



City of Garden Ridge

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

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

The Garden Ridge City Council will meet in a regular session on Wednesday, October 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 September 28, 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:

- a) September 5, 2012 Regular City Council Meeting Minutes
- b) September 13, 2012 Special City Council Meeting Minutes

6. Special Presentations

- a) Proclamation Domestic Violence Month
- b) Recognition of the Garden Ridge Police Explorers Program and participants in the program
- c) Recognition of City Water Commissioner, Place 3, Tony Zugay for his service to the City of Garden Ridge on the Water Commission
- d) Recognition of City Water Commissioner, Place 4, Gary Stegman for his service to the City of Garden Ridge on the Water Commission

7. Business Items

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

- a) Presentation of Planning and Zoning Commission recommendation on a petition 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 Circle
- b) Presentation of Planning and Zoning Commission recommendation a petition by Joseph and Stephanie Winkler for a variance to Ordinance 13-122008, Section 5, Residential 5.1.2.5.6 for the placement of a swimming pool that is not located entirely behind the rear plane of the residence on their property located at 9850 Trophy Oaks Dr.

8. Public Hearing

The City Council will conduct a Public Hearings to receive input into the following:

- a) A petition 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 Circle
- b) A petition by Joseph and Stephanie Winkler for a variance to Ordinance 13-122008, Section 5, Residential 5.1.2.5.6 for the placement of a swimming pool that is not located entirely behind the rear plane of the residence on their property located at 9850 Trophy Oaks Dr.

9. Business Items (continued from Agenda Item 7)

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

- c) 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 2nd Judicial District Court)
- d) Update on Open Record's Request made on the City of Garden Ridge
- e) Planning and Zoning Commission recommendation on a petition 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 Circle

- f) Planning and Zoning Commission recommendation a petition by Joseph and Stephanie Winkler for a variance to Ordinance 13-122008, Section 5, Residential 5.1.2.5.6 for the placement of a swimming pool that is not located entirely behind the rear plane of the residence on their property located at 9850 Trophy Oaks Dr.
- g) Planning and Zoning Commission recommendation on the Drainage Agreement and the Easement Agreement for the granting of an easement to the City of Garden Ridge of approximately 3.459 acres located adjacent to the Forest of Garden Ridge IV, to be used as a variable width drainage easement by the Forest of Garden Ridge IV with the responsibility of maintenance of said drainage easement and structures to be retained by the developer/HOA of said subdivision
- h) Planning and Zoning Commission recommendation on a Revised 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
- i) Planning and Zoning Commission recommendation on the Preliminary Plat for the Forest of Garden Ridge IV, Unit 1 consisting of 46.19 acre tract of land out of a 107.14 acre tract of land situated in the City of Garden Ridge out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County Texas
- j) City Water Commission recommendation on a request by Stan Cobb, 22117 Senna Hills, for variance to water restrictions for watering of new/replacement landscaping
- k) City Water Commission recommendation on reappointment of Patricia Ramirez as Water Commissioner, Place 3, for a two year term of office expiring September 30, 2014
- l) City Water Commission recommendation on amendments to Ordinance 61 establishing the Drought Management Plan for the City of Garden Ridge; providing definitions, establishing trigger points for Stages 1 through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause; providing for severability and providing an effective date and amending Ordinance No. 61-122001 adopted December 7, 2011
- m) City Quarry Commission recommendation on request for Partial Exemption Permit for Austin Powder Company and to include fee for Partial Exemption Permit
- n) City Quarry Commission recommendation on procedure for notifying citizens of impending blasts
- o) Resolution 279-102012 adopting the AACOG Regional Hazard Mitigation Plan Update
- p) Update on 2012 Capital Improvement Plan
- q) 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

- r) Ordinance 70-102012 of the City of Garden Ridge repealing ordinance number 70-102005 abolishing the position of Marshal and replacing it with the position of Chief of Police; reestablishing a Police Department for the City of Garden Ridge and providing for the appointment of City Police Officers
- s) Promotion of Investigator Corporal Knack Cox to Investigator Sergeant of the Garden Ridge Police Department effective October 1, 2012 in accordance with the Police Department realignment as approved in the 2013 General Fund Budget
- t) Promotion of Police Officer/Investigator Bill Spiller to Detective Corporal of the Garden Ridge Police Department effective October 1, 2012 in accordance with the Police Department realignment as approved in the 2013 General Fund Budget
- u) Discussion and possible decision regarding Senate Bill 100 and the city's election cycle
- v) Report on treatment for mosquitoes in the City of Garden Ridge

10. 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
 - a) August 31, 2012
 - b) September 30, 2012 (Will be presented at November 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

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

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

12. 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

13. 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 3:30 p.m. on September 28, 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