



City of Garden Ridge

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

AGENDA

REGULAR CITY COUNCIL MEETING, JANUARY 9, 2013 AT 6:00 P.M.

The Garden Ridge City Council will meet in a regular session on Wednesday, January 9, 2013 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 January 4, 2013 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:
December 5, 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 of Planning and Zoning Commission recommendation on a petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.7.2.4.1., Corner Lots, for the encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove (This is a presentation only. Action may occur after Public Hearing.)
- b) Presentation of Planning and Zoning Commission recommendation on a petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252 (This is a presentation only. Action may occur after Public Hearing.)

7. Public Hearing

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

- a) A petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.7.2.4.1., Corner Lots, for the encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove
- b) A petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM

8. Business Items (Continued)

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

- a) 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)
- b) Planning and Zoning Commission recommendation on a petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.7.2.4.1., Corner Lots, for the encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove
- c) Planning and Zoning Commission recommendation on a petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM

- d) Planning and Zoning Commission recommendation on a petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Standards and Specifications, Article C, Alleys, Paragraph 1, for the pavement of alleys to be reviewed and determined upon the review of each site plan submittal for each lot prior to permitting for building permit for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3309 and FM 2252
- e) Planning and Zoning Commission recommendation on a petition by Tony Overman for a variance to Ordinance 7-042006, Article V, Section 7, Paragraph C.1. Alleys, for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252 due to Ordinance 7 requiring a 22' alley ROW in business areas which is in conflict with Ordinance 13 which requires a 15' alley ROW
- f) Planning and Zoning Commission recommendation on a petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Article B, Streets, Paragraph 7, for cul-de-sac length and diameter for Tuscan Village Subdivision at the southeast Corner of the intersection of FM 3009 and FM 2252
- g) Planning and Zoning Commission recommendation on Preliminary Plat for the Tuscan Village Subdivision commercial lot subdivision consisting of 13.532 acres of land situated in the City of Garden Ridge, Comal County, Texas being part of a called 13.532 acre remnant of a 116 acre tract out of the Geo. M. Dolson Survey Number 96, Abstract Number 120, and further located at the southeast corner of the intersection of FM 3009 and FM 2252
- h) Update on the Carrizo-Wilcox Local Government Corporation
- i) Update on Park Committee study of parks within the City of Garden Ridge
- j) Update and possible authorization on design considerations and schedule for 2012 CIP Projects for streets, drainage and water line replacement
- k) Employment of Robert Marin as Administrative Assistant in the City of Garden Ridge Administration Department effective December 17, 2012 at salary set in the 2013 Fiscal Year Budget for said position with a 90 day probationary period retroactive to December 17, 2012 and salary being 5% less during probationary period

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

November 30, 2012

- 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. Executive Session

The City Council may recess its meeting and reconvene in Executive Session pursuant to Texas Government Code 552.071 to consult with and seek legal advice regarding:

EEOC/TWC notices of discrimination allegations – EEOC Charge #'s 31C-2013-00110 & 31C-2013-00111 filed by Tera Charlton and Gary Johnson.

The City Council will reconvene into Regular Session upon conclusion of the Executive Session

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:

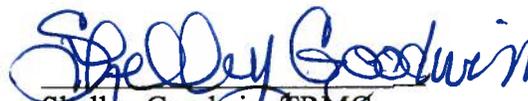
The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about 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 11:30 a.m. on January 4, 2013 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