ 25.00
Animal without current rabies	\$ 50.00*
* Additional \$50.00 refundable fee with proof of vaccination	
Second impoundment	
Resident	
Registered	
Animal with tag on	\$ 25.00
Animal without tag on	\$ 25.00
Unregistered	
Animal with current rabies	\$ 50.00
Animal without current rabies	\$ 100.00*
* Additional \$100.00 refundable fee with proof of vaccination	
Non-resident	
Animal with current rabies	
Animal with tag on	\$ 25.00
Animal without tag on	\$ 50.00
Animal without current rabies	\$ 100.00*
* Additional \$100.00 refundable fee with proof of vaccination	
Third and subsequent impoundments	
See Ordinance #18 Amendment 2	

DOCUMENTS AND OTHER FEES

<i>City Document Fees assessed in accordance with Texas Attorney General Charge Schedule, as provided in 1 Texas Administrative Code 70.1-.12, as amended</i>	<i>As attached</i>
Accident/Police Reports per report	\$6.00
Copy Machine Usage per page	\$.10
Fax Machine Usage (incoming/outgoing) per page	\$.50
Notary Public per document notarized	\$5.00
Returned Check Fee	\$30.00

<<Prev Rule

Texas Administrative Code

Next Rule>>

TITLE 1

ADMINISTRATION

PART 3

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 70

COST OF COPIES OF PUBLIC INFORMATION

RULE §70.3

Charges for Providing Copies of Public Information

(a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261 (b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to

locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

(4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental

body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the

charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which

category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

(i) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(j) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(k) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

(l) Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(m) These charges are subject to periodic reevaluation and update.

Source Note: The provisions of this §70.3 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective February 20, 1997, 22 TexReg 1625; amended to be effective December 3, 1997, 22 TexReg 11651; amended to be effective December 21, 1999, 24 TexReg 11255; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614

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MEMORANDUM

To: Chief Donna O'Conner
From: Lt. Johnson
Date: 25 June 2012
Copies:
Reference: Retirement

Chief O'Conner,

I'd like to officially inform you of my selected retirement date of 31 July 2012.

I am very grateful for the years of service afforded me, and the opportunity to have been able to serve them in the City of Garden Ridge.

A handwritten signature in black ink, appearing to read "Gary W. Johnson". The signature is stylized and somewhat cursive.

Gary W. Johnson
Deputy Chief
Garden Ridge Police Department

COPY