



City of Garden Ridge

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

AGENDA REGULAR CITY COUNCIL MEETING, NOVEMBER 6, 2013 AT 6:00 P.M.

The Garden Ridge City Council will meet in a regular session on Wednesday, November 6, 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 November 1, 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 - Limit remarks to five (5) minutes 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 request that if you speak, that you please 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 would like to be shown.
- c) Limit remarks to five (5) minutes per citizen during Item 4 and to three (3) minutes per citizen during Item 9.
- d) Citizen comments may be deferred to a specific Business Item set forth in Section 7, below, if such comments pertain to such Business Item

*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. Special Presentations

- a) Presentation by CPS Energy regarding its proposed Rate Increase

6. Consent Agenda

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A MEMBER OF CITY COUNCIL. PUBLIC COMMENT ON CONSENT AGENDA ITEMS MAY BE HEARD DURING CITIZEN'S PARTICIPATION, BUT COMMENTS HEARD DURING CITIZEN'S PARTICIPATION DOES NOT MEAN THAT THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

- a) Consider approval of October 2, 2013 Regular City Council Meeting Minutes
- b) Release of Garden Ridge Police Officer Robert Acosta from six month probationary status effective November 2, 2013 with 5% increase in salary for said position as set for said position in the 2014 Budget
- c) Resolution 313-112013 to cast votes to elect Directors for the Comal Appraisal District for the years 2014-2015

ACTION ON THE CONSENT AGENDA

7. Business Items

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

- a) Major City Projects Update:
 - i. CIP Projects for streets, drainage and water line replacement
 - a - Bid tabulation for 2013 CIP Project for Waterline, Streets and Drainage Improvements
 - b - Review funding for 2013 CIP Project for Waterline, Streets and Drainage Improvements
 - ii. Schoenthal Road Improvement Project
 - iii. Paul Davis Park Restroom Facilities Project
- b) Award of bid for 2013 CIP Project for Waterline, Streets and Drainage Improvements, authorizing the City Administrator to execute contract documents for said project, and authorizing the Mayor, City Administrator and City Engineer to jointly manage those projects
- c) Update on proposed sewer system within the Garden Ridge city limits along F.M. 2252, funding for a sewer system and creation of sewer system utility district
- d) City Planning and Zoning Commission recommendation on reappointment/appointment of Commissioners to Places 1, 4, 5 and 6 for two year terms of office expiring September 30, 2015

- e) City Quarry Commission recommendation on reappointment/appointment of Commissioner's for two year terms of office expiring September 30, 2015
- f) Proposed Ordinance regarding organization of, appointments to and responsibilities of city commissions and ad hoc committees of the City of Garden Ridge (Discussion only item)
- g) Ordinance 174 -112013 of the Garden Ridge City Council establishing the lawful speed limit on Municipal Parkway within the City of Garden Ridge, Texas; finding that the circumstances create a special hazard; finding that the prima facie speed limit is unreasonable and unsafe under the circumstances; providing for penalties for violations thereof; providing for an effective date
- h) Ordinance 175-112013 establishing a school zone on Municipal Parkway within the City of Garden Ridge, Texas; providing for a penalty not to exceed \$200 for each violation of this ordinance; providing for an effective date
- i) Ordinance 22-112013 regulating traffic on streets, roads and highways within the City of Garden Ridge by establishing stop sign locations and placement of traffic control devices; establishing prima facie speed limits and placement of traffic control devices; establishing through truck traffic regulations and placement of traffic control devices; establishing no parking zones; and regulating and requiring permits for certain assemblages and processions; providing for a fine not to exceed five hundred dollars (\$500.00) for each violation concerning assemblages and processions; and amending Ordinance 22-102011 passed and approved October 5, 2011
- j) Ordinance 101-112013 amending the schedule of fines for certain offenses on pleas of guilty or nolo contendere prior to trial and repealing Ordinance 101-042011 passed and approved April 6, 2011
- k) Amending Ordinance 67-112013 of the City of Garden Ridge, Texas, approving a record management plan, updating retention schedule, and updating the record management program for the City of Garden Ridge and declaring an effective date
- l) An Ordinance Amending Ordinance 19 by excluding certain provisions of the 2009 International Building Code, International Residential Code, International Fire Code, International Mechanical Code, and International Plumbing Code, as published by the International Code Council; providing for severability, and providing for an effective date; Repealer clause; Preemption clause; Severability and proper notice and meeting
- m) Possible amendments to Ordinance 71 eliminating the position of City Forester and City Forestry Board, identifying a potentially severe problem in the maintenance of health among the thousands of oak trees within the City of Garden Ridge, Texas; identifying the disease of threat to those trees as oak wilt; providing guidance on identifying symptoms of the disease; specifying certain disease preventive measures and actions to be taken upon encountering the disease within private or elsewhere within the city; providing for penalties for this ordinance; and providing for severability and publication (Discussion only item)

- n) Possible amendments to Ordinance 162-042011 establishing a nuisance abatement program for the City of Garden Ridge, Texas; declaring junked vehicles a public nuisance; prohibiting the accumulation of garbage, trash, weeds, brush and other matters; establishing general nuisances; setting forth public hearing and abatement/removal regulations and requirements; establishing criminal and civil penalties for violations; providing that this ordinance shall be cumulative; providing for severability; and repealing Ordinance 27 and all others to the extent they are in conflict; declaring an effective date (Discussion only item)
- o) Reschedule of Regular City Council meeting for January 2014 from January 1 to January 7, 8 or 9, 2014
- p) Any item removed from the consent agenda will be recalled for discussion and possible action at this time

8. 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
 - September 30, 2013
- 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
 - Construction projects
 - Update on new city website
 - Update on TXDOT's FM 3009 Construction Project
- c) Water Manager Monthly Activity Report
 - Water pumping/usage from city wells
 - Water system infrastructure maintenance, repairs and/or projects
 - Water and/or Drought Management
 - Water Projects
- d) Public Works Monthly Activity Report
 - Street and Right-Of-Way Maintenance
 - Drainage Facility and Easement Maintenance
 - Park and City Facility/Property Maintenance
 - Animal Control apprehensions, nuisance/complaints, animal bites
 - Observations and activities of wildlife within the city
 - Update on Oak Wilt in the city
 - Public Works Projects
- e) Police Department Monthly Activity
 - Citations issued
 - Warnings issued
 - Criminal activity within city
 - Code Compliance:
 - Citations & Warnings issued

Compliance achieved
- Update on any public safety concerns in Wild Wind Unit 3 Subdivision of Garden Ridge, Texas

f) Recognition of employees and/or city events

9. Citizen's Participation – Limit remarks to three (3) minutes per citizen
See “Rules for Citizen’s Participation” under Item 4.

10. 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
Schertz-Seguin Local Government Corporation (“SSLGC”)
City Water Commission
City Quarry Commission
City Planning & Zoning Commission
Garden Ridge Police Academy Alumni Association
Citizen on Patrol
Garden Ridge Lion’s Club
Comal County
Guadalupe County
Bexar County
San Antonio – Bexar County Metropolitan Planning Organization (“MPO”)
TXDOT
Crescent Hills Subdivision Proposal (on FM 3009)

11. Executive Session

The City Council will recess its open meeting and reconvene in Executive Session

- a) Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding legal issues related to Hanson Aggregates operations, blasting and possible amendments to Ordinance 34
- b) Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding Tera Charlton-Troncoso and Gary Johnson v. City of Garden Ridge, Civil Action No. 5:13-CV-00772-FB
- c) Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding contract between AgH2O Holdings, LLC and the City of Garden Ridge for construction of the Paul Davis Park Restroom Facility

12. Business Items (continued)

The City Council will reconvene into Regular Session upon conclusion of the Executive Session and may recall any item posted for Executive Session for action, as necessary

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 10:00a.m. on November 1, 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



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
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MINUTES OF CITY COUNCIL REGULAR MEETING, OCTOBER 2, 2013

Members Present:

Mayor Andrew Dalton
Mayor Pro Tem Joe Britan
Councilmember Bryan Lantzy
Councilmember John McCaw
Councilmember Bobby Roberts

Member Absent:

Councilmember Nadine Knaus

City Staff Present:

Nancy Cain, City Administrator
Donna O'Conner, Police Chief
Royce Goddard, Water Department Manager
Steven Steinmetz, Public Works Director
Shelley Goodwin, City Secretary

1. Call to Order

With a quorum of the City Council Members present, Mayor Dalton called the regular meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, October 2, 2013, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Citizen's Participation - 5 minute limit per citizen

John Bouloubasis, George Ranch, encouraged the City Council to support the Comal ISD Bond during the November 5, 2013 Election. He stated he feels adding a Middle School in this area would be a positive impact to the residents of Garden Ridge. He also encouraged the City Council to support the Golf Cart Ordinance.

Scott Creel, George Ranch, encouraged the City Council to support the use of Golf Carts in George Ranch. He feels that allowing the use of Golf Carts is efficient for residents and also provides a revenue for the City through the licensing process.

Leslie Summer, George Ranch, encouraged the City Council to support the use of Golf Carts in George Ranch. She stated she feels it is a much safer means of transportation for the residents.

Ohm Culpepper, George Ranch, encouraged the City Council to support the use of Golf Carts in George Ranch. He also encouraged the City Council to support the Comal ISD Bonds during the November 5th Election. He stated he feels that building a Middle School near Garden Ridge would alleviate stress for families and help with safety issues.

David Tucker, George Ranch, encouraged the City Council to support the Comal ISD Bond Election during the November 5th Election. He stated he has to travel 30 to 45 minutes to take his child to Middle School and feels that a much closer school would benefit everyone.

Mark Thorntan , George Ranch, encouraged the City Council to support the use of Golf Carts in George Ranch. He stated he feels the use of Golf Carts will help save on gas and create more fellowship in the neighborhood.

3. Special Presentations

a) Domestic Violence Awareness Month

Mayor Dalton introduced Jo Marie Montague, representing the Crisis Center of Comal County. Mayor Dalton presented a Proclamation declaring the month of October as Domestic Violence Awareness Month.

b) Presentation on Comal Independent School District Bond 2013 Proposal and Election

Andrew Kim, Comal ISD superintendent, provided a PowerPoint presentation regarding the 2013 Bond package proposed for the November 5, 2013 Election (see attached presentation).

4. Consent Agenda

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A MEMBER OF CITY COUNCIL. PUBLIC COMMENT ON CONSENT AGENDA ITEMS MAY BE HEARD DURING CITIZEN'S PARTICIPATION, BUT COMMENTS HEARD DURING CITIZEN'S PARTICIPATION DOES NOT MEAN THAT THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

- a) Consider approval of September 4, 2013 Regular City Council Meeting Minutes**
- b) Consider approval of September 12, 2013 Special City Council Meeting Minutes**
- c) Consider adoption of Resolution 312-102013 designating the Official Newspaper for the City of Garden Ridge**
- d) Approval of deed for acceptance on the transfer of Lot 21, Block 10, The Forest of Garden Ridge from the Garden Ridge/Bracken Homeowners Association, Inc. to the City of Garden Ridge with the Mayor signing on behalf of the city accepting the property**

Motion: A motion was made by Councilmember Roberts, and seconded by Councilmember Britan, to approve Consent Agenda Items 4 a)- 4d). The City Council voted four (4) for, none(0)opposed. The motion carried unanimously.

5. Business Items

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

a) Update from the Quarry Commission on a study proposed to be performed by Hanson Quarry

Larry Blades, Quarry Commission Chair, stated the Hanson Quarry will be performing a study. He reported this study will include several different types of blast and they will be placing 130 to 170 monitors in the City to record the readings. He also reported a letter will soon be sent out to residents to let them know what to expect and with details on the study.

b) Update on CPS Energy Suburban City Summit Rate Adjustment Request

Nancy Cain, City Administrator, reported she and Councilmember Nadine Knaus attended the Suburban City Summit, which was held on September 20, 2013. She stated CPS is proposing a 4.75% rate increase that equates to a 3.98 increase for residential electric bills and will be effective February 1, 2014. (attached PowerPoint)

The City Council agreed by consensus to have CPS Energy to address the rate increase with the City Council at a future meeting.

c) Major City Projects Update:

- i. CIP Projects for streets, drainage and water line replacement**
 - a- Landscaping of right of way affected by CIP Project**
- ii. Schoenthal Road Improvement Project**
 - a - Low water crossing**
- iii. Paul Davis Park Restroom Facilities Project**
 - a - Epoxy floor color selection**

Garry Montgomery, River City Engineer, provided a PowerPoint presentation (see attached). He updated the City Council on the bid process for Garden Ridge Dr., Cinchona Tr., Blazing Star Tr., Bluebell, Timber Rose, Grass Creek waterline, drainage and street projects and stated the bids will be opened on October 8, 2013.

The City Council discussed the bid process and provided direction to add a supplement for the different types of replacement grass for the right-of-way connecting to resident's yards.

Mr. Montgomery reported the contractor has begun the Schoenthal Road Improvement Project. He stated the Public Works Director reported the low water crossing was in need of repair than originally thought. He provided the City Council with different options for repair of the lower water crossing.

The City Council agreed by consensus to replace the existing low water crossing with a 9 inch thick concrete slab, estimated amount of \$8,840.00.

Mr. Montgomery updated the City Council regarding Paul Davis Park Restroom Upgrade. He reported the foundation was not to grade as designed for drainage and that the contractor was proposing to correct the problem by applying an epoxy.

The City Council agreed by consensus to use the color Sand for the epoxy coating.

d) Pursue installing a sewer system within the Garden Ridge city limits along F.M. 2252, funding for a sewer system and creation of sewer system utility district

Garry Montgomery, River City Engineer, provided a PowerPoint (see attached) regarding proposed development of a wastewater system.

Mayor Dalton reported the City Council would have to approve a creation of a CCN for sewer services and anyone in the designated area that would connect to the sewer line would have to pay their share of the cost for the system.

The City Council agreed by consensus to move forward with the creation of a sewer system utility district and contacting the land owners in the purposed area of FM2252 for their input.

e) City Water Commission recommendation on appointments/reappointments to Water Commission Places 2,6 and 7 for two year term of office expiring September 30, 2015

Nancy Cain, City Administrator, stated the City Water Commission met on September 24, 2013 and unanimously recommend that the Commissioner David Heier be reappointed to Place 2, Commissioner Richard Holloway be reappointed to Place 6, and Commissioner James Bower be reappointed to Place 7. She stated these appointments would be for two year terms which will expire in September 2015.

Motion: A motion was made by Councilmember Britan, and seconded by Councilmember Roberts, to approve the recommendation of the City Water Commission for the reappointment of Commissioner David Heier for Place 2, Commissioner Richard Holloway for Place 6, and Commissioner James Bower for Place 7 for two year terms of office expiring in September 2015. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

f) Ordinance regarding organization of, appointments to and responsibilities of city commissions and ad hoc committees of the City of Garden Ridge (Discussion only item)

The City Council discussed the proposed Ordinance, but agreed to hold further discussion when Councilmember Knaus was present in November.

g) Ordinance 168-102013 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; authorizing members of the public to use golf carts on certain private streets in gated

subdivisions; and providing for an effective date; repealer clause; preemption clause; severability and proper notice and meeting

Mayor Dalton stated he feels the City's Ordinance regarding use of golf carts should be reviewed.

George Hyde, City Attorney, stated the he has provided a red lined copy for Ordinance 168-102013, which includes "Utility Vehicle" as per the Transportation Code. He also stated members of the public that use Golf Carts and Utility Vehicles on private roads in Georg Ranch are still subject to traffic laws that will be enforced by the Garden Ridge Police Department.

The City Council discussed the amendments to the Ordinance.

Motion: A motion was made by Councilmember McCaw, and seconded by Councilmember Britan, to approve Ordinance 168-102013 of the City of Garden Ridge, authorizing city employees to use golf carts or utility vehicles 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; authorizing members of the public to use golf carts or recreational off-highway vehicles on certain private streets in gated subdivisions; and providing for an effective date; repealer clause; preemption clause; severability and proper notice and meeting with amendments provided at the dais. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

h) Approval of new employee selection with 90 day probationary periods at a salary set at 5% less than salary set for each position as budgeted in the 2014 Budget applicable to each position:

i. Duane E. Scognio as Service Representative II effective October 1, 2013

Steven Steinmetz, Public Works Director, recommended the employment of Duane Scognio for the position of Service Representative II. He stated Mr. Scognio currently holds a Class B CDL and has experience in the public works field with another city.

ii. Brad S. Oivarri as Service Representative I effective October 1, 2013

Royce Goddard, Water Manager, recommended the employment of Brad Olivarri for the position of Service Representative I. He stated Mr. Olivarri currently holds a Class B CDL, a Class D Water license and has experience in a Public water system with another city.

iii. Kymberlee Buntyn as Police Clerk effective October 7, 2013

Donna O'Conner, Chief of Police, recommended the employment of Kymberlee Buntyn for the position of Police Clerk. She stated Ms. Buntyn comes highly recommended.

Motion: A motion was made by Councilmember Roberts, and seconded by Councilmember McCaw, to approve the employment of Duane Scoginio as Service Representative II, Brad Olivarri as Service Representative I both effective October 1, 2013, Kymberlee Buntyn as Police Clerk effective October 7, 2013; with 90 day probationary periods at a salaries set at 5% less as budgeted

in the 2014 Budget applicable to each position during the probationary periods. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- i) Any item removed from the consent agenda will be recalled for discussion and possible action at this time**

The City Council approved all items on the consent agenda.

6. 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, 2013

Nancy Cain, City Administrator, reported City Funds total \$7,141,146.01 at .26538 % interest and the Water Funds total \$ 4,021,751.85 at .5874% interest with the total of both Funds being \$11,162,897.86 at .26206% interest. She also reported the total General Fund reserves for the City is \$1,212,882.35 and total Water Company reserves is \$2,981,706.70.

Motion: A motion was made by Councilmember Roberts, and seconded by Councilmember Britan, to approve the Financial Statement and Investment Report for August 31, 2013. The City Council voted four (4) for and none (0) opposed. 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-

- Triumphant Lutheran Church for Oktoberfest and the Rummage Sale
- Bracken Methodist Church for Pumpkin Patch

Community Center usage and financial report-

- Total Revenue \$4,465 and Expenditures \$39,866, which leaves a balance of \$4,599.

Building Permits-

- 2 Major Permits and 12 Minor Permits for the month of September.

Website- Continues to be updated with new information.

- 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, Water Manager, reported:

September – 55.67 total acre feet was pumped from the Trinity Well and 18.73 acre feet was pumped from Edwards Wells.

Water system infrastructure maintenance, repairs and/projects- 2 new meter installations, 2 new service line inspections, and 1 leak adjustments

Steven Steinmetz, Public Works Director, reported:

Animal Control apprehensions, nuisance/complaints, animal bites – 5 dogs and 2 cats were apprehended.

d) Police Department Monthly Activity

Citations issued

Warnings issued

Criminal activity within city

Code Compliance:

Citations issued

Warnings issued

Compliance achieved

Donna O’Conner, Police Chief, reported the Police Department wrote 219 warnings, 140 citations and made 8 arrests during September. She stated they also received 18 alarm calls (14 residential and 4 business).

Chief O’Conner also informed the public of a benefit fundraiser for the 2 Selma Police Officers that were shot responding to a domestic violence call. She stated the BBQ fundraiser will be held at Bluebonnet Palace and plates will be \$10.00, but if you want to donate to the cause an account has been set up at the American Bank of Texas.

e) Recognition of employees and/or city events

Nancy Cain, City Administrator, reported she had no employee recognitions.

7. Minutes

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

The City Council approved the Minutes on the Consent Agenda.

8. Citizen’s Participation – Limit remarks to three (3) minutes per citizen

See “Rules for Citizen’s Participation” under Item 4.

No one wished to speak.

9. 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

Schertz-Seguin Local Government Corporation (“SSLGC”)

City Water Commission

City Quarry Commission

**City Planning & Zoning Commission
Garden Ridge Police Academy Alumni Association
Citizen on Patrol
Garden Ridge Lion's Club
Comal County
Guadalupe County
Bexar County
San Antonio – Bexar County Metropolitan Planning Organization (“MPO”)
TXDOT
Crescent Hills Subdivision Proposal (on FM 3009)**

Councilmember Roberts thanked Comal ISD for the Bond Election presentation tonight.

Councilmember Britan reminded the public that the Garden Ridge Lion Club Fish Fry and Auction will be held on Saturday, October 5, 2013 at the Garden Ridge Community Center.

Councilmember McCaw also thanked the Comal ISD for the Bond Election presentation, which answered a lot of his questions.

10. **Executive Session**

The City Council will recess its open meeting and reconvene in Executive Session

- a) **Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding the appeal by Rudy Alvarado of the decision to terminate his employment with the City of Garden Ridge**
- b) **Pursuant to Texas Government Code 552.074 regarding the appeal of Rudy Alvarado of the decision to terminate his employment with the City of Garden Ridge**
- c) **Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding legal issues related to Hanson Aggregates operations, blasting and possible amendments to Ordinance 34**
- d) **Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding Tera Charlton-Troncoso and Gary Johnson v. City of Garden Ridge, Civil Action No. 5:13-CV-00772-FB**
- e) **Pursuant to Texas Government Code 552.071, to consult with City Attorney regarding contract between AgH2O Holdings, LLC and the City of Garden Ridge for construction of the Paul Davis Park Restroom Facility**
- f) **Pursuant to the Texas Government Code 552.071, to consult with City Attorney regarding possible negotiations on water well owned by the City of Cibolo**

- g) **Pursuant to the Texas Government Code 552.071, to consult with City Attorney regarding subpoenas issued to City officials in Cause No. C-2010-1511D, Thomas H. Wilson, et al. vs. Vordenbaum, Inc., d/b/a Bracken Rifle and Pistol Range; in the 433rd Judicial District Court, Comal County, Texas**

Mayor Dalton announced with no other business the City Council will recess into Executive Session at 8:12pm, in accordance with Section Code 552.071, to consult with and seek legal advice from City Attorney. He further stated that Rudy Alvarado requested Item b be held in public session and Item g will not be discussed due to a settlement.

Mayor Dalton adjourned the Executive Session at 9:25pm and the City Council reconvened back into the regular session.

11. Business Items (continued)

The City Council reconvened into Regular Session upon conclusion of the Executive Session.

The Mayor stated the City Council received advice from legal counsel during the Executive Session and there was no additional action to be taken on Items a, c, d, and f.

Motion: A motion was made by Councilmember Roberts, and seconded by Councilmember McCaw, to approve Nancy Cain, City Administrator, as project manager on the City Park Restroom project and provide her with the authority to terminate the contract with the coordination of the Mayor and City Engineer. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Item 10 a) Pursuant to Texas Government Code 552.074 regarding the appeal of Rudy Alvarado of the decision to terminate his employment with the City of Garden Ridge (Public Session at the request of Rudy Alvarado).

Mayor Dalton explained the process for the appeal filed by Rudy Alvarado.

Rudy Alvarado introduced himself and stated he has been an employee of the City of Garden Ridge for 8 years until August 2, 2013 when he was terminated by Royce Goddard. He also reviewed the reason stated on his termination letter and provided his accounts of what happened.

Nancy Cain, City Administrator, reported Rudy Alvarado was employed by the City of Garden Ridge from August 4, 2005 until August 2, 2013. She stated Royce Goddard, Water Manager, recommended terminating Mr. Alvarado because of his incident from that occurred on July 25, 2013 in which he displayed disorderly conduct in the Administration area at City Hall. She further stated that in another incident involving physical violence that occurred on October 2012, Mr. Alvarado was warned that if another similar incident involving disorderly conduct or fighting occurred he would be terminated. She also reviewed other violations of the City Personnel Policy that had occurred on July 25, 2013 involving Mr. Alvarado both prior to and immediately after the disorderly conduct incident in the Administration area of City Hall. She reviewed Mr. Alvarado's work history, evaluations, his written reprimand for an October 2012 incident involving a verbal altercation with another City employee and the documentation of the July 25, 2013 incident.

The City Council then reviewed the video of Mr. Alvarado in the City Hall Administration front office on the afternoon of July 25, 2013.

Rudy Alvarado closed by stating why he felt he should be allowed to continue his employment with the City of Garden Ridge. He also stated that he felt he was singled out by Mr. Goddard and was treated unfairly as compared to other City employees.

Several Council members asked questions of Mrs. Cain, Mr. Goddard and Mr. Alvarado regarding the July 25 incident and prior incidents. The Council fully considered and discussed the testimony offered, the answers to each of the questions asked as well as the video footage that was presented.

Motion: A motion was made by Councilmember Britan and seconded by Councilmember Roberts, to ratify the termination of Rudy Alvarado as of August 2, 2013. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

12. Adjournment

There being no further business, the Wednesday, October 2, 2013 Garden Ridge City Council regular meeting was adjourned at 10:23pm by Mayor Dalton.

Andrew Dalton
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary

Memo

To: Nancy Cain, City Administrator
From: Donna O'Conner
CC: Sgt. Dan Bellinger
Date: 10/15/13
Re: November Council Agenda

Please include an opportunity for the police department to release Officer Robert Acosta from probationary status during the November meeting of City Council.

Officer Acosta joined the department on 5/2/2013 and has fulfilled his six month probationary period. Officer Acosta continues to perform his duties in a manner consistent with our community policing philosophy. Officer Acosta has established eligibility for a five percent pay increase effective November 2, 2013.

Respectfully submitted,



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

CRAIG HALL
MEMBER

RANDY MASCHEK
MEMBER

CATHY C. TALCOTT
MEMBER

October 29, 2013

Mr. Andrew Dalton
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

RE: 2014-2015 Board of Directors Election Ballot

Dear Mr. Dalton:

Enclosed is the 2014-2015 Board of Directors ballot for the city of Garden Ridge. As per Section 6.03(d) of the Texas Property Tax Code, "voting entitlement is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000 and by rounding the product to the nearest whole number."

Also, Section 6.03 (k) of the Texas Property Tax Code requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Comal Appraisal District by December 15, 2013.

In calculating this year's votes, it is determined that the city of Garden Ridge has **39 votes** to cast in this election.

Sincerely,



Curtis Koehler, RPA/RTA
Chief Appraiser

Enclosure

OFFICIAL BALLOT

Issued to: City of Garden Ridge

TO ELECT
BOARD OF DIRECTORS FOR THE COMAL APPRAISAL DISTRICT
FOR THE YEARS 2014-2015

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate or divide those votes amount any number of the candidates. You have 39 total available votes.

Table with 4 columns: CANDIDATES, NOMINATING BODY, and VOTES CAST. Rows include Gary Boldt, Robert Doyle, Craig Hall, Dan Krueger, and Randy Maschek.

Issued under my hand this 29th day of October, 2013.

[Handwritten signature of Curtis Koehler]

Curtis Koehler, Chief Appraiser

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE COMAL APPRAISAL DISTRICT
FOR THE YEARS 2014-2015 Resolution 313-112013

WHEREAS, Section 6.03(k), of the Texas Property Tax Code requires that each taxing unit entitled to vote cast their vote by Resolution and submits results of that vote to the Chief Appraiser of the Comal Appraisal District by December 15, 2013.

THEREFORE, the City of Garden Ridge submits the above Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the Comal Appraisal District.

ACTION TAKEN this ___ day of ___, 2013, in ___ Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code for the purpose of casting votes to elect the Board of Directors of the Comal Appraisal District.

[Four horizontal lines for recording the action taken]

ATTEST:

City of Garden Ridge

2013 CIP Projects

River City Engineering, Ltd.

November 6, 2013

Patrick Lackey, P.E.

Garry Montgomery, P.E.



- | | |
|---|---|
| 1. Garden Ridge Drive
Water = \$730,250
Drainage = \$353,568
Street = \$1,179,100
Total = \$2,462,918 | 5. Timber Rose
Water = \$162,400
Drainage = \$155,000
Street = \$281,936
Total = \$610,336 |
| 2. Bluebell Drive
Water = \$268,800
Drainage = \$381,836
Street = \$373,369
Total = \$1,104,005 | 6. Grass Creek Road
Water = \$134,400
Drainage = \$347,747
Street = \$336,950
Total = \$1,019,697 |
| 3. Blazing Star Trail
Water = \$303,000
Drainage = \$366,047
Street = \$702,880
Total = \$1,462,527 | 7. Goldenrod Lane
Drainage = \$157,878 |
| 4. Cinchona Trail
Water = \$240,000
Drainage = \$111,330
Street = \$428,429
Total = \$779,759 | 8. Fairview Circle
Drainage = \$82,597 |
| | 9. Hickory Bend/Arrowood
Drainage = \$393,341 |
| | 10. Gardenia Bend
Street = \$35,000 |
| | 11. Schoenthal Road
Street = \$90,200 |



3801 SOUTH 7TH STREET
 AUSTIN, TEXAS 78704-7047
 PHONE-(512)-442-3908
 FAX-(512)-442-8522
 1011 W. COUNTY LINE ROAD, SUITE C
 NEW BRAUNFELS, TEXAS 78130
 PHONE-(830)-628-3588
 FAX-(830)-628-3601

REVISIONS			
NO.	REVISION	APPR.	DATE

DRAWING INFORMATION	
DESIGNED BY:	SCALE:
DRAWN BY: AW	DATE:
CHECKED BY:	PROJECT NO:
APPROVED BY:	PLUT DATE:
FILE NAME:	PLUT SCALE:
REMARKS:	

CITY OF GARDEN RIDGE
 TOP CONSTRUCTION PROJECTS
 SHEET 1 OF 1

Major Projects:

- **CIP Projects** – Garden Ridge Dr., Cinchona Tr., Blazing Star Tr., Bluebell, Timber Rose, Grass Creek waterline, drainage and street repairs.
- On Tuesday, October 8, 2013 eight sealed proposals were received for the 2013 Water, Streets and Drainage Upgrades CIP Project.
- Base Bids were within about a \$1.5 Million range from a low of \$3,423,290.05 to a high of \$4,939,317.50. The average Bid was \$3,988,789.76.
 - A recommendation letter and bid tabulation is provided for your consideration.
- Base Bids were tabulated and references for the three lowest cost proposers were vetted.
- Qro Mex was the lowest cost Bidder, and has completed projects for the City:
 - 2012 Waterline relocation at FM 2252 and FM 3009;
 - Hickory Bend Drainage Channel; and
 - Parkview Drive Paving/Drainage Improvements.
 - All projects were completed ahead of schedule with no issues.
 - The contractor has a favorable reputation for keeping his work area clean and addressing any issues immediately.

Major Projects:

- **CIP Projects Recommendation:**

- Award the 2013 Waterline, Streets and Drainage Improvements Contract to Qro Mex Construction Co, Inc. in the amount of \$3,460,790.05.
 - \$3,423,290.05 for the base bid of the project.
 - \$37,500 for the alternate Bid to replace the existing water meters with the new style radio read meters.
 - If awarded, the contracts will be sent to the contractor for execution and required bonding.
- Residents have expressed concerns about the project beginning prior to the holidays.
- We recommend awarding the contract and holding the Notice to Proceed to be issued the first week of January 2014.
- This will allow the contractor to initiate his subcontractor and supplier contracts to solidify his costs. This will also allow the required delivery time for the waterlines that will be required for the first phase of the project.



Major Projects:

- Alternate Bid Items Reviewed and Not Recommended:
 - Ribbon Curb = \$532,770.00
 - This is not a cost-effective addition to the project
 - Re-vegetation to match specific grass = \$35,000.00
 - We believe the project will be easier to administer and track selecting a single grass type to re-vegetate the City right of way.
 - Eliminates potential for confusion as to what type of grass is in place today and allows for the selection of the most drought resistant grass possible.
 - Xeriscaping = \$50,000.00
 - Xeriscaping will likely be far more subject to erosion and deterioration in the drainage channel throughout the rights of way.

CIP Budget – Street Portion

- Street Upgrades
 - Original Estimate= \$3,424,483.99 (CIP and Schoenthal Road)
 - To be funded from 2013 Bond and Street Impact Fees
 - Total Budgeted Street Upgrade Cost = \$1,470,467.63
 - Contractor's Base Bid (CIP) = \$974,546.50
 - Contractor's Bid (Schoenthal) = \$287,070.03
 - Engineering/Bidding/Contracts = \$136,436.51
 - Construction Administration/Inspections = \$43,854.59
 - Construction Staking = \$28,560.00
 - CIP Bond Fund Portion = (\$1,305,217.59)
 - Street Impact Fee Portion = (\$165,250.04)
 - Remaining CIP Bond Funds as compared to Estimate = \$2,119,266.40



CIP Budget – Drainage Portion

- Drainage Upgrades
 - Original Estimate = \$2,125,528.00
 - All to be funded from 2013 CIP Bond Fund
 - Total Budgeted Drainage Upgrade Cost = \$1,131,120.99
 - Contractor's Base Bid = \$933,844.00
 - Engineering/Bidding/Contracts = \$143,230.01
 - Construction Administration/Inspections = \$42,022.98
 - Construction Staking = \$12,024.00
 - Remaining CIP Bond Funds as compared to the Estimate = \$994,407.01

CIP Budget – Water Portion

- Water Upgrades
 - Original Estimate = \$1,948,450.00
 - To be funded from Water Funds (\$1,050,144.00) and Water Impact Fees (\$898,306.00)
 - Total Water Upgrade Cost Based on the Bid = \$1,868,740.66
 - Contractor's Base Bid = \$1,514,899.55
 - Additive Alternate for Meters = \$37,500 (if awarded, recommended)
 - Total Contractor's Bid = \$1,552,399.55
 - Engineering/Bidding/Contracts = \$225,097.93
 - Construction Administration/Inspections = \$69,857.98
 - Construction Staking = \$21,385.20
 - Given other portions of the CIP Project are below the Estimate, we recommend funding this portion of the CIP from CIP Bond Funds (\$970,434.66) and Water Impact Fees (\$898,306.00).
 - Keeps \$970,434.66 of existing water reserves in the Water Fund



CIP Budget – Summary

- Waterline, Streets and Drainage Upgrades
 - Total CIP Bond Fund Proceeds = \$5,967,994.67
 - Schoenthal Work Funded by CIP = \$121,819.99
 - Hickory Bend Work funded by CIP = \$593,341.00
 - CIP Funds Designated for Current Project (Including Engineering/Survey/Administration) = \$3,019,150.06
 - Contingency for Current CIP Project Contract = \$420,000 (~12%)
 - Remaining CIP Bond Fund Balance = \$1,813,683.62
 - We are currently reviewing options and priorities for additional projects that could be funded with the remaining CIP Bond Fund Proceeds.

Schoenthal Road Improvement Project

- Contractor has replaced the low water crossing and completed paving. Pavement markings, signage, re-vegetation and final cleanup are pending at this time.
- Gardenia Bend Road has been chip sealed. The contractor will be sweeping the roadway to remove excess aggregate prior to demobilization of his equipment.
 - Some sections may need repair.
- The project is on schedule at this time and the only change order has been the low water crossing replacement approved at the October meeting.
- TxDOT inspected the portion of the improvements that are within their right-of-way on October 29th they had no issues with the construction to date.

Paul Davis Park Restroom Upgrade

- The contractor has completed the block walls and the roof has been installed.
- The epoxy coating will be placed the week of November 4. The contractor is extending his warranty of the flooring for 10 year for material and labor.
- The contract time has been extended to November 12 for completion of the project.



October 29, 2013

Nancy Cain
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266

**RE: Bid Recommendation
City of Garden Ridge
2013 Street, Drainage and Waterline Upgrades – CIP Project**

Dear Ms. Cain:

On Tuesday, October 8, 2013 eight (8) sealed bids were received for the above listed project. Each contractor's bid was in accordance with the contract documents prepared by our firm. **Qro Mex Construction Co., Inc.** submitted the lowest bid of Three Million Four Hundred Twenty-Three Thousand Two Hundred Ninety Dollars and Five Cents (\$3,423,290.05). We have enclosed the bid tabulations results for your review and consideration. In addition to the base bid we recommend award of the additive alternate for new meter assembly installation with a total cost of \$37,500. The eight (8) proposals ranged from \$3,423,290.05 to \$4,939,317.50 with a mean of \$3,988,789.76. We have checked the qualifications and references of the low bidder and find them to be in order. We therefore recommend the City Council award the project to the lowest cost, most responsible proposer, **Qro Mex Construction Co., Inc in the amount of \$3,460,790.05.** The contractor and his subcontractors have completed projects for the City on time and within budget in the past. These projects include the 2012 FM 2252 and FM 3009 12-inch waterline relocation, Hickory Bend/Arrowood Drainage upgrades and Parkview Drive Improvements.

We further recommend that the contract be awarded and executed with the Notice to Proceed held until January 2, 2014. This will allow the contractor to complete contracts with suppliers and subcontractors. Delay of the Notice to Proceed will also allow time for material deliveries and postpone construction until after the holidays which has been a primary concern expressed by multiple residents within the project area.

If you have any questions please feel free to contact our office.

Respectfully Submitted,

Garry Montgomery, P.E.
Attachment: Bid Tabulation

P:\Projects\6092 (City of Garden Ridge)\104\Construction Services\BidRecommendation.doc

Bid Tabulation
City of Garden Ridge
2013 Waterline, Streets, & Drainage Improvements

ITEM	DESCRIPTION	UNIT	QTY	GRO CONST. CO.		ALAMO CITY CONST. INC.		NELSON LEWIS, INC.		BARTER CONST. CO.		JOE BLAMO CONST.		SAN ANTONIO CONST.		R.L. JONES LP		FRONTO			
				UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1)	Boonding, Modification & Insurance	LS	1		\$ 130,000.00		\$ 232,472.00		\$ 200,000.00		\$ 190,000.00		\$ 75,000.00		\$ 280,997.86		\$ 310,000.00		\$ 380,000.00		
2)	Site Clearing & Preparation of Right-of-Way	AC	25	\$ 1,200.00	\$ 30,000.00	\$ 1,148.00	\$ 28,700.00	\$ 1,450.00	\$ 36,250.00	\$ 770.00	\$ 19,250.00	\$ 3,000.00	\$ 75,000.00	\$ 5,000.00	\$ 125,000.00	\$ 12,400.00	\$ 310,000.00	\$ 4,000.00	\$ 100,000.00		
3)	Construction & Material Testing	LS	1		\$ 30,000.00		\$ 50,100.00		\$ 25,000.00		\$ 65,000.00		\$ 50,000.00		\$ 45,000.00		\$ 50,000.00		\$ 12,000.00		
4)	Traffic Control, Signs & Barricades	LS	1		\$ 40,000.00		\$ 34,916.00		\$ 42,000.00		\$ 19,500.00		\$ 24,000.00		\$ 30,000.00		\$ 80,000.00		\$ 25,000.00		
5)	Environmental Protection/Storm Water Pollution Prevention	LS	1		\$ 20,000.00		\$ 6,810.00		\$ 20,000.00		\$ 9,800.00		\$ 0.00		\$ 5,000.00		\$ 34,900.00		\$ 3,000.00		
6)	Trench Excavation/Slurry Protection	LF	21,917	\$ 1.00	\$ 21,917.00	\$ 2.00	\$ 43,834.00	\$ 2.00	\$ 43,834.00	\$ 1.00	\$ 21,917.00	\$ 1.00	\$ 21,917.00	\$ 1.00	\$ 21,917.00	\$ 2.00	\$ 43,834.00	\$ 1.00	\$ 21,917.00		
7)	C-900 PVC Waterline	LF	10	\$ 90.00	\$ 900.00	\$ 51.00	\$ 510.00	\$ 39.00	\$ 390.00	\$ 60.00	\$ 600.00	\$ 55.00	\$ 550.00	\$ 100.00	\$ 1,000.00	\$ 78.00	\$ 780.00	\$ 37.00	\$ 370.00		
8)	C-909 PVC Waterline	LF	11,281	\$ 38.00	\$ 427,918.00	\$ 40.00	\$ 450,440.00	\$ 38.00	\$ 427,918.00	\$ 43.00	\$ 484,273.00	\$ 59.00	\$ 664,389.00	\$ 68.00	\$ 761,604.00	\$ 79.00	\$ 878,270.00	\$ 43.00	\$ 484,273.00	\$ 271.00	\$ 3,032,440.00
9)	12" C-909 PVC Waterline	LF	6,303	\$ 50.00	\$ 315,150.00	\$ 48.00	\$ 302,544.00	\$ 49.00	\$ 309,817.00	\$ 57.00	\$ 359,271.00	\$ 68.00	\$ 428,604.00	\$ 72.00	\$ 453,816.00	\$ 82.00	\$ 516,624.00	\$ 49.00	\$ 311,577.00	\$ 262.00	\$ 3,032,440.00
10)	24" Steel Encasement (Open Cut)	LF	280	\$ 150.00	\$ 42,000.00	\$ 137.00	\$ 38,356.00	\$ 80.00	\$ 22,400.00	\$ 93.00	\$ 26,040.00	\$ 95.00	\$ 26,655.00	\$ 125.00	\$ 35,000.00	\$ 120.00	\$ 33,600.00	\$ 150.00	\$ 42,000.00	\$ 28.00	\$ 7,840.00
11)	Reidy 1" Short Service	EA	24	\$ 80.00	\$ 1,920.00	\$ 2,190.00	\$ 52,500.00	\$ 90.00	\$ 2,160.00	\$ 21,600.00	\$ 18,000.00	\$ 21,600.00	\$ 1,100.00	\$ 26,400.00	\$ 1,200.00	\$ 28,800.00	\$ 1,400.00	\$ 33,600.00	\$ 90.00	\$ 2,160.00	
12)	Reidy 1" Long Service	EA	14	\$ 925.00	\$ 12,950.00	\$ 2,500.00	\$ 35,000.00	\$ 1,300.00	\$ 18,200.00	\$ 1,400.00	\$ 19,600.00	\$ 1,600.00	\$ 22,400.00	\$ 1,800.00	\$ 25,200.00	\$ 2,000.00	\$ 28,000.00	\$ 2,200.00	\$ 30,800.00	\$ 1,200.00	\$ 14,400.00
13)	Reidy 1.5" Short Service	EA	24	\$ 1,200.00	\$ 28,800.00	\$ 2,600.00	\$ 62,400.00	\$ 1,500.00	\$ 36,000.00	\$ 1,400.00	\$ 33,600.00	\$ 1,600.00	\$ 38,400.00	\$ 1,800.00	\$ 43,200.00	\$ 2,000.00	\$ 48,000.00	\$ 2,200.00	\$ 52,800.00	\$ 2,000.00	\$ 48,000.00
14)	Reidy 1.5" Long Service	EA	38	\$ 1,450.00	\$ 55,100.00	\$ 2,940.00	\$ 111,948.00	\$ 1,900.00	\$ 72,200.00	\$ 2,000.00	\$ 76,000.00	\$ 2,200.00	\$ 83,600.00	\$ 2,400.00	\$ 91,200.00	\$ 2,600.00	\$ 103,600.00	\$ 2,800.00	\$ 106,400.00	\$ 3,000.00	\$ 120,000.00
15)	Galv Valve	EA	1	\$ 750.00	\$ 750.00	\$ 2,137.00	\$ 2,137.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 4,500.00	
16)	Galv Valve	EA	36	\$ 1,100.00	\$ 39,600.00	\$ 2,442.00	\$ 87,912.00	\$ 1,800.00	\$ 64,800.00	\$ 2,300.00	\$ 82,800.00	\$ 2,800.00	\$ 100,800.00	\$ 3,300.00	\$ 118,800.00	\$ 3,800.00	\$ 136,800.00	\$ 4,300.00	\$ 154,800.00	\$ 4,800.00	\$ 172,800.00
17)	Galv Valve	EA	16	\$ 1,875.00	\$ 30,000.00	\$ 5,198.00	\$ 83,168.00	\$ 4,000.00	\$ 64,000.00	\$ 4,500.00	\$ 72,000.00	\$ 5,000.00	\$ 80,000.00	\$ 5,500.00	\$ 88,000.00	\$ 6,000.00	\$ 96,000.00	\$ 6,500.00	\$ 104,000.00	\$ 7,000.00	\$ 112,000.00
18)	Fire Hydrant Assembly (Fire Hydrant Extension)	EA	31	\$ 3,000.00	\$ 93,000.00	\$ 3,522.00	\$ 109,182.00	\$ 4,000.00	\$ 124,000.00	\$ 4,500.00	\$ 139,500.00	\$ 5,000.00	\$ 155,000.00	\$ 5,500.00	\$ 170,500.00	\$ 6,000.00	\$ 186,000.00	\$ 6,500.00	\$ 201,500.00	\$ 7,000.00	\$ 217,000.00
19)	C-900 PVC Waterline (Fire Hydrant Extension)	LF	185	\$ 60.00	\$ 11,100.00	\$ 16.00	\$ 2,960.00	\$ 40.00	\$ 7,400.00	\$ 50.00	\$ 9,250.00	\$ 60.00	\$ 11,100.00	\$ 70.00	\$ 12,950.00	\$ 80.00	\$ 14,800.00	\$ 90.00	\$ 16,650.00	\$ 100.00	\$ 18,500.00
20)	Pipe Fittings all sizes and types	TON	4.5	\$ 6,500.00	\$ 29,250.00	\$ 9,625.00	\$ 43,312.50	\$ 12,000.00	\$ 54,000.00	\$ 13,000.00	\$ 58,500.00	\$ 14,000.00	\$ 63,000.00	\$ 15,000.00	\$ 67,500.00	\$ 16,000.00	\$ 73,500.00	\$ 17,000.00	\$ 76,500.00	\$ 18,000.00	\$ 81,000.00
21)	Galv Water Trench	EA	3	\$ 2,000.00	\$ 6,000.00	\$ 1,954.00	\$ 5,862.00	\$ 1,500.00	\$ 4,500.00	\$ 1,600.00	\$ 4,800.00	\$ 1,700.00	\$ 5,100.00	\$ 1,800.00	\$ 5,400.00	\$ 1,900.00	\$ 5,700.00	\$ 2,000.00	\$ 6,000.00	\$ 2,100.00	\$ 6,300.00
22)	Galv Water Trench	EA	5	\$ 2,650.00	\$ 13,250.00	\$ 2,150.00	\$ 10,750.00	\$ 1,500.00	\$ 7,500.00	\$ 1,600.00	\$ 8,000.00	\$ 1,700.00	\$ 8,500.00	\$ 1,800.00	\$ 9,000.00	\$ 1,900.00	\$ 9,500.00	\$ 2,000.00	\$ 10,000.00	\$ 2,100.00	\$ 10,500.00
23)	12" Water Trench	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 2,279.00	\$ 2,279.00	\$ 2,500.00	\$ 2,500.00	\$ 2,800.00	\$ 2,800.00	\$ 3,000.00	\$ 3,000.00	\$ 3,300.00	\$ 3,300.00	\$ 3,600.00	\$ 3,600.00	\$ 3,900.00	\$ 3,900.00	\$ 4,200.00	
24)	Testing & Disinfection	LF	17,759	\$ 0.75	\$ 13,319.25	\$ 3.00	\$ 52,779.00	\$ 1.00	\$ 17,759.00	\$ 3.00	\$ 52,779.00	\$ 4.00	\$ 71,036.00	\$ 5.00	\$ 88,795.00	\$ 6.00	\$ 106,554.00	\$ 7.00	\$ 124,313.00	\$ 8.00	\$ 142,072.00
25)	7" Adv/Venture Release Valve	EA	17,759	\$ 2,290.00	\$ 40,467.10	\$ 2,298.00	\$ 68,840.00	\$ 3,800.00	\$ 67,242.00	\$ 4,000.00	\$ 71,036.00	\$ 4,200.00	\$ 74,256.00	\$ 4,400.00	\$ 77,472.00	\$ 4,600.00	\$ 80,908.00	\$ 4,800.00	\$ 84,344.00	\$ 5,000.00	\$ 87,790.00
26)	Warning Tape	LF	17,759	\$ 0.30	\$ 5,327.70	\$ 0.05	\$ 887.95	\$ 0.25	\$ 4,439.75	\$ 0.10	\$ 1,775.90	\$ 0.05	\$ 887.95	\$ 0.20	\$ 3,551.80	\$ 0.15	\$ 2,663.85	\$ 0.10	\$ 1,775.90	\$ 0.05	\$ 887.95
27)	Trench Wire	EA	8	\$ 1,500.00	\$ 12,000.00	\$ 1,998.00	\$ 15,744.00	\$ 3,100.00	\$ 24,800.00	\$ 3,100.00	\$ 24,800.00	\$ 3,200.00	\$ 25,600.00	\$ 3,300.00	\$ 26,400.00	\$ 3,400.00	\$ 27,200.00	\$ 3,500.00	\$ 28,000.00	\$ 3,600.00	\$ 28,800.00
28)	2" Blow-off Assembly	EA	8	\$ 1,500.00	\$ 12,000.00	\$ 1,998.00	\$ 15,744.00	\$ 3,100.00	\$ 24,800.00	\$ 3,100.00	\$ 24,800.00	\$ 3,200.00	\$ 25,600.00	\$ 3,300.00	\$ 26,400.00	\$ 3,400.00	\$ 27,200.00	\$ 3,500.00	\$ 28,000.00	\$ 3,600.00	\$ 28,800.00
29)	Water Bar	EA	180	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00	\$ 190.00	\$ 34,200.00
30)	Remove & Abandon Existing Valves & Fire Hydrants	EA	61	\$ 300.00	\$ 18,300.00	\$ 319.00	\$ 19,093.00	\$ 325.00	\$ 19,825.00	\$ 330.00	\$ 20,010.00	\$ 340.00	\$ 20,840.00	\$ 350.00	\$ 21,450.00	\$ 360.00	\$ 22,060.00	\$ 370.00	\$ 22,670.00	\$ 380.00	\$ 23,280.00
31)	Flowable Bedfill	CY	6	\$ 120.00	\$ 720.00	\$ 94.00	\$ 564.00	\$ 95.00	\$ 570.00	\$ 100.00	\$ 600.00	\$ 105.00	\$ 630.00	\$ 110.00	\$ 660.00	\$ 115.00	\$ 690.00	\$ 120.00	\$ 720.00	\$ 125.00	\$ 750.00
32)	Removal, Transportation & Disposal of AC Pipe	LF	5,628	\$ 8.00	\$ 45,024.00	\$ 7.00	\$ 39,396.00	\$ 7.20	\$ 40,521.60	\$ 7.50	\$ 42,210.00	\$ 7.80	\$ 43,910.40	\$ 8.10	\$ 45,609.60	\$ 8.40	\$ 47,308.80	\$ 8.70	\$ 49,008.00	\$ 9.00	\$ 50,707.20
33)	Asbestos Abatement Work Plan	LS	1		\$ 0.00		\$ 28,500.00		\$ 3,500.00		\$ 5,000.00		\$ 15,000.00		\$ 4,500.00		\$ 30,000.00		\$ 12,000.00		
34)	18" Compacted Inlet Pipe	LF	1,410	\$ 145.00	\$ 204,450.00	\$ 59.00	\$ 83,190.00	\$ 80.00	\$ 112,800.00	\$ 82.00	\$ 115,800.00	\$ 84.00	\$ 118,800.00	\$ 86.00	\$ 121,800.00	\$ 88.00	\$ 124,800.00	\$ 90.00	\$ 127,800.00	\$ 92.00	\$ 130,800.00
35)	24" Compacted Inlet Pipe	LF	644	\$ 180.00	\$ 115,920.00	\$ 65.00	\$ 41,860.00	\$ 60.00	\$ 38,640.00	\$ 65.00	\$ 41,860.00	\$ 70.00	\$ 45,140.00	\$ 75.00	\$ 48,420.00	\$ 80.00	\$ 51,700.00	\$ 85.00	\$ 54,980.00	\$ 90.00	\$ 58,260.00
36)	30" Compacted Inlet Pipe	LF	125	\$ 180.00	\$ 22,500.00	\$ 105.00	\$ 13,125.00	\$ 100.00	\$ 12,500.00	\$ 105.00	\$ 13,125.00	\$ 110.00	\$ 13,750.00	\$ 115.00	\$ 14,375.00	\$ 120.00	\$ 15,000.00	\$ 125.00	\$ 15,625.00	\$ 130.00	\$ 16,250.00
37)	36" Compacted Inlet Pipe	LF	54	\$ 200.00	\$ 10,800.00	\$ 190.00	\$ 9,744.00	\$ 200.00	\$ 10,800.00	\$ 210.00	\$ 11,340.00	\$ 220.00	\$ 11,880.00	\$ 230.00	\$ 12,420.00	\$ 240.00	\$ 12,960.00	\$ 250.00	\$ 13,500.00	\$ 260.00	\$ 14,040.00
38)	1.5" Bar Cement	LF	1,055	\$ 210.00	\$ 221,550.00	\$ 240.00	\$ 257,400.00	\$ 237.00	\$ 250,365.00	\$ 240.00	\$ 252,000.00	\$ 243.00	\$ 255,315.00	\$ 246.00	\$ 258,630.00	\$ 249.00	\$ 261,945.00	\$ 252.00	\$ 265,260.00	\$ 255.00	\$ 268,575.00
39)	Channel Excavation	CY	4,930	\$ 17.00	\$ 83,810.00	\$ 25.00	\$ 123,750.00	\$ 17.00	\$ 83,810.00	\$ 18.00	\$ 88,740.00	\$ 19.00	\$ 93,670.00	\$ 20.00	\$ 98,600.00	\$ 21.00	\$ 103,530.00	\$ 22.00	\$ 108,460.00	\$ 23.00	\$ 113,390.00
40)	Bar Ditch Excavation	CY	4,491	\$ 14.00	\$ 62,874.00	\$ 18.00	\$ 80,830.00	\$ 14.00	\$ 62,874.00	\$ 15.00	\$ 67,804.00	\$ 16.00	\$ 72,734.00	\$ 17.00	\$ 77,664.00	\$ 18.00	\$ 82,594.00	\$ 19.00	\$ 87,524.00	\$ 20.00	\$ 92,454.00
41)	Sheet Pile Extension	CY	286	\$ 26.00	\$ 7,416.00	\$ 13.00	\$ 3,718.00	\$ 20.00	\$ 5,720.00	\$ 25.00	\$ 7,225.00	\$ 30.00	\$ 8,550.00	\$ 35.00	\$ 10,075.00	\$ 40.00	\$ 11,600.00	\$ 45.00	\$ 12,975.00</		

Bid Tabulation
City of Garden Ridge
2013 Waterline, Streets, & Drainage Improvements

ITEM	DESCRIPTION	UNIT	QTY	GRD MEX CONST. CO.		ALAMO CITY CONST. INC.		NELSON LEWIS INC.		BARTER CONST. CO.		JOE BLAND CONST.		SAN ANTONIO CONST.		R.L. JONES LP		FRONTO			
				UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
48)	Remove Existing Concrete	SY	237	\$ 9.00	\$ 2,133.00	\$ 14.00	\$ 3,318.00	\$ 5.00	\$ 1,185.00	\$ 56.00	\$ 13,272.00	\$ 27.00	\$ 6,399.00	\$ 10.00	\$ 2,370.00	\$ 23.00	\$ 5,451.00	\$ 23.00	\$ 5,451.00	\$ 27.00	\$ 6,399.00
49)	1.5" HAWK ROADWAYS	SY	46,338	\$ 6.75	\$ 312,781.50	\$ 7.50	\$ 347,553.00	\$ 7.50	\$ 347,553.00	\$ 7.00	\$ 324,366.00	\$ 7.00	\$ 324,366.00	\$ 11.00	\$ 509,718.00	\$ 7.00	\$ 324,366.00	\$ 7.00	\$ 324,366.00	\$ 7.00	\$ 324,366.00
50)	SCAFFOLD, REBAR AND RECONSTRUCT SUBGRADE	SY	46,338	\$ 7.00	\$ 324,366.00	\$ 2.50	\$ 115,845.00	\$ 8.50	\$ 393,181.50	\$ 4.00	\$ 185,352.00	\$ 5.80	\$ 268,790.40	\$ 8.00	\$ 370,682.40	\$ 7.50	\$ 347,553.00	\$ 7.00	\$ 324,366.00	\$ 58.50	\$ 2,711,337.00
51)	Concrete Finement	SY	467	\$ 70.00	\$ 32,690.00	\$ 48.00	\$ 22,368.00	\$ 50.00	\$ 23,350.00	\$ 97.00	\$ 45,339.00	\$ 11,200.00	\$ 5,212,000.00	\$ 75.00	\$ 34,275.00	\$ 4,200.00	\$ 192,825.00	\$ 225.00	\$ 102,825.00	\$ 70.00	\$ 31,995.00
52)	Concrete Structure (Wing Walls)	CY	8	\$ 2,200.00	\$ 17,600.00	\$ 716.00	\$ 5,728.00	\$ 8	\$ 64.00	\$ 6,000.00	\$ 1,400.00	\$ 11,200.00	\$ 7,000.00	\$ 56,000.00	\$ 4,200.00	\$ 33,600.00	\$ 775.00	\$ 6,200.00	\$ 6,200.00	\$ 770.00	\$ 6,160.00
53)	Concrete Structure (Heavenside)	CY	83	\$ 800.00	\$ 66,400.00	\$ 716.00	\$ 59,228.00	\$ 83	\$ 66,400.00	\$ 43,990.00	\$ 36,100.00	\$ 7,000.00	\$ 58,100.00	\$ 825.00	\$ 68,475.00	\$ 43,150.00	\$ 35,902.50	\$ 659.00	\$ 54,951.00	\$ 660.00	\$ 54,660.00
54)	Concrete Structure (Rip Rap)	CY	86	\$ 475.00	\$ 40,850.00	\$ 506.00	\$ 43,116.00	\$ 86	\$ 40,850.00	\$ 45,590.00	\$ 39,000.00	\$ 40,200.00	\$ 37,000.00	\$ 41,100.00	\$ 45,150.00	\$ 38,775.00	\$ 915.00	\$ 77,775.00	\$ 52,890.00	\$ 45,000.00	\$ 38,700.00
55)	Construction Entrance	EA	23	\$ 350.00	\$ 8,050.00	\$ 591.00	\$ 13,693.00	\$ 23	\$ 529.00	\$ 12,167.00	\$ 475.00	\$ 10,925.00	\$ 700.00	\$ 16,100.00	\$ 300.00	\$ 6,900.00	\$ 400.00	\$ 9,200.00	\$ 370.00	\$ 8,510.00	
56)	Protection & Restoration of Mailboxes	EA	38	\$ 400.00	\$ 15,200.00	\$ 200.00	\$ 7,600.00	\$ 38	\$ 15,200.00	\$ 22,800.00	\$ 375.00	\$ 14,250.00	\$ 15,800.00	\$ 6,020.00	\$ 4,250.00	\$ 1,615.00	\$ 2,200.00	\$ 1,650.00	\$ 1,200.00	\$ 1,200.00	
57)	Steel Bolsters	EA	40	\$ 200.00	\$ 8,000.00	\$ 251.00	\$ 10,040.00	\$ 40	\$ 8,000.00	\$ 16,800.00	\$ 375.00	\$ 15,000.00	\$ 425.00	\$ 17,000.00	\$ 300.00	\$ 12,000.00	\$ 200.00	\$ 8,000.00	\$ 800.00	\$ 3,200.00	
58)	Flagstones Curved Delineators	EA	22	\$ 150.00	\$ 3,300.00	\$ 222.00	\$ 4,884.00	\$ 22	\$ 3,300.00	\$ 4,884.00	\$ 450.00	\$ 9,900.00	\$ 110.00	\$ 2,420.00	\$ 1,000.00	\$ 22,000.00	\$ 75.00	\$ 1,650.00	\$ 1,650.00	\$ 2,200.00	
59)	Rock Rip Rap	CY	11	\$ 150.00	\$ 1,650.00	\$ 40.00	\$ 440.00	\$ 11	\$ 1,650.00	\$ 1,650.00	\$ 56.00	\$ 616.00	\$ 50.00	\$ 550.00	\$ 20.00	\$ 220.00	\$ 200.00	\$ 4,000.00	\$ 220.00	\$ 2,200.00	
60)	Extend Control Measures (Silt Fence & Mulch)	LS	1	\$	\$ 12,000.00	\$	\$ 7,410.00	\$	\$ 12,000.00	\$	\$ 4,100.00	\$	\$ 5,500.00	\$	\$ 6,500.00	\$	\$ 9,000.00	\$	\$ 9,000.00	\$	\$ 21,000.00
61)	Remove & Replace Chain Link Fencing	LF	722	\$ 30.00	\$ 21,660.00	\$ 23.00	\$ 16,606.00	\$ 722	\$ 21,660.00	\$ 28,890.00	\$ 527.00	\$ 379,414.00	\$ 10.00	\$ 7,220.00	\$ 39.00	\$ 28,158.00	\$ 11.50	\$ 8,303.00	\$ 50.00	\$ 36,100.00	
62)	Rock Berm	LF	22	\$ 30.00	\$ 660.00	\$ 40.00	\$ 880.00	\$ 22	\$ 660.00	\$ 1,100.00	\$ 660.00	\$ 520.00	\$ 11,440.00	\$ 50.00	\$ 1,100.00	\$ 25.00	\$ 550.00	\$ 50.00	\$ 1,100.00		
63)	Revegetation by Hydrating	AC	15	\$ 1,200.00	\$ 18,000.00	\$ 3,653.00	\$ 45,795.00	\$ 15	\$ 18,000.00	\$ 52,500.00	\$ 37,500.00	\$ 112,500.00	\$ 7,000.00	\$ 105,000.00	\$ 55,000.00	\$ 775,000.00	\$ 4,500.00	\$ 67,500.00	\$ 17,000.00	\$ 21,000.00	
65)	Production & Relocation of Irrigation Lines	EA	45	\$ 350.00	\$ 15,750.00	\$ 399.00	\$ 17,955.00	\$ 45	\$ 15,750.00	\$ 22,500.00	\$ 1,100.00	\$ 49,500.00	\$ 500.00	\$ 22,500.00	\$ 700.00	\$ 31,500.00	\$ 1,000.00	\$ 4,500.00	\$ 500.00	\$ 2,250.00	
	TOTAL - BASE BID				\$ 3,423,290.05		\$ 3,459,208.30		\$ 3,880,041.55		\$ 3,793,602.85		\$ 3,270,505.55		\$ 4,339,791.31		\$ 4,293,989.95		\$ 4,829,317.50		
	ADDITIVE ALTERNATE																				
1)	New 1" Meter Assembly	EA	100	\$ 375.00	\$ 37,500.00	\$ 389.00	\$ 38,900.00	\$ 400.00	\$ 40,000.00	\$ 525.00	\$ 52,500.00	\$ 325.00	\$ 32,500.00	\$ 300.00	\$ 30,000.00	\$ 1,400.00	\$ 140,000.00	\$ 300.00	\$ 30,000.00	\$ 350.00	\$ 35,000.00
2)	Ribbon Curb	LF	35,518	\$ 15.00	\$ 532,770.00	\$ 7.00	\$ 248,626.00	\$ 12.20	\$ 433,319.60	\$ 12.00	\$ 426,216.00	\$ 17.25	\$ 612,665.50	\$ 10.00	\$ 355,180.00	\$ 1,400.00	\$ 497,000.00	\$ 1,400.00	\$ 497,000.00	\$ 1,400.00	\$ 497,000.00
3)	Revegetation (Meadow Specific Grass)	EA	100	\$ 350.00	\$ 35,000.00	\$ 3,593.00	\$ 359,300.00	\$ 700.00	\$ 70,000.00	\$ 480.00	\$ 48,000.00	\$ 2,400.00	\$ 240,000.00	\$ 2,000.00	\$ 20,000.00	\$ 300.00	\$ 30,000.00	\$ 750.00	\$ 75,000.00	\$ 200.00	\$ 20,000.00
4)	Reduce Existing Vegetation within ROW with Mowing	EA	100	\$ 500.00	\$ 50,000.00	\$ 3,983.00	\$ 398,300.00	\$ 1,200.00	\$ 120,000.00	\$ 1,300.00	\$ 130,000.00	\$ 1,300.00	\$ 130,000.00	\$ 1,000.00	\$ 100,000.00	\$ 435,180.00	\$ 435,180.00	\$ 3,400.00	\$ 340,000.00	\$ 3,400.00	\$ 340,000.00
	TOTAL - ADDITIVE ALTERNATE				\$ 665,270.00		\$ 1,046,832.00		\$ 665,319.60		\$ 656,716.00		\$ 1,045,195.50		\$ 435,180.00		\$ 871,216.00		\$ 688,609.00		

Checklist Error
Wrong Quantity



City of Garden Ridge

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

October 29, 2013

Dear Property Owner,

The City of Garden Ridge is studying the feasibility of developing a sewer system along the F.M. 2252 corridor in the Garden Ridge city limits. The proposed service area would run from the city's eastern city limits line at Schneider Lane to the city limits line west of Tonkawa Pass and extending southward to the city limits line adjoining the City of Schertz city limits. The proposed system would be served by a pressure main that would connect into the Cibolo Creek Municipal Authority (CCMA) sewer system at Lookout Road and Enterprise Avenue.

The City of Garden Ridge anticipates that it would create a utility district comprised of a study area encompassing approximately 411 acres, and about 311 acres within that area are undeveloped today. The new utility district would issue a bond and incur the cost for construction of the sewer system, currently estimated at \$2,120,555. Each property owner or developer would be responsible for a pro rata share of the construction and carrying costs as well as the costs associated with connecting to the new sewer system, including the installation of grinder pumps and associated infrastructure for each connection. Property owners or developers would also incur Impact Fees that would be assessed by CCMA and the City of Garden Ridge for each connection to the new sewer system. Enclosed please find a report that was given to City Council at the time the Council authorized the City to move forward with assessing this project.

As a property owner or developer of property located within the sewer system study area, the City of Garden Ridge is interested in receiving your input on the feasibility and desirability of installing a sewer system along the F.M. 2252 corridor. You are invited to attend a meeting on November 21, 2013 at 6:30 p.m. in the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas to learn more about the proposed sewer system and to provide your input into the project. At that time, the City will have more information about the anticipated costs that would be borne by the affected property owners, the duration of those costs, and anticipated connection and impact fees.

If you are unable to attend you are invited to provide written comments on this proposal to the City Administrator, Nancy Cain.

Sincerely,

Nancy Cain
City Administrator

Regular Session
Tuesday, October 8, 2013

From: Garden Ridge Planning and Zoning Commission
To: Garden Ridge City Council
Subjects: Election of P&Z Chair and Vice Chair
Reappointment of Commissioners
Resignation of P&Z Commissioner Walter Lamar (Place 6)
Interviews for new Commissioner to be conducted at November 12, 2013
P&Z Regular Session.

Samuel Stocks was nominated and elected by unanimous vote (Commissioner Stocks abstaining) to continue as Chair for the October 1, 2013 – September 30, 2014 Fiscal Year.

Frank Dansby was nominated and elected by unanimous vote (Commissioner Dansby abstaining) to continue as Vice Chair for the October 1, 2013 – September 30, 2014 Fiscal Year.

Commissioner Harvey Bell (Place 1), Commissioner Frank Dansby (Place 5), and Commissioner David Heier (Place 5) volunteered to continue to serve for two-year terms of office expiring September 30, 2015. Commission by unanimous vote concurred.

Recommend Council approval of Commissioner's Bell, Dansby, and Heier for the period stated.

Commissioner Walter Lamar resigned from the Commission. He was given a round of applause and thanked for his many years of service to the City of Garden Ridge.

Interviews to fill the vacancy created in Place 6 on the Commission by Walter Lamar's resignation will be conducted at the November 12, 2013 P&Z Meeting. A recommendation to the Council will be forthcoming.

The proposed Ordinance regarding organization of, appointment to and responsibilities of city commissions and ad hoc committees of the City of Garden Ridge was discussed.

Samuel E. Stocks
Chair
Planning and Zoning Commission

October 28, 2013

To: Mayor Dalton and the City Council

From: City Administrator Cain

The City Quarry Commission met in regular session on October 15, 2013 and considered the appointment/reappointment of Quarry Commissioners for two year terms of office expiring September 30, 2015. Commissioners Larry Blades, Richard Holloway, Wayne Mudge and Mike Shands indicated they are willing to continue serving at the discretion of the City Council.

The consensus of the City Quarry Commission is reappointment of Larry Blades, Richard Holloway, Wayne Mudge and Mike Shands as Quarry Commissioners for two year terms of office expiring September 30, 2015.

October 31, 2013

To: City Council

From: Mayor Dalton

Attached please find a new draft of the proposed Ordinance to streamline and standardize the manner in which the Council interacts with all of the City Commissions and Committees. As we have discussed at Council, many of you raised concerns about the term limit and absence provisions in the prior draft. We submitted the prior draft ordinance to the Planning and Zoning and Quarry Commissions, and many of their members shared similar concerns. As a result, I elected to modify the proposed ordinance to eliminate those concerns before the Water Commission had a chance to review the proposal. There are also new provisions on Ad Hoc Committees and the Impact Fee Advisory Committee, as well as a process for requesting persons nominated or appointed by council to serve on other districts, committees or other commissions, to periodically report back to the City Administrator so she can keep the Council apprised of their activities. I believe revised proposal reflects a good governance model for the City, and I look forward to discussing the revised proposal and next steps with you on November 6.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS
ESTABLISHING AND REESTABLISHING COMMISSIONS &
COMMITTEES; CREATING POLICIES AND GUIDELINES FOR THE
COMMISSIONS AND COMMITTEES, INCLUDING REGULATION OF
THE APPOINTMENT PROCESS**

WHEREAS, the City of Garden Ridge, Texas (the “City”) City Council appoints and/or re-appoints members to various Commissions and Committees as outlined in City Ordinances; and

WHEREAS, the City Council wishes to establish a policy for these appointments as outlined in Section 1; and,

WHEREAS, the City Council, upon approval of these policies and guidelines, shall utilize the procedures as a guide for all future appointments upon approval of this Resolution; and the City Council retains the discretion to defer from these policies and guidelines as they see fit.

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

Section 1 – Definitions

“City” means the City of Garden Ridge, Texas.

“Regular Meeting” means only the regularly scheduled meetings of a commission, and does not include any special meetings, workshops, or committee meetings of a commission.

Section 2 – City Commissions and Committees

Sec. 2.01: List of City Commissions

- (a) The City shall have four commissions to make reports, recommendations or requests for action to the City Council as follows:

- (i) The Planning and Zoning Commission: The Planning and Zoning Commission will be governed by, and will report and make recommendations and/or requests for action to, the City Council with regard to all matters governed by Ordinance 7, Ordinance 13, Ordinance 19 and Ordinance 55 or as otherwise permitted or required by state law.
 - (ii) The Water Commission: The Water Commission will be governed by, and will report and make recommendations and/or requests for action to, the City Council with regard to all matters governed by Ordinance 7, Ordinance 54 and Ordinance 61, except as otherwise provided in such ordinances.
 - (iii) The Quarry Commission: The Quarry Commission will be governed by, and will report and make recommendations and/or requests for action to, the City Council with regard to all matters governed by Resolution 200-08-02-01 and Resolution 104-092002.
 - (iv) The Impact Fee Advisory Committee: The Impact Fee Advisory Committee is established in accordance with Texas Local Government Code §395.058, as amended.
 - (v) The City Council may, from time to time, create Ad Hoc Committees as it deems necessary or appropriate to conduct studies and special projects.
- (b) All City commissions and committees shall be recommending bodies to the City Council.
 - (c) All members appointed to any commission or committee serve the City at the pleasure of the City Council who reserves the authority to appoint and/or remove any member for cause or at will at any time by majority vote of the City Council, unless otherwise provided by law.
 - (d) A director serves without compensation, but is entitled to reimbursement for actual expenses incurred in the performance of the director's duties under this subtitle.

- (e) Any provisions of Ordinance 13, Ordinance 54, Resolution 200-08-02-01 or Resolution 104-092002 relating to the appointment of members or alternative members to a commission or the organization and meetings of such commission that are contrary to the provisions of this Ordinance are hereby repealed and shall be null and void.

Sec. 2.02: Open meetings; agenda items.

- (a) All City commissions shall hold Regular Meetings once a month or as necessary in light of the business pending before such commission. At each commission's first meeting in October of a calendar year, the commission shall select the day and time of its regularly scheduled meetings and the chair shall notify the City Secretary of such selection. If the commission wishes to meet less than quarterly, the City Council must approve the commission's decision.
- (b) All City committees shall meet as required by State law or as directed by the City Council or City Administrator in light of the business pending before such committee.
- (c) All city commissions and committees shall comply with the standards for open meetings as prescribed by state law for members of governmental bodies.
- (d) The agenda for each Regular Meeting or other meeting of a city commission or committee shall be approved by the City Administrator before publication and shall include a citizen comment period.

Sec. 2.03: Compensation.

- (a) All commission and committee members shall serve as volunteers without compensation.

Sec. 2.04: Commission Organization.

- (a) Each Commission shall consist of seven (7) qualified members and two (2) qualified alternate members, each of whom shall reside in the City, unless state law provides for a person to reside elsewhere. In such an event, the City Council may appoint persons who reside in the

extra-territorial jurisdiction as provided by law. The members and alternates shall be appointed by City Council in accordance with this Ordinance.

- (b) At each commission's first meeting in October of a calendar year, the commission shall select a chair and vice chair, and the chair shall inform the City Secretary of such selections.
- (c) The chair or vice chair shall conduct the meetings of the commission and the City Secretary, or his or her delegate, shall transcribe the minutes of all commission meetings.
- (d) The chair of each City commission, or his or her delegate, shall report back to the City Council after each Regular Meeting or other meeting of the commission and keep the City Council informed as to the activities of the commission.
- (e) If a commission deems it necessary and appropriate to make a recommendation to or request action from the City Council, the chair, or his or her delegate, shall prepare a written memo to the City Administrator and the City Council summarizing the basis for the recommendation or request for action as well as the deliberations of the commission and the vote of the commission related to that recommendation or request for action. Such written memoranda shall be delivered to the City Administrator or City Secretary with sufficient time for inclusion in the City Council meeting packets and by the deadline provided to the chair by the City Administrator or City Secretary.
- (f) The City Council may appoint any council member as an ex-officio non-voting member to any City commission, as the City Council deems necessary or appropriate. Only one council member may serve as an ex-officio non-voting member of a given City commission at any given time.
- (g) Any City council member may attend, ask questions and participate in discussions of matters pending before a City commission during a commission meeting, except when required to abstain by state law.

Sec. 2.05: Commission Appointments, Vacancies and Duties.

- (a) The City Council shall appoint each member and alternate member of a City commission.
- (b) To be eligible for appointment and continued service on a commission, all commission members and alternate members shall reside in the City.
- (c) In making appointments, the City Council shall interview each candidate interested in serving on a commission and shall consider each candidate's (i) civic interest, (ii) general knowledge of the Community, (iii) independent judgment, (iv) interest in the subject matter of the commission's business, and (v) the candidate's available time to plan for, and attend, all commission meetings. It is the intent of the City Council that commission members shall, by reason of diversity of their individual occupations and backgrounds, constitute commissions that are broadly representative of the Community as a whole. This interview shall take place in an open meeting, as defined by state open meetings law.
- (d) The term of service for each appointed member or alternate member to a commission shall be two (2) years, and at least three (3) members and one (1) alternate member of a commission shall be subject to appointment or re-appointment each year, provided however, that all appointed members of a commission on the date of the adoption of this Ordinance shall remain on such commission for the remainder of their current term of office, and one the new alternate members to be appointed under this Ordinance shall have an initial term of only one (1) year.
- (e) City commissions shall not make recommendations to City Council regarding the individuals to be considered for appointment as members or alternative members of a commission.
- (f) Appointments to all city commissions shall be made in September of each year with terms to commence on October 1, the first day of the city's fiscal year, or as a vacancy occurs.
- (g) In the event of the vacancy of a member position on a Commission, that vacancy shall be filled as follows:

- i. if there are two alternate members on a City commission, by the alternate member whose term of office expires on the same date as the departing member that vacated his or her position,
 - ii. if there is only one alternate member, by that alternate member; or
 - iii. in the event there are no alternate members, by the City Council after such vacancy has been advertised on the City's website and in the Grapevine for at least one month prior to any appointment, and such appointment shall be for the remainder of the unexpired term of such position.
- (h) Vacancies for alternate member positions may be filled by the City Council at any time, and shall be for the remainder of the unexpired term of such position.
- (i) The chair of each City commission shall promptly report any vacancies on a commission to the City Administrator.

Sec. 2.06: Special Requirements for Appointment to the Planning and Zoning Commission.

- (a) To be qualified to take office, a newly appointed member must have attended an orientation meeting with the City Administrator and chair of the Planning and Zoning Commission, and must have attended a seminar on land use, environmental and planning issues approved by the City Administrator. Attendance at required training before a person is appointed as a member must have occurred within three years prior to the appointment for the training to satisfy these requirements.
- (b) The City Administrator or chair will advise newly appointed members who do not already meet these requirements of the date and location of approved seminars, and will facilitate their registration and attendance at the seminars. The members are entitled to reimbursement for reasonable costs of attendance.
- (c) If a newly appointed member does not already meet these attendance requirements at the time of appointment, and the member fails to

fulfill these attendance requirements within three (3) months of being appointed, the appointment is automatically rescinded and the City Council will make a new appointment.

Sec. 2.06: Multiple Commission Memberships.

- (a) A person may not be appointed as a member of more than one City commission, except where:
 - i. the City Council determines that there are not a sufficient number of qualified citizens interested in serving on a City commission; or
 - ii. the person is appointed as an alternate on a different City commission.

Sec. 2.08: Ad Hoc Committee Organization

- (a) The City Council shall define the purpose, scope of study or special project for which the Ad Hoc Committee is established.
- (b) Sections 2.04 through 2.07 of this Ordinance shall not apply to Ad Hoc Committees.
- (c) The City Council shall establish the term of each Ad Hoc Committee established, and such terms shall not exceed two years.
- (d) The City Council shall establish the number of members for each Ad Hoc Committee established, and term for each member of such Ad Hoc Committee shall not exceed two years. The City Council may appoint any Council member as a member or an ex-officio non-voting member of any Ad Hoc Committee, as the City Council deems necessary or appropriate, provided only one Council member may be appointed to any Ad Hoc Committee at any given time.
- (e) Ad Hoc Committees will be governed by, and will report and make recommendations and/or requests for action to, the City Council with regard to only matters defined in its scope of study or special project.

- (f) The City Council may select the appropriate number of members for any Ad Hoc Committee, and may elect not to appoint any alternate members to any such Ad Hoc Committee.
- (h) The Ad Hoc Committee members shall select a chair and vice chair, and the chair shall inform the City Secretary of such selections.
- (i) The chair or vice chair shall conduct the meetings of the Ad Hoc Committee and the City Secretary, or his or her delegate, shall transcribe the minutes of all commission meetings.
- (j) The chair of each Ad Hoc Committee, or his or her delegate, shall report back to the City Council after each Regular Meeting or other meeting of the commission and keep the City Council informed as to the activities of the committee.
- (k) If an Ad Hoc Committee deems it necessary and appropriate to make a recommendation to or request action from the City Council, the chair, or his or her delegate, shall prepare a written memo to the City Administrator and the City Council summarizing the basis for the recommendation or request for action as well as the deliberations of the committee and the vote of the committee related to that recommendation or request for action. Such written memoranda shall be delivered to the City Administrator or City Secretary with sufficient time for inclusion in the City Council meeting packets and by the deadline provided to the chair by the City Administrator or City Secretary.
- (g) Any City council member may attend, ask questions and participate in discussions of matters pending before an Ad Hoc Committee during a committee meeting, except when required to abstain by state law.

Sec. 2.09: Duties of Commissioners, Committee Members and other Appointees.

- (a) In addition to any duties required of any Commissioner or Committee member established by state law, City Council action or local ordinance, any Commissioner or Committee member who attends any event (function or meeting) as a representative of the City shall report to the City Administrator describing the activity and any related

action/discussion that occurred at the event for legal dissemination to the City Council and other Committee members as necessary.

- (b) Any person nominated or appointed to represent the interests of the City on any board, authority, district, committee, or commission that is outside the jurisdictional authority of the City of Garden Ridge, is requested to provide periodic reports on a quarterly basis to the City Administrator describing the activity and any related action/discussion impacting the City that occurred at any event attended in their official capacity for legal dissemination to the City Council and other Committee members as necessary.

AN ORDINANCE OF THE GARDEN RIDGE CITY COUNCIL ESTABLISHING THE LAWFUL SPEED LIMIT ON MUNICIPAL PARKWAY WITHIN THE CITY OF GARDEN RIDGE, TEXAS; FINDING THAT THE CIRCUMSTANCES CREATE A SPECIAL HAZARD; FINDING THAT THE PRIMA FACIE SPEED LIMIT IS UNREASONABLE AND UNSAFE UNDER THE CIRCUMSTANCES; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Municipal Parkway is an area in close proximity to an elementary school and municipal buildings, including City Hall and the public library which is heavily traveled by pedestrians, including children; and

WHEREAS, pursuant to Texas Transportation Code 545.352, the traffic in the area creates a "special hazard" that requires a lower maximum speed limit on adjoining roads to ensure that drivers comply with Texas Transportation Code 545.351; and

WHEREAS, the City of Garden Ridge City Council believes that because of the aforementioned circumstances in existence on Municipal Parkway the prima facie speed limit of thirty (30) miles per hour is unreasonable and unsafe; and

WHEREAS, to ensure the safety of drivers, pedestrians, workers, and patrons of the municipal complex and school, the City Council believes that the maximum speed limit should be reduced from thirty (30) miles per hour to twenty (25) miles per hour on Municipal Parkway.

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

1. The maximum speed on Municipal Parkway is set at twenty (25) miles per hour.
2. The City's Chief of Police is hereby authorized to install signage in accordance with this Ordinance and the Texas Manual on Uniform Traffic Control Devices.
3. The speed limits established by this Ordinance shall be in effect as soon as the signs giving notice of the new limit are erected.
4. Violations of this Ordinance shall be punished in accordance with the Ordinance #101-042011.
5. Pursuant to Texas Transportation Code Section 545.356(d), not later than February 1 of each year, the Chief of Police shall ensure that a report that compares the following for each of the two previous calendar years is posted on the City's website and submitted to the Texas Department of Transportation:

- (1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;
 - (2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and
 - (3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.
6. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

PASSED AND APPROVED this ____ day of November, 2013.

Andrew Dalton, Mayor

ATTEST:

Shelley Goodwin, City Secretary

AN ORDINANCE ESTABLISHING A SCHOOL ZONE ON MUNICIPAL PARKWAY WITHIN THE CITY OF GARDEN RIDGE, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, special School Speed Zones are established where there is a concentration of school related pedestrian traffic near an active school; and

WHEREAS, the Chief of Police and City Staff of the City of Garden Ridge have recommended the reduction of the Speed Limit to 20 mph in this designated area from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on school days.

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

Section 1. A "School Zone" shall be established on Municipal Parkway, with reduced speed limit established at 20 miles per hour during the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on school days or at any time the school zone lights are flashing.

Section 2. The Chief of Police is hereby authorized to install signage in accordance with this Ordinance and the Texas Manual on Uniform Traffic Control Devices.

Section 3. Violations of this Ordinance shall be punished in accordance with the Ordinance #101-042011.

Section 4. The speed limits established by this Ordinance shall be in effect as soon as the signs giving notice of the new limit are erected.

Section 5. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

PASSED AND APPROVED this ____ day of November , 2013.

Andrew Dalton, Mayor

ATTEST:

Shelley Goodwin, City Secretary

AN ORDINANCE REGULATING TRAFFIC ON STREETS, ROADS, AND HIGHWAYS WITHIN THE CITY OF GARDEN RIDGE BY ESTABLISHING STOP SIGN LOCATIONS AND PLACEMENT OF TRAFFIC CONTROL DEVICES; ESTABLISHING PRIMA FACIE SPEED LIMITS AND PLACEMENT OF TRAFFIC CONTROL DEVICES; ESTABLISHING THROUGH TRUCK TRAFFIC REGULATIONS AND PLACEMENT OF TRAFFIC CONTROL DEVICES; ESTABLISHING NO PARKING ZONES; AND REGULATING AND REQUIRING PERMITS FOR CERTAIN ASSEMBLAGES AND PROCESSIONS, PROVIDING FOR A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION CONCERNING ASSEMBLAGES AND PROCESSIONS; AND AMENDING ORDINANCE ~~22-092010~~ 102011 PASSED AND APPROVED ~~SEPTEMBER 1, 2010~~ October 5, 2011

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

1. City of Garden Ridge, Comal County, Texas, Ordinance Number ~~22-092010~~ 102011 is hereby amended. Annex A, Annex B and Annex C are a part of this ordinance.
2. **DEFINITIONS.** The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them hereunder. Additional definitions will include, but may not be limited to, those contained in Article I, Uniform Act Regulating Traffic On Highways (V.C.S. 6701d, Texas) and shall be used to define words and phrases not herein defined.
 - a. **AUTHORIZED EMERGENCY TRUCKS** means fire department trucks, police trucks, public or private ambulances for which permits have been issued by the State Board of Health, emergency trucks of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private trucks operated by volunteer firemen or certified Emergency Medical Services volunteers while answering a fire alarm or responding to a medical emergency, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.
 - b. **BUSINESS DISTRICT** – the territory contiguous to and including a roadway when within six hundred (600) feet along such roadway there are buildings used for business or commercial purposes which may occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.
 - c. **COMMERCIAL MOTOR VEHICLE** - any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, panel delivery truck or pick-up truck, but including any other type truck, trailer, semi-trailer, pole trailer or any combination thereof which has a gross registered carrying capacity of more than 28,000 pounds.
 - d. **DRIVER** - means every person who drives or is in actual physical control of a vehicle.
 - e. **INTERSECTION(S)** – means:
 - (1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle which may come in conflict; and
 - (2) The area where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

- f. LIGHT TRUCK means a truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pick-up trucks, panel deliver trucks and carryall trucks, as defined in the Texas Transportation Code.
- g. MOTOR VEHICLE - means every vehicle which is self-propelled by any form of motive power.
- h. OWNER - means a person who owns the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed owner for the purpose of this ordinance.
- i. PEDESTRIAN - means any person afoot.
- j. PERSON - means every natural person, firm, co-partnership, association or corporation.
- k. POLICE OFFICER -- means every officer authorized to direct or regulate traffic and to cite or make arrests for violations of traffic regulations and other laws affecting such regulations.
- l. PROOF OF ROUTE means written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill, or other document which identifies and specifies the date, address, and name of the person requesting of directing the pick-up or delivery and the destination of the pick up or delivery being within the corporate limits of the City of Garden Ridge, or another location which only means of access is by roadways that through truck traffic is prohibited.
- m. RESIDENCE DISTRICT - the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet, or more, is improved with residences or residences and previously existing buildings in use for business.
- n. RIGHT OF WAY - means the privilege of immediate use of the roadway.
- o. ROADWAY- means that portion of a highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "ROADWAY" as used herein shall refer to any such separately but not to all such roadways collectively.
- p. STREET, ROAD OR HIGHWAY- means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular traffic.
- q. THROUGH TRUCK OR THROUGH TRUCK TRAFFIC is the operation of a truck, as the term "truck" defined by Texas Transportation Code Chapter 541.201 (including, but not limited to truck tractors, road tractors, semitrailers, pole trailers and special mobile equipment) through the corporate limits of the city having no destination, pick -up, or delivery point within the corporate limits of the city.
- r. TRAFFIC - means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using a street, road or highway for purposes of traffic.
- s. TRAFFIC CONTROL DEVICE - means all signs, signals, markings and devices erected by and in the City of Garden Ridge for the purpose of regulating, warning or guiding traffic.
- t. TRAFFIC CONTROL SIGNAL - means any device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed.
- u. VEHICLE - means every device, in upon or by which any person or property is or may be transported or drawn

upon a street, road or highway.

3. **Required Obedience To Traffic Laws.** It shall be unlawful and it is a misdemeanor for any person to do any act forbidden, or fail to perform any act required in this ordinance and the Texas Motor Vehicle Laws within the City of Garden Ridge, Comal County, State of Texas.
4. **Traffic Control Devices.** Traffic regulating devices such as signs, lights, signals and roadway surface markers may be installed on the streets, roads and highways within the corporate limits of the City, and at such places as designated by the State of Texas and the City of Garden Ridge.
5. **Operating An Unregistered Vehicle.** A motor vehicle which has not been registered, as required by law, shall not be operated upon any roadway, street, highway or right of way for such roadway, street or highway within the City of Garden Ridge. Any person operating, or as owner permitting operation of, an unregistered or unlicensed vehicle which requires registration and licensing by state statute shall be charged with a misdemeanor for violation of such laws and this ordinance.
6. **Negligent and/or Reckless Damage to Roadways. Streets. Rights of Ways and City Parks in Garden Ridge.** Any person driving, operating or in charge of any vehicle or animal that does repairable damage to any roadway, street, right of way, or any public place (City, park, etc.) in Garden Ridge, such person shall be determined liable for repair, or cost for repair.
7. **Stop Signs.** All Stop Signs and their physical locations within the City of Garden Ridge are approved and erected at the designated intersections by the State of Texas, Comal County and the City of Garden Ridge. These stop signs are enumerated in "Attachment 1 Annex A". Except when directed to proceed by a police officer or other traffic control signal, every driver of a vehicle approaching a stop intersection, as indicated by a "Stop Sign", shall stop before entering said intersection.
8. **Speed Regulation.** Within the City of Garden Ridge, the maximum, reasonable and prudent speed limit shall be thirty miles per hour (30 MPH) on all streets in residential areas unless otherwise posted and ordained herein. No person shall drive a vehicle on a street, road or highway at a speed greater than is reasonable and prudent under the circumstances then existing. Speed limits specified herein are attached in "Attachment 2 Annex B" and shall be lawful; but, any speed in excess of these limits shall be prima facie evidence that the speed in excess of the specified limits is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle upon the roadways in Garden Ridge at such a slow speed as to impede traffic except when reduced speed is necessary, or properly directed, for safe operation or compliance with law.
9. **Exceptions To Speed Limit Restrictions.** The provisions of this Ordinance regulating speeds shall not apply to vehicles operated by a Fire Department, Police Officers acting in their official capacity, nor to physicians and ambulances that are responding to emergency calls.
10. **Though Truck Traffic Regulation**

All public street, except Texas F.M. 3009 and Texas F.M. 2252, within the corporate limits of the city are closed to through truck traffic. This prohibition does not apply to Authorized Emergency Trucks, Light Trucks, or Trucks with drivers that are able to produce proof of route within the corporate limits of the city.

A "Through Truck Traffic Route" is established in the City of Garden Ridge, Texas, as follows:

- 1) On FM 2252, within the City Limits as traffic enters the City until traffic exits the City Limits.
- 2) On FM 3009, within the City Limits as traffic enters the City until traffic exits the City Limits.

The Chief of Police is hereby authorized and directed to cause appropriate "THROUGH TRUCK TRAFFIC ON FM 2252 AND FM 3009 ONLY" signs to be installed in the appropriate locations to properly delineate the through truck traffic route. The Chief of Police is hereby directed to consult with the Texas Department of Transportation in the installation of said signs. The Chief of Police is further directed to cause appropriate signs to be installed informing the public that through trucks are permitted to travel through the City of Garden Ridge, Texas only on the designated through truck traffic routes. The location of such signs shall be shown in the list

of traffic control devices attached to this ordinance.

Any person, firm or corporation who operates a Truck or causes a Truck to be operated on any roadway in the City in violation of this ordinance, shall, upon being found guilty of such violation by a Court of competent jurisdiction, be fine up to \$500 per violation, in accordance with the Traffic Control Ordinance of the City of Garden Ridge, Texas. Each roadway a truck is operated on in violation of this ordinance by a violator constitutes a separate and independent offense when enforcing this ordinance.

11. **No Parking Zones.** No Parking Zones are established within the City to aid in giving access for emergency vehicles and personnel to places of public gathering. The areas designated as "No Parking Zones" are defined in "Annex C" of this Ordinance.

12. Assemblages and Processions

- a. Except as otherwise provided herein, it shall be unlawful for any person or entity to conduct, engage in, participate in, organize, promote, form, start, cause or allow an assemblage or procession of eleven (11) or more vehicles or beasts of burden, or twenty five (25) or more pedestrians on the streets and highways of the City, unless:
- (1) a written permit for the event has previously been obtained from the Chief of Police of the City of Garden Ridge at least thirty (30) days prior to the date of the event; and
 - (2) an official police escort or traffic control detail approved by the Chief of Police as being sufficient to meet traffic safety requirements has been arranged for in advance of the event;
- b. For the purpose of this Section 12, "assemblage or procession" shall mean any group of eleven (11) or more vehicles or beasts of burden, or any group of twenty five (25) or more pedestrians being operated on or occupying public streets within the City limits of the City of Garden Ridge within such proximity to each other that they pass the same point along any roadway of the City within ten (10) minutes of each other;
- c. The Chief of Police may deny approval of any event requiring approval under Subsection A of this section which in his determination will pose an unreasonable traffic safety risk or unreasonable disruption of traffic on the City's streets, and any appeal of the decision of the Chief of Police shall be made in writing to the City Administrator within ten (10) days of the receipt by the applicant of notice of denial of permit;
- d. A processing fee of \$25.00 shall be submitted with each application for permit to cover the City's administrative costs in processing the application. After receipt of the application, the City will calculate the remainder of the permit fee to be owed by the applicant based upon the City's projected costs for the event. Initially, the permit fee will include approximately \$30.00 per hour per traffic control officer provided by the City at the event. Within five business days of the City's receipt of the application and the processing fee, the City will either notify the applicant the permit has been denied or will notify the applicant of the additional permit fee amount to be paid by the applicant prior to the issuance of the permit. The additional permit fee amount will be due from the applicant within ten (10) business days from the date upon which the applicant receives notification of the additional permit fee amount. Within three (3) business days from the date upon which the City receives payment of the additional permit fee amount, the City will issue the permit to the applicant at the address stated on the application. If an event lasts longer than anticipated, the permit holder shall pay any additional fee for City services within ten (10) business days of receipt of a bill for same from the City at the address provided on the application for permit.
- e. Permit fees for events approved by City Council shall be set by the City Council at the time of their approval or as otherwise provided by law.
- f. Repetitive Events. Any event which will be occurring on a regular or repetitive basis during any calendar year may be permitted by an application for a "repetitive event permit" which lists the date and time of each

scheduled recurrence of the event for the year. The permit for each recurrence date listed on the "repetitive event permit" will be conditioned upon payment by the permit holder of the additional permit fee due for that recurrence date at least ten (10) days prior to the recurrence date.

- g. Variance Procedure. Any person or organization wishing to apply for a variance from the procedures in this ordinance may do so by submitting a request for a hardship variance to the City Administrator or designee. A request for hardship variance shall state the special circumstances under which compliance with Section 12 will impose undue hardship on the person or entity.

The City Administrator may reject any such request for variance and such rejection may be appealed to the City Council at the next regularly scheduled meeting of the Council for which time permits by submitting a request in accordance with Council procedures. The City Administrator or designee may waive the permit fee for a non-profit organization under a hardship variance only if he determines that this will not result in the illegal donation of City funds.

- h. The City of Garden Ridge is not required to provide security or insurance for any event it permits and by granting a permit for the event does not make any representation as to the safety of the event or the safety or suitability of any road of the City for the passage of vehicles, beasts of burden or pedestrians. Each person or entity requesting a permit from the City shall be required to sign an agreement by which they hold the City harmless and indemnify the City for any claims, liability, loss, or damages arising out of the event or as a result of the City's allowing the event to be held upon the streets of the City.
- i. Exceptions. The provisions of this Section 12 DO NOT apply to the following:

- (1) Pedestrians participating in Traditional Seasonal events including, but not limited to Halloween Trick or Treat, Caroling, or any other such events which may be deemed appropriate by the City Council;
- (2) Parades or events approved by or sponsored by the City Council; and
- (3) Funeral processions conducted by houses of worship or professional Funeral Director.

- j. Any person, entity or corporation violating any provision of this ordinance, within the corporate limits of Garden Ridge, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00), with each day such offense continues constituting a new and separate offense. Each and every person or entity participating in any event which violates this ordinance may be fined separately.

13. **Penalty.** This ordinance shall be effective from and after the date of approval and adoption as provided by law and publication of the caption in the official newspaper of the City.

14. **Severability.** If any section, paragraph, sub-paragraph, clause or phrase of this amendment shall be adjudged to be invalid or held to be 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.

15. This Ordinance shall take effect immediately upon its passage and approval by City Council

PASSED AND APPROVED THIS 6TH day of November, 2013.

Andrew Dalton, Mayor

ATTEST:

Shelley Goodwin, City Secretary

ANNEX A
TRAFFIC CONTROL DEVICE LOCATIONS

1. Stop Signs

+ *Enforcement through Traffic Code Chapter 545.256*

• Three or Four Way Stop

* State or County Maintained

STREET	DIRECTION	STOP SIGN LOCATION
Aster Circle	West	Hoya Lane
Arrowood Drive	South	FM 2252
Audrey Ridge	East	Regency Run
Azalea Circle	West	Hoya Lane
Azalea Gate	East	Hoya Lane
*Bat Cave Road	South	FM 2252
Beltorm	North	Tuscan Hills Drive
Bent Brook Drive	East	Deer Canyon Drive
Berean Way	West	Paradise Pass
Blazing Star Trail	East	Timber Rose Drive
•Blazing Star Trail	West	Grass Creek Road
•Blazing Star Trail	East	Grass Creek Road
*Blazing Star Trail	West	Bat Cave Road
Blue Bell Drive	East	Timber Rose Drive
*Bindseil Lane	East	Bat Cave Road
*Bindseil Lane	West	Bat Cave Road
Bindseil Lane	East	Forest Waters Circle
Calley Circle	West	Regency Run
•Cedar Branch	East	Hickory Bend Drive
Cedar Branch	North	Gardenia Bend Drive
Cedar Cavern	North	Bindseil Lane
Cinchona Trail	East	Timber Rose Drive
Cinchona Trail	West	Grass Creek Road
Creekview	West	Bat Cave Road
Cristobal	South	Verano Drive
Cristobal	North	Tuscan Hills Drive
Deer Canyon Drive	North	Tuscan Hills Drive
Deer Canyon Drive	South	Schoenthal Road
Deer Garden	North	Bindseil Lane
Doerr Lane	North	Nacogdoches Loop
Doerr Lane	South	Rail Crossing
Fairview Drive	North	Schoenthal Road
•*FM 2252	North	FM 2252/Old Nacogdoches
•*FM 2252	East	FM 2252/Old Nacogdoches
Forest Waters Circle	East	Water Wood Drive
Forest Waters Circle	West	Water Wood Drive
Forest Waters Circle	South	Forest Waters Circle
*Garden Ridge Drive	West	Bat Cave Road
*Garden Ridge Drive	East	Bat Cave Road
Gardenia Bend Drive	West	Paradise Pass

Gardenia Bend Drive	South	Azalea Gate
Glen Cove	North	Forest Waters Circle
*Gloxinia Drive	East	FM 3009
xinia Drive	East	Hoya Lane
Gloxinia Drive	West	Hoya Lane
Goldenrod Lane	East	Timber Rose Drive
•Goldenrod Lane	East	Sorrel Lane
•Goldenrod Lane	West	Sorrel Lane
•Grass Creek Road	South	Blazing Star Trail
•Grass Creek Road	North	Blazing Star Trail
Grass Creek Road	South	Garden Ridge Drive
Hampton Park	North	Schoenthal Road
•Hickory Bend Drive	South	Cedar Branch
•Hickory Bend Drive	North	Cedar Branch
*Hickory Bend Drive	South	FM 2252
Hoya Lane	North	Gloxinia Drive
+John T. Phillips Municipal Parkway	North 9400 Block Bus Lot	John T. Phillips Municipal Parkway
+John T. Phillips Municipal Parkway	North 9401 Parent Lot	John T. Phillips Municipal Parkway
John T. Phillips Municipal Parkway	South 9400Block City Hall Parking Lot	John T. Phillips Municipal Parkway
John T. Phillips Municipal Parkway	South 9500Block Community Center Driveway	John T. Phillips Municipal Parkway
John T. Phillips Municipal Parkway	South 9500 Block Parking Lot	John T. Phillips Municipal Parkway
John T. Phillips Municipal Parkway	South 9570 Public Works Parking Lot	John T. Phillips Municipal Parkway
Katherine Glen	East	Regency Run
Larmona Cove	South	Tuscan Hills Drive
• Las Cimas Drive	North	Tuscan Hills Drive
• Las Cimas Drive	South	Tuscan Hills Drive
Lloyds Park	North	Garden Ridge Drive
Magic Falls	West	Hickory Bend
Marie Meadow	East	Regency Run
*Meadow Rue	East	FM 3009
Meadow Rue	West	Hoya Lane
Michelle Hill	East	Regency Run
Mountain Laurel Lane	North	Garden Ridge Drive
Mountain Laurel Lane	North	Gloxinia Drive
Mountain Laurel Lane	South	Gloxinia Drive
Mountain Laurel Lane	South	Gardenia Bend Drive
Municipal Parkway		

*Nacogdoches Loop	East	FM 2252
*Nacogdoches Loop	North	FM 2252
*Old Nacogdoches Road	East	Quarry Rail Spur
*Old Nacogdoches Road	West	Quarry Rail Spur
•*Old Nacogdoches Road	West	FM 2252
Oro Viejo Court	North	Cinnabar Court
Oro Viejo Court	South	Tuscan Hills Drive
Osage Circle	East	Osage Trail
Osage Trail	North	Fairview Drive
Osage Trail	South	Goldenrod Lane
Park Lane Court	North	Park Lane Drive
Park Lane Drive	East	Bat Cave Road
Parkview Drive	East	Bat Cave Road
Paseo Corto Drive	South	Verano Drive
Paseo Corto Drive	North	Tuscan Hills Drive
Paseo Corto Drive	South	Tuscan Hills Drive
Plum Ranch	South	Azalea Gate
Primrose Circle	West	Hoya Lane
Quiet Moon Drive	North	Tuscan Hills Drive
*Regency Run	South	FM 2252
*Schneider Lane	South	FM 2252
Schoenthal Road	West	Bat Cave Road
*Schoenthal Road	East	FM 3009
*Schoenthal Road	West	FM 3009
Senna Hills Drive	North	Tuscan Hills Drive
Senna Hills Drive	South	Tuscan Hills Drive
Sonata Court	East	Deer Canyon Drive
•Sorrel Lane	North	Goldenrod Lane
Sorrel Lane	South	Blue Bell Drive
Sumac Circle	West	Timber Rose Drive
Sumac Cove	East	Sorrel Lane
Sumac Lane	North	Timber Rose Drive
Sumac Lane	South	Sorrel Lane
Sundew Lane	North	Blazing Star Trail
*Teakwood Drive	East	FM 3009
Teakwood Drive	West	Timber Rose Drive
Teakwood Lane	East	Timber Rose Drive
Teakwood Lane	West	Sorrel Lane
Timber Rose Drive	South	Goldenrod Lane
Tree Top Cove	South	Forest Waters Circle
*Trophy Oaks Drive	West	FM 3009
•Tuscan Hills Drive	East	FM 3009
• Tuscan Hills Drive	West	Las Cimas Drive
• Tuscan Hills Drive	East	Las Cimas Drive
Twisted Oaks	East	Bat Cave Road
Valley Park Drive	South	Park Lane Drive
Via Posada Drive	North	Tuscan Hills Drive
Waterwood Drive	North	Schoenthal Road
Waterwood Drive	South	Forest Waters Circle
Wild Wind Park	East	Bat Cave Road
• Wild Wind Park	East	Tonkawa Pass
• Wild Wind Park	West	Tonkawa Pass

Woodland Cove	North	Forest Waters Circle
---------------	-------	----------------------

+ Enforcement through Traffic Code Chapter 545.256

ree or Four Way Stop

*State or County Maintained

2. Yield Signs

**State or County Maintained*

*FM 2252	North	FM 3009
*FM 2252	South	FM 3009
*FM 3009	West	FM 2252
*FM 3009	East	FM 2252
*Nacogdoches Loop	West	FM 2252
*Nacogdoches Loop	East	FM 2252
*Old Nacogdoches Road	East	FM 2252

3. Stop Lights

**State or County Maintained*

*FM 2252	All	FM 3009
*FM 3009	Three-way	John T. Phillips
Municipal Parkway		Municipal Parkway

4. Through Truck Traffic Only on FM 2252 and FM 3009

- *Bat Cave Road southbound at intersection with Park View
- *Bat Cave Road northbound at intersection with Schoenthal Road
- *Bindseil Lane eastbound at City Limits (8300 Block)
- *Doerr Lane westbound at City Limits
- *FM 2252 eastbound at City Limits
- *FM 2252 westbound at intersection with Schneider Lane
- *FM 3009 northbound at City Limits
- *FM 3009 southbound at City Limits

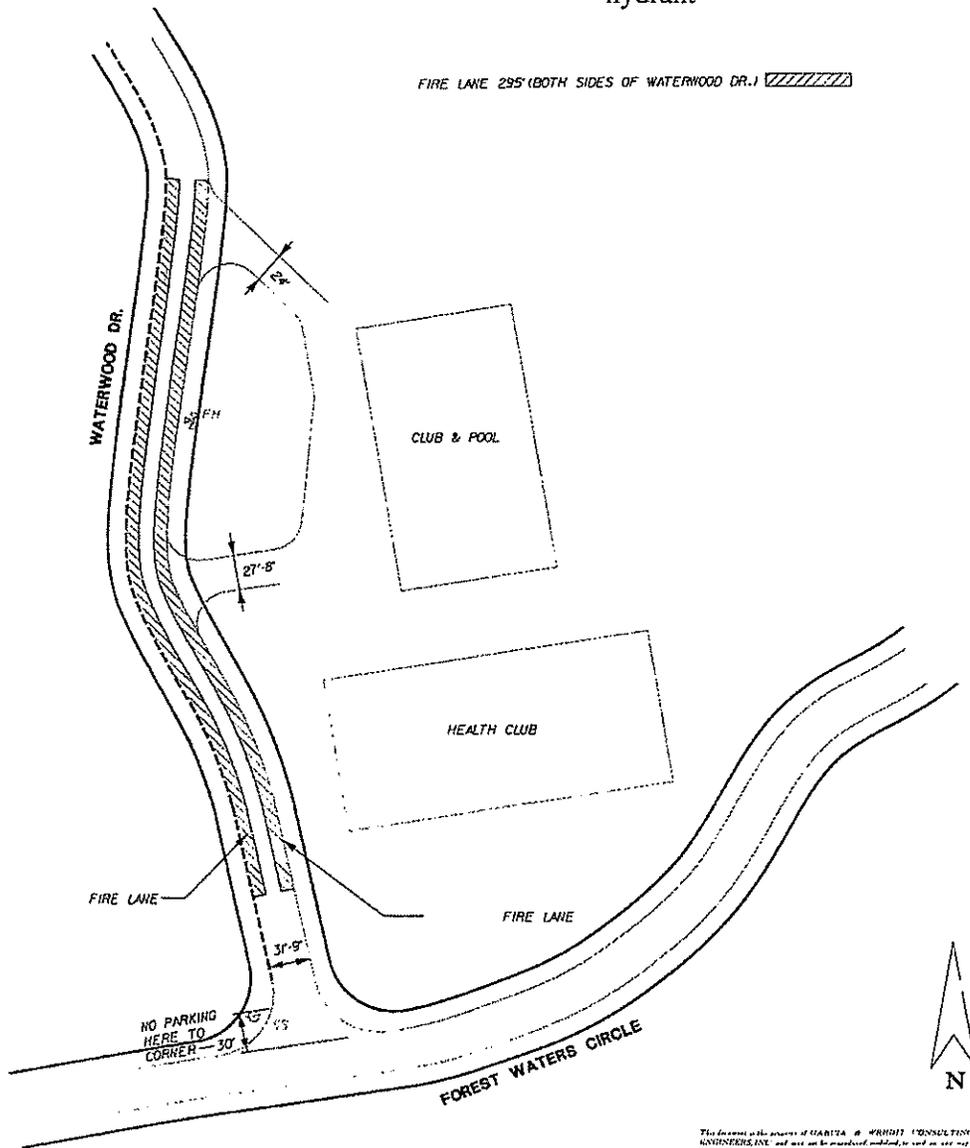
ANNEX B
MAXIMUM FACIE SPEED LIMITS

1. The Speed Limit on all streets within the City of Garden Ridge is Thirty Miles Per Hour (30MPH) unless otherwise posted.
2. Posted Exceptions to 30 Mile Per Hour speed limits:

<u>STREET</u>	<u>SPEED AND EXTENT</u>
Bindseil Lane	35 Miles per hour (35MPH) From Bat Cave Road to City Limits, both directions
Bat Cave Road	35 Miles per hour (35MPH) From FM 2252 to City Limits, Both Directions;
FM 3009	Speed Limits as currently posted by the State of Texas;
FM 2252	Speed Limits as currently posted by the State of Texas;
Nacogdoches Loop	35 Miles per hour (35 MPH) From FM-2252 to FM -2252, both ways;
<i>Municipal Parkway</i>	<i>25 Miles per hour (25 MPH), both ways from F.M. 3009 to termination of roadway</i>

**ANNEX C
NO PARKING ZONES**

Waterwood Drive	Safety Zone	From the intersection of Waterwood Drive with Forest Waters Circle, 30 feet north along the west curb line
Waterwood Drive	Fire Lane	Both sides of street extending 120 feet north of the fire hydrant located at the main entrance to the Club at Forest Waters and 175 feet on both sides of the street south of said fire hydrant



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John T. Phillips
Municipal Parkway

Fire Zone

On the South side starting from the most westerly driveway of the community center to the most easterly driveway of the community center.

John T. Phillips
Municipal Parkway

School Zone

~~On the North side starting from the most westerly driveway of Garden Ridge Elementary School (Bus Parking Lot) to the most easterly driveway (Parent Parking Lot) of the Garden Ridge Elementary School~~

Both ways from F.M. 3009 to termination of roadway

ORDINANCE 101-112013

AN ORDINANCE AMENDING THE SCHEDULE OF FINES FOR CERTAIN OFFENSES ON PLEAS OF GUILTY OR NOLO CONTENDRE PRIOR TO TRIAL AND REPEALING ORDINANCE NO. 101-042011 PASSED AND APPROVED ~~May 7, 2008~~ April 6, 2011

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS.

There shall be a schedule of fines for certain offenses on pleas of guilty or nolo contendere prior to trial. The defendant may, if he shall elect, pay to the Court such fines as shown on the schedule and accordingly enter his plea of guilty or nolo contendere and waive his right to a jury trial. No fine shall be accepted which is not in accordance with the schedule, unless set by the Judge. A Warrant Fee of \$50.00 will be assessed in addition to any fine that may already be imposed authorizing an Officer appointed that serves and collects a warrant issued by the City of Garden Ridge, Texas. The schedule hereinafter set forth is hereby officially adopted:

<u>OFFENSE</u>	<u>FINE</u>
All Improper Turns	\$ 75.00
Animals Running at Large	Court
Assault by Contact	500.00
Blocking Roadway	75.00
City Ordinance 27.2 Littering	Court
Consume Alcohol while Driving	250.00
Consuming on off Premise License	200.00
Contest of Speed	100.00
Criminal Mischief under \$20.00	500.00
Crossing double Yellow Lines	75.00
Defective Exhaust and /or Excessive Noise	55.00
Defective or No Brake Lights	75.00
Defective or No Tail Lights	75.00
Defective or No Tail Lights (Trailer)	75.00
Defective Speedometer	50.00
Disorderly Conduct No #12 – Indecent Exposure	500.00
Disorderly Conduct No #5 – Noise – Alarm System	150.00
Disorderly Conduct – Fighting	500.00
Disregard Traffic Control Device – RR Crossing	200.00
Disregard Warning Sign	200.00
Drive through Private Property to Avoid Stop Sign	75.00
Driving Across Private Property	75.00
Driving Wrong Side of Road	75.00
Drought Management Plan (Ord 61)	Court
Exhibition of Acceleration	100.00
Expired Drivers License	75.00
Expire Inspection Sticker	75.00
Expired License Plates	75.00
Expired License Plates (Trailer)	75.00
Fail to Drive in Single Marked Lane	75.00
Fail to Signal Left/Right Turn	75.00
Fail to Yield R.O.W. to Emergency Vehicle	200.00
Failure to Appear	100.00
Failure to Appear for Jury Duty	50.00
Failure to Change Address on DL	58.00

*Ordinance #101-112013
City of Garden Ridge*

Failure to Control Speed	100.00
Failure to Dim Headlights	75.00
Failure to Display Drivers License	75.00
Failure to Display Front License Plates	75.00
Failure to Identify	100.00
Failure to Maintain Control	100.00
Failure to Obtain Texas DL	100.00
Failure to Promise to Appear	100.00
Failure to Stop and Leave Info. 6701D (Sec 42)	100.00
Failure to Stop for Ldg/Unldg School Bus	250.00
Failure to Transfer Ownership of Vehicle	50.00
Failure to Yield	75.00
Failure to Yield R.O.W.	75.00
Family Violence – Class 3	Court
Farm Tag	25.00
Fictitious Inspection Sticker	100.00
Fictitious License Plates (Registration)	100.00
Following too Close	75.00
Illegal Passing	75.00
Illegal Passing to the Right	75.00
Illegal Pedestrian/Bicyclist	55.00
Illegally Parked	75.00
Impeding Traffic (Driving too Slowly)	100.00
Improper Lane Usage	75.00
Improper Vehicle Registration	100.00
Littering	100.00
Making Alcohol Available to Minors	Court
Minor Attempting to Purchase Alcohol	Court
Minor in Possession of Alcoholic Beverages	Court
Moving Barricade/Entering Barricaded Area	200.00
No (or Expired) Inspection Sticker	75.00
No Drivers License	75.00
No Helmet	75.00
No Liability Insurance	175.00
No Liability Insurance – Arrest Fee	175.00
No Liability Insurance – Second Offense CC2	350.00
No License – Animal	50.00
No License Plate Lamp	55.00
No Motorcycle License	75.00
No or Defective Headlights	75.00
No Registration – Trailer	75.00
No Safety Chains – Trailer	55.00
No Seat Belt – Driver	50.00
No Seat Belt – Passenger	50.00
No Texas Vehicle Registration – CC2	50.00
No Vehicle Registration	75.00
Obstructing Railway Crossing	100.00
Obstruction to Drivers View	50.00
Open Bed	250.00
Ordinance #54 – Tampering	Court
Ordinance #55 – Sign Ordinance	Court
Ordinance #13 – Moving in Before Final Inspection	Court

Ordinance #101-112013
City of Garden Ridge

Overload Truck on Low Limit Road	100.00
Parked within 15 Feet of Fire Hydrant	75.00
Passing within 100 Feet of an Intersection	50.00
Permit Another to Use Drivers License	55.00
Permit Unauthorized Driver to Drive	200.00
Possession of Fireworks within City Limits	Court
Possession of Narcotic Paraphernalia	500.00/Court
Public Intoxication	Court
Reckless Driving	205.00
Soliciting Without a Permit (Ordinance #23)	Court
Speeding (\$5.00 per mi over limit)	\$5/mile over
<i>Speeding in School Zone (\$7.00 per mi. over limit)</i>	<i>\$7/mile over</i>
Stop Sign	75.00
Theft Under \$20.00	500.00/Court
Unapproved Window Tint	100.00
<i>Unlawful use of Wireless Device on School Property</i>	<i>100.00</i>
Unnecessary Noise	58.00
Unsafe Speed	100.00
<i>Use of Wireless Device in School Zone</i>	<i>100.00</i>
Violate Child Safety Law	55.00
Violation of Drivers License Code A	100.00
Violation of Drivers License Code B	100.00
Violation of Drivers License Code C	100.00
Violation of Restricted Code on DL	100.00
Violation of Ordinance No. #18 – Animal Control	Court
Defensive Driving Certificate – Administrative Fee	10.00
Time Payment Plan	25.00
DWLI	500.00/Court
Ran Red Light	75.00
City ordinance violations	Court

The State Court Cost not included in the above schedule of fines.

If the Defendant's case is heard by a Judge, and the Defendant is found guilty, the fines listed above are not binding on the Court and the Judge may assess a fine within the minimum and maximum limits as provided by law.

This Ordinance amendment shall take effect upon publication of said ordinance.

PASSED, AND APPROVED AND ADOPTED THIS THE 6th DAY OF November, 2013.

Andrew Dalton
Mayor

ATTEST:

Shelley Goodwin
City Secretary

Ordinance 67-112013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, APPROVING A RECORD MANAGEMENT PLAN, UPDATING RETENTION SCHEDULE, AND UPDATING THE RECORD MANAGEMENT PROGRAM FOR THE CITY OF GARDEN RIDGE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Record Management Officer; and

WHEREAS, the City of Garden Ridge desires to expand the scope of its original Records Management Ordinance 67-071991 and amended Ordinance 67-051994 to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; and

WHEREAS, the City Staff of the City of Garden Ridge recommends that the attached Exhibit A (Records Management Plan) be adopted. The Plan conforms with State law and will be submitted for approval to the State Library and Archives Commission, the body that is tasked with formulating State rules for record management; and

WHEREAS, the City Staff of the City of Garden Ridge recommends that the City of Garden Ridge goes by the most current Texas State Library and Archives Commission Local Schedule GR, Local Schedule EL, Local Schedule HR, Local Schedule LC, Local Schedule PS, Local Schedule PW 13 TAC §7.125(b)(2), and Local Schedule UT and schedules as maybe amended from time to time by the Texas State Library and Archives Commission. These schedules can be located on the Texas State Library and Archives Commission website and in the City Secretaries' Office. And to follow the procedures laid out in the Plan if there is a need to amend the Retention Schedule.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE

The attached Records Management Plan (Exhibit A) is adopted as the official Record Management Plan is adopted as the official Records Management Plan for the City of Garden Ridge.

This Ordinance shall be in full force and effective from and after its passage.

ADOPTED on the ____ day of _____, 2013.

Andrew Dalton
Mayor

Attest:

Shelley Goodwin
City Secretary



CITY OF GARDEN RIDGE, TEXAS

RECORDS MANAGEMENT PLAN

Adopted by City Council on

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I. RECORDS MANAGEMENT PROGRAM

Section 1. STATEMENT OF POLICY

The City of Garden Ridge, Texas recognizes its responsibility to the public to manage, protect, preserve and make available city records.

It is the policy of the City of Garden Ridge to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, retention, and disposition of all records of the City of Garden Ridge. This program will be implemented through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act, the Public Information Act, the City Charter, the Texas State Library and Archives Commission and accepted records management practice.

Section 2. CITY OF GARDEN RIDGE RECORDS

All city records must be created, maintained, and disposed of in accordance with this program and all requirements, policies and procedures established pursuant to this program, and in no other manner.

Section 3. DEFINITIONS

APPROVED RECORDS RETENTION AND DISPOSITION SCHEDULE means a records retention and disposition schedule that has been:

- approved by the records management officer and records coordinator;
- adopted by the city council by resolution; and
- filed by the records management officer and records coordinator and approved by the director and librarian of the Texas State Library and Archives Commission either:
 - in a detailed format determined by the director and librarian; or
 - through a written certification of compliance filed in accordance with state law

CITY RECORD means **every** document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under state law, that is created or received by the City of Garden Ridge or any of its officers or employees pursuant to law or in the transaction of public business.

A city record **does not include** library or museum material acquired solely for reference, exhibit, or display or stocks of publications, advertisements, or other unsolicited written materials received by the City or any of its officers or employees

DEPARTMENT means any department, office, agency, division, program, commission, bureau, board, committee, task force, ad hoc committee, or similar entity of the city.

DEPARTMENT DIRECTOR means the officer who by ordinance, order, or administrative policy is

in charge of a department or an office of the city that creates or receives city records.

ESSENTIAL RECORD means any city record necessary to:

- a) the resumption or continuation of operations of the city in an emergency or disaster;
- b) the re-creation of the legal and financial status of the city; or
- c) the protection and fulfillment of obligations to the citizens of the city.

LOCAL GOVERNMENT RECORDS ACT means Title 6, Subtitle C of the Local Government Code, as amended.

PERMANENT RECORD means any city record for which the retention period on a records retention and disposition schedule is given as permanent.

PUBLIC INFORMATION ACT means Chapter 552 of the Texas Government Code, also known as the Texas Open Records Act.

RECORDS DISPOSITION means the removal of a city record from a department or from a records storage center and:

- a) for a city record that has passed its minimum legal retention period and no longer has value to the city, the destruction of the record; or
- b) for a permanent city record, transfer of the record to an archival location approved by the Records management officer and records coordinator, the City Administrator and the City Council.

RECORDS INVENTORY means the process of locating, identifying, and describing in detail the records of a department.

RECORDS LIASON PERSON means a member of each department, approved by the department's director, to serve as the point-of-contact for the records management program.

RECORDS MANAGEMENT OFFICER means the City Secretary, who will administer the City's records management program pursuant to the Local Government Act, record retention schedules set out by the Texas State Library and Archives Commission, and all other applicable state law.

RECORDS COORDINATOR means the designee of the City Secretary, who will administer the City's records management program behalf of the City Secretary, or her designee as appointed by the City Administrator and approved by the City Council. The Record Coordinator will administer the City's records management program pursuant to the Local Government Act, record retention schedules set out by the Texas State Library and Archives Commission, and all other applicable state laws.

RECORDS MANAGEMENT means the planning, controlling, directing, organizing, training, promoting, or application of other management techniques involved in the creation, use, maintenance, retention, preservation, and disposal of city records for the purposes of achieving

adequate and proper documentation of the policies and transactions of city government and reducing the costs and improving the efficiency of recordkeeping.

The term includes:

- a) The development of records retention and dispositions schedules;
- b) The management of filing and information retrieval systems;
- c) The protection of essential and permanent records;
- d) The economical and space-effective storage of noncurrent records;
- e) The control over the creation and distribution of forms, reports, and correspondence;
- f) The management of manual, micrographic, electronic, and other record storage systems;
and
- g) The identification of functional recordkeeping requirements that ensure city records are created to adequately document the city's business transactions.

RECORDS MANAGEMENT PROGRAM means the requirements, policies, and procedures developed for the City of Garden Ridge.

RECORDS MANAGEMENT POLICY COMMITTEE means the committee established under Section 11.

RECORDS RETENTION AND DISPOSITION SCHEDULE means a document prepared by or under the authority of the records management officer and records coordinator that describes recurring records or records series on a continuing basis, indicating for each record or records series:

- a) the length of time the record or records series is to be maintained in a department;
and
- b) when and if the record or records series may be destroyed or otherwise disposed of; and
- c) other records disposition information that the records management program may require.

RETENTION PERIOD means the minimum time that must pass after the creation, recording, or receipt of a city record, or after the fulfillment of certain actions associated with a city record, before the record is eligible for disposition.

Section 4. OWNERSHIP AND CUSTODY OF CITY RECORDS.

Every city record is the property of the city. No city officer or employee has, by virtue of the position of the city officer or employee, any personal or property right to a city record even though the city officer or employee may have developed or compiled the record.

The unauthorized alteration, destruction, deletion, removal from files, or use of a city record is prohibited. A city record exempted from public disclosure under state or federal law is not made subject to disclosure by its designation as city property under this section.

A city record may not be sold, loaned, given away, destroyed, or otherwise alienated from the city's custody unless in accordance with this program or unless destroyed as directed by an expunction order issued by a district court pursuant to state law.

This subsection does not apply to a city record that is temporarily transferred to a contractor for purposes of microfilming, duplication, conversion to electronic media, restoration, or a similar records management and preservation procedure if the transfer is authorized by the records management officer and records coordinator.

Except when a city record is transferred to a historical archival location, legal custody of a city record created or received by a department during the course of business remains with the department director or with any designated successor of the department. The legal custodian, as guardian of the record, does not relinquish responsibility for the care, preservation, legal disposition of the record though physical custody of the record or even for maintenance and preservation purposes may be held by another department or agency. The physical custodian of the record is also responsible for complying with all records management program requirements, policies, and procedures. **An original city record may not leave the custody of the department concerned when being used by a member of the public.**

No official city record shall leave city property for any reason without the permission of the City Administrator or Records Management Officer.

Every officer or employee shall deliver to any successor all city records pertaining to the office held by the city officer or employee.

The legal and physical custody of city record that has continuing historical value to the city may be transferred to an approved historical archival location upon agreement between the department director, the records management officer and records coordinator.

The records management officer and records coordinator shall have legal and physical custody of all city records belonging to any defunct department that does not have a named successor.

The records management policy committee shall review and determine, as necessary, custodial responsibilities for city-wide electronic applications. Custodial responsibility must be determined prior to systems design or implementation.

Section 5. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN

The Records management officer, records coordinator and the Records Management Policy Committee shall develop a records management plan for the City. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the City, and to properly preserve those records of the City that are of historical value. The plan must be designed to enable the Records management officer and records coordinator to carry out his or her duties effectively as prescribed by state law.

Once approved by the City Council, the records management plan shall be binding on all offices, departments, division, programs, commissions, bureaus, boards, committees, or similar entities of the City and all municipal records shall be created, maintained, stored, microfilmed destroyed and/or disposed of in accordance with this record management plan.

State law relating to the duties, other responsibilities, or record keeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this Section and the records management plan adopted under it. Said law may not be used by the department head as a basis for refusal to participate in the Records Management Program of the City of Garden Ridge, Texas.

Section 6. DESIGNATION OF RECORDS MANAGEMENT OFFICER AND RECORDS COORDINATOR.

The City Secretary is the official records management officer for the City of Garden Ridge. Upon the City Secretary's resignation, retirement, dismissal, or removal by action, the successor shall, within 30 days after being appointed by the City Council, file the successor's name with the director and librarian of the Texas State Library and Archives Commission, as prescribed by state law.

The record coordinator shall be appointed by City Secretary and approved by the City Administrator and the City Council to implement and administer the city's records management program in compliance with state law and under the supervision of the City Secretary.

The records coordinator manages the records management program under the direction of the City Secretary.

Section 7. DUTIES AND RESPONSIBILITIES OF RECORDS MANAGEMENT OFFICER AND RECORDS COORDINATOR.

In addition to other duties assigned by this chapter and state law, the records management officer and records coordinator shall:

- a) administer the city's records management program and provide advice and assistance to department directors and their departments; and
- b) annually recommend and prepare for approval, by the records management policy Committee, any new record retention requirements, policies and procedures for the city's records management and disposition program; and
- c) in cooperation with department directors, identify essential records and establish a records disaster and recovery plan for each department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense; and
- d) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records retention and

disposition schedules are in compliance with state regulations; and

- e) advise the City Administrator, the department directors, and the records management policy committee information concerning changes to state laws and administrative rules relating to city records; and
- f) oversee the procedure of record inventories used by departments to ensure compliance with uniform standards over the identification, appraisal, maintenance, protection, preservation, transfer, retention, and disposition of city records; and provide appropriate forms for this purpose as necessary; and
- g) ensure that the creation, maintenance, preservation, microfilming, electronic storage, destruction, and other disposition of city records is carried out in accordance with the requirements, policies, and procedures of this records management program and state law; and
- h) file in accordance with state law a written certification of compliance with the director and librarian of the Texas state Library and Archives Commission stating that the city has adopted a records retention and disposition schedule or an amended schedule that meets minimum requirements adopted by the Texas state Library and Archives Commission, in lieu of filing the records retention and disposition schedule or amended schedule with the director and librarian; and
- i) bring to the attention of the City Administrator, any noncompliance by a department director or other personnel with the requirements, policies, and procedures of the records management program; and
- j) conduct periodic reviews of departmental record keeping practices and records retention and disposition schedules to ensure that the schedules are kept current;
- k) review user requirements and system requirements to ensure that record keeping requirements and public access requirements are incorporated into the city's electronic recordkeeping systems; and
- l) serve as the city's liaison to the director and librarian of the Texas state Library and Archives Commission for records management program requirements; and
- m) file any revisions to this program with the director and librarian of the Texas state Library and Archives Commission within 30 days after adoption as required by law; and
- n) be responsible for the final determination of which city records will require on-site or off-site storage.

Section 8. MINIMUM REQUIREMENTS FOR THE RECORDS MANAGEMENT PROGRAM

The Records Management Program shall:

- a) adequately protect the essential records of the city; and
- b) properly preserve city records that are of historical value; and
- c) establish criteria for city-wide and departmental records management program compliance, including requirements for conducting departmental records inventories, preparing retention schedules, and certifying retention and disposition schedules and electronic record keeping systems; and
- d) establish functional recordkeeping requirements to improve the efficiency of record keeping and to ensure the creation of adequate and proper documentation of the city's activities and transactions; and
- e) create policies to implement rules adopted by the Texas state Library and Archives Commission and required by state law, including requirements for public access, microfilming, electronic document imaging, and electronic storage of city records; and
- f) create policies to address records management program requirements and needs as technology evolves; and
- g) provide for review by the records management officer and records coordinator and records management policy committee of all electronic record keeping systems design prior to purchase or implementation of the systems; and
- h) ensure the development and maintenance of up-to-date documentation for all electronic records systems that will adequately specify the technical characteristics of each system necessary to read, process, or preserve city records until disposition of the records is authorized; and
- i) provide for the creation of adequate audit trails; and
- j) incorporate electronic records management objectives, responsibilities, and authorities in pertinent city directives, policies, and procedures; and
- k) ensure the ability to access city records regardless of form or medium.

The records management program requirements, policies, and procedures binding all city officers (elected and/ or appointed), all city employees and all departments, offices, agencies, divisions, programs, commissions, bureaus, boards, committees, task forces, ad hoc committees, and similar entities of the city.

Section 9. DUTIES AND RESPONSIBILITIES OF THE CITY COUNCIL.

The city council shall:

- a) promote, and support an active and continuing program for the efficient and

economical management of all city records; and

- b) review for approval all policies and procedures developed by the administration for the records management program under the direction of the records management officer and records coordinator; and
- c) facilitate the creation and maintenance of city records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the city and designed to furnish the information necessary to protect the legal and financial rights of the city and persons affected by the activities of the city; and
- d) review for approval all records retention and disposition schedules as set out by the Texas state Library and Archives Commission as required by state law and this chapter; and
- e) be subject to the same duties and responsibilities required of a department under the policy or procedure established under this program, and state law.

Section 10. DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS AND MEMBERS OF THEIR DEPARTMENTS.

In addition to other duties assigned in this chapter and by state law, every department director and members of their department shall:

- a) cooperate with the records management officer and records coordinator in carrying out the policies and procedures established in the city for the efficient and economical management of city records and in carrying out the requirements of the records management program and state law; and
- b) adequately document transactions of government business, services, programs, functions, activities, and duties for which the department director and department staff are responsible; and
- c) maintain city records in the department' s custody and carry out the preservation, microfilming, electronic storage, destruction, and other disposition of those records only in accordance with this record management program and state law; and
- d) department directors may appoint a records liaison person, from their department to serve as the point-of-contact for the records management program; and

- e) department directors shall provide for the preparation and submittal of all requests to dispose of city records to the records management officer prior to the destruction of such records; and
- f) notify the records management officer and records coordinator within 24 hours of the discovery of any loss, theft, or damage to a city record; and
- g) ensure the ability to access records regardless of form or medium;
- h) notify the records management officer and records coordinator of proposed electronic record keeping systems to ensure compliance with electronic record keeping requirements established by this record management program and state law;
- i) ensure electronic records in the director.s custody are migrated forward as technology changes, for as long as the records are determined to have value, and to ensure that requests for funding for new systems or systems enhancements address requirements for back-up, re-copying, disaster recovery, security, public access, audit trails, and other record keeping requirements in accordance with this record management program and state law; and
- j) in cooperation with the records management officer and records coordinator and records coordinator, identify essential records of the department and establish a records disaster recovery plan to ensure maximum availability of the records to re-establish operations quickly and with minimum disruption and expense; and
- k) upon request by the records management officer and records coordinator and records coordinator, submit a departmental records inventory; and
- l) annually review departmental records retention and disposition schedules to ensure that the schedules are kept current.

No state law, federal law, city ordinance, or policy relating to the duties, record keeping requirements, or other responsibilities of a department or its director exempts the department from its duties and responsibilities to the application of this records management program, nor may such a law or policy be used by the department or its director as a basis for refusing to participate in the records management program of the city.

Section 11. ESTABLISHMENT OF THE RECORDS MANAGEMENT POLICY COMMITTEE.

A records management policy committee shall be established and shall consist of the City Administrator their designee, each department leader or their designee, and the City Secretary or serving as the Records management officer and records coordinator). Representatives from other city departments may be added at the discretion of this committee.

The records coordinator shall:

- a) chair the committee under the direction of the record management officer; and
- b) ensure all policies and procedures receive approval by the City Attorney prior to implementation; and
- c) give final approval to the daily maintenance and destruction of records as necessary for the efficient management of this program in accordance with approved records retention and disposition schedules;
- d) give a recommendation annually to the committee for the approval of the annual destruction of city records in accordance with approved records retention and disposition schedules.

The committee shall:

- a) review and approve policy and procedural recommendations submitted by the records management officer and records coordinator as necessary for the implementation and administration of a records management program for the city; and
- b) review the performance of the records management program on an annual basis and propose changes and improvements if needed; and
- c) give final approval to the annual destruction of records in accordance with approved records retention and disposition schedules;

Section 12. DESIGNATION OF RECORDS LIAISON PERSONS.

- a) Each department director may designate, in writing to the records management officer, a member of their department to serve as the records liaison person to act as the point-of-contact for the department. The department director may appoint more than one records liaison person. The department director may reserve the right to act as the records management person.
- b) A person designated as the records liaison person shall be thoroughly familiar with departmental policies and activities and have full knowledge of and access to all city records created and maintained by the department and by all officers and employees of the department.
- c) If a person designated as a records liaison person resigns, retires, or is removed by action of the department director, the department director shall promptly designate another person to fill the vacancy.

Section 13. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON PERSONS.

In addition to other duties assigned in this program, a records liaison person shall:

- a) under the supervision of the records management officer and records coordinator, coordinate and implement the requirements, policies, and procedures of the records management program in the department; and
- b) disseminate information to department staff concerning the records management program; and
- c) in cooperation with the records management officer and records coordinator, coordinate the records inventory of the department; and
- d) verify the accuracy, content and completeness of the records inventory prior to submission to the records management officer and records coordinator; and
- e) review departmental recordkeeping practices for compliance with the records management program and, in consultation with the department director, identify practices that would improve for the efficiency or implementation of compliance with the records management program; and
- f) report any noncompliance with the records management program to the department director in writing providing a copy to the records management officer; and
- g) correct and re-submit to the records management officer and records coordinator any records inventory that is incomplete or inaccurate; and
- h) obtain prior approval from the department director and the records management officer for the disposition and destruction of any city records.

Section 14. RECORDS RETENTION AND DISPOSITION SCHEDULES; APPROVAL; FILING WITH THE STATE.

The records management officer and records coordinator, in cooperation with department directors and records liaison persons, shall prepare records retention and disposition schedules on a department by department basis that describe, and establish the retention periods for, all city records created or received by each department.

A records retention and disposition schedule must contain such other information regarding the disposition of city records as the records management program may require.

Every city record identified on records retention and disposition schedule, in any amendment to the schedule, or in any request for destruction of a record must be specifically described.

Each records retention and disposition schedule must be monitored and amended as needed by the records management officer and records coordinator on a regular basis to ensure that the schedule is in compliance with records retention and disposition schedules issued by the state and that the schedule continues to reflect the record keeping procedures and needs of the department and the records management program of the city.

Before its adoption by the city council, a records retention and disposition schedule or amended schedule for a department must be approved by the department director and the records management Officer.

After city council adoption, a records retention and disposition schedule may not be implemented until the schedule or a written certification of compliance has been submitted by the records management officer and records coordinator to and accepted for filing by the director and librarian of the Texas state Library and Archives Commission, as provided by state law. If a schedule or certification of compliance is not accepted for filing, the schedule must be amended and re-submitted to the city council for adoption to make it acceptable for filing.

The records management officer and records coordinator shall file with the director and librarian of the Texas state Library and Archives Commission all approved records retention schedules and amended records retention schedules.

Section 15. IMPLEMENTATION OF RECORDS RETENTION AND DISPOSITION SCHEDULES; DESTRUCTION OF CITY RECORDS UNDER SCHEDULE.

The department director and records liaison person of a department for which a records retention and disposition schedule has been approved and adopted shall implement the schedule in accordance with the requirements, policies, and procedures of this records management program and state law.

A department director or records liaison person shall notify the records management officer and records coordinator when a city record is eligible for disposition and shall prepare and submit to the records management officer and records coordinator a records disposition request, if required by the applicable the records retention and disposition schedule, as a condition for disposition of the city record.

Before a city record is destroyed under an approved records retention and disposition schedule, the records management officer and records coordinator must obtain authorization for the destruction from the records management officer and records coordinator, unless the approved schedule specifies that the record may be destroyed without additional review or authority of the records management officer and records coordinator.

A city record whose retention period has expired on an approved records retention and disposition schedule must be destroyed unless:

- a) a request under the Public Information Act is pending on the record;

- b) the subject matter of the record is pertinent to pending litigation or a pending audit;
- c) the department director requests in writing, to the records management officer, that the record be retained for an additional period, which request must clearly state the reason for the continued retention; or
- d) the records management officer and records coordinator sends written notification to a department director that the records must be held pending review for historical appraisal.

Section 16. DISPOSITION AND DESTRUCTION OF RECORDS

Transferring Records to the Custody of the Records management officer and records coordinator

The following procedures must be followed when transferring records to the custody of the Records management officer and records coordinator. Only those copies determined to be record" copies of your department/ division should be maintained in accordance with the appropriate record retention schedule for your department. Magazines, publications, extra" copies, etc., are not permitted for storage.

Use appropriate sized storage boxes for letter size, legal size, or computer printout size materials. Each department is responsible for the expense and procurement of boxes.

All records packed in a box must have the same retention period. This is very important! Contents of boxes will be destroyed intact; specific items will not be removed before destruction.

Do not overstuff the box. Leave one inch of space so items may be retrieved easily if necessary. Keep all items in the same direction when packing the box.

All binders, binder clips, paper clips, etc., should be removed before packing.

Label the outside of the box with a list of the contents in alphabetical order, inclusive dates, record destruction number and record destruction date.

If you have questions about these procedures, contact the City Secretary.

Retrieving Records from the Records management officer and records coordinator

Departments/ divisions with inactive records in storage may check out a box by following these procedures:

- a) A Records Checkout Form should be completed showing date of removal, the person removing the records, the expected date of return, the department/ division and the employee' s signature.

- b) The executed form must be completed before removing any record.
- c) If a box needs to be removed from the Records Room permanently, please notify the records management officer and records coordinator with the reason for removal.

Destruction of Records

Once scheduled records have passed their retention periods, the following procedures will apply:

All records considered as "AV" (administratively viable) in the record schedules may be disposed on in the containers provided and marked for such documents. These containers will be picked up by an approved records destruction company on a regular basis. Every department shall place all "AV" materials in these containers and only the records management officer and records coordinator will have the ability to open them.

Once a year, in mid-October, the records management officer and records coordinator arrange for an annual bulk destruction of city records. Each department shall prepare an inventory list of records ready for destruction to review with the records management officer and records coordinator. If a box or record listed on the destruction inventory list is needed, it should be identified and the reason for delaying destruction noted. The list will be presented to the City Administrator for his approval and signature. The records management officer and records coordinator will then proceed with the destruction of records in an appropriate manner. Lists of destroyed records will be maintained in the record manager's office.

No city records, except nonessential records shall be placed in a receptacle that will later be placed in an outside trash container. All records that are shredded shall be placed in the "AV" containers.

Even though City records have been converted to a particular micrographic application, the originals of essential records cannot be destroyed without abiding by the appropriate procedures for destruction.

Section 17. DESTRUCTION OF UNSCHEDULED RECORDS.

A city record that is obsolete or that has not been identified on an approved records retention and disposition schedule may be destroyed if: the Texas state Library and Archives Commission has: through its director and librarian approved a request for destruction authorization submitted by the records management officer and records coordinator.

Section 18. RECORDS INVOLVED IN PUBLIC INFORMATION REQUESTS, PENDING LITIGATION, OR PENDING AUDITS.

The destruction of a city record involved in a pending request under the Public Information Act, pending litigation, or a pending audit is prohibited, even if the destruction of the record is authorized by an approved records retention and disposition schedule.

Section 19. MICROFILMING CITY RECORDS.

City records may be microfilmed in accordance with this record management program, state

law and the administrative rules of the Texas state Library and Archives Commission.

Every department director shall coordinate the microfilming of a city record with the records management officer and records coordinator. The records management officer and records coordinator shall periodically review each departments microfilm programs as to administrative efficiency and compliance with this record management program, state law and the administrative rules of the Texas state Library and Archives Commission.

Section 20. ELECTRONIC STORAGE OF CITY RECORDS.

The creation, maintenance, preservation, electronic document imaging, and storage of the electronic records of the city must comply with this records management program, state law and the administrative rules of the Texas state Library and Archives Commission.

Before a city record may be stored electronically, a department director must submit a request for authorization for the electronic storage of the record to the records management officer and records coordinator as required by this records management program, state law and the administrative rules of the Texas state Library and Archives Commission.

Section 21. RIGHT OF RECOVERY.

The city may demand and receive from any person any city record in private possession that was created or received by the city, the removal of which was not authorized by law.

Section 22. PENALTY.

An officer or employee who knowingly or intentionally violates a provision of this chapter or a requirement, policy, or procedure adopted under this chapter may be subject to prosecution and penalties under the Local Government Records Act.

II. Retention and Disposition of E-Mail Records

Section 1. E-mail Policy

Information created on received is a local government record if it meets the definition in the Local Government Records Act.

Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.

Information created or received by an e-mail system is a local government record if it meets the definition above.

A local government record must be made available to the public upon request unless the record fits an exception to disclosure described in Texas Government Code, Sections 552.101 - 552.123. The disclosure of public information includes local records created or received by means of an electronic mail system. The Public Information Act also protects the confidentiality of records with restricted by establishing access criminal penalties for distribution of confidential information. An electronic mail system should not be used for transmittal of confidential information unless the system provides security measures to control access so that confidential information is protected. Before any e-mail records are released pursuant to a public information request, any exempt information should be deleted from the e-mail.

Section 2. Identification of Records

Electronic documents meeting the legal definition of a local government record are subject to all records management requirements set forth in this Records Management Plan.

All features of e-mail systems including messages, calendars, directories, distribution lists, attachments such as word processing documents and messages sent or received over external communication systems such as Internet should be evaluated to identify documentary materials that satisfy the definition of a local government record.

Section 3. Retention of E-mail

E-mail records, which are comparable to any other records of the City maintained for a specific period of time on paper or other electronic medium, must be kept for the minimum retention period identified in Section III, Records Control Schedules, of this Records Management Plan.

Records must be maintained for the full retention period by the Division responsible for maintaining the record copy. Security measures should be taken to protect e-mail records from unauthorized alterations or deletions. Messages stored on-line should be regularly backed up to off-line media to guard against system failures or inadvertent erasures. Procedures for backing up electronic mail systems should be coordinated with the destruction of e-mail records so that no copies are maintained after the retention periods for the records expire.

Section 4. Disposition of E-mail Records

Apply the Records Management Plan for disposition of e-mail records as it would be applied to paper records or records stored on other electronic media. E-mail records should be disposed of in accordance with the Records Control Schedules included in Section III of this Plan.

NOTE: Local Schedule GR: Record Series 1000-26, correspondence and internal memoranda, states that routine correspondence and internal memoranda, such as letters of transmittal, requests for publications, internal meeting notices and similar routine matters should only be kept as long as administratively valuable (AV -after purpose of record is no longer deemed administratively valuable).

III. Disaster Recovery Plan for City Records

Section 1. Introduction

This disaster Recovery Plan has been developed to ensure the continuity of the city's government by establishing procedures for records rescue in the event of a disaster. It describes the steps to be followed by the Disaster Recovery Team in ensuring the safety of team members, stabilizing the environment, assessing the damage, recovering damaged records, providing for restoration of those records, and minimizing loss to the City.

The recovery process outlined in this plan focuses mainly on the recovery of water-damaged records. Statistics show that ninety-five percent (95%) of all disasters will result in water-damaged records; action must be taken quickly to salvage damaged materials. Mold will develop within 48 to 72 hours when temperature exceeds 75°F and relative humidity exceeds sixty percent (60%). Action can be taken by an in-house Disaster Recovery Team to minimize water-damaged loss. Damage caused by heat, smoke, chemical spills, or infestation requires specialized salvage techniques; outside professional assistance is required for recovery from damage of this kind.

Preparedness to cope with damaged records is not enough. No matter how carefully the procedures below are executed, restoration will only be partial. All City departments must take measures to prevent loss of their records. Preventive measures entail creating back-up copies of vital or important information, whether in the form of paper, microfilm, or magnetic media, and storing the copies off site. In case of disaster, a department can retrieve the backups and re-establish operation with minimum interruption.

Section 2. Inventory / Priority Lists

Each department, office, and area should have a list of all materials located therein,

Priority 1 - Salvage at all costs;

Priority 2 - Salvage if time permits;

Priority 3 - Salvage as part of general clean-up.

The following questions may be helpful in determining priorities:

Can the item be replaced? At what cost?

Would the cost of replacement be less or more than restoration of the item?

How important is the item to the collection?

Is the item available elsewhere?

Section 3. In-House Disaster Recovery Team Members

A disaster situation will require resources beyond those available in individual Departments. Therefore, a citywide Disaster Recovery Team is established to deal with disaster situations.

The following staff members should be called in the event of a disaster:

DISASTER RECOVERY TEAM:

Team Chairman:	City Administrator
Asst. Chairman(s):	Records management officer and records coordinator
Team Member:	Police Chief
Team Member:	Public Works Director / Emergency Management Coordinator

TEAM DUTIES INCLUDE THE FOLLOWING:

Preparation and update of the Disaster Recovery Plan for City Records.

Obtaining and maintaining Disaster Supply Kits at appropriate locations.

Assessing damage to City Records following a disaster situation.

Supervising the records recovery operations following disaster.

Supervision of the records restoration process following disaster recovery operations.

Section 4. Authority/ Responsibility of Disaster Recovery Team Chairman

Starting the procedure for notification of other team members.

Staying in contact with appropriate department heads and assigned staff.

Staying in contact with outside consultants and agencies.

Making certain that the initial disaster has been dealt with and that cleanup crews have begun their work. (The crew' s responsibilities should be clearly defined.)

Maintaining Disaster Supply Kits and making sure additional supplies are on the way.

Being available to the Disaster Recovery Team and to the overall recovery operation to answer questions, to initiate subsequent phases of the recovery operation, and to determine other remedial steps.

Ensuring that Team members do not enter a facility until permission is granted by appropriate emergency personnel.

The Assistant Team Chairman is responsible for the Team Chairman's duties in his/ her absence).

Section 5. Stabilization of Environment

The environment must be stabilized within 48-72 hours to prevent the growth of mold.

Departmental Staff are responsible for the following actions:

- a) Contact the Finance Department to obtain emergency funding account.
- b) Obtain pumps for removal of large quantities of standing water, if necessary. (Extreme caution must be taken, as standing water can conceal hazards).
- c) Use portable generators in case of power failure.
- d) Run fans constantly to circulate air and expel humidity from the area.
- e) Use thermometers or hygrometers to work toward attaining the ideal condition of 65°F
- f) Dehumidifiers can help lower the humidity, however, they are usually only effective in small, enclosed areas; they tend to increase temperature in a room, and they can also freeze up in the lower temperatures required for salvage and recovery operations. Temperature and humidity should be monitored constantly.

Emergency Management Coordinator will be responsible for the following actions:

- a) Spell out the dangers associated with disaster recovery.
- b) Electrical shock hazards.
- c) The handling of file cabinets that have been damaged by fire and that have retained heat.
- d) Strong fumigants used to kill molds and fungus.
- e) Other hazards to safety of employees and property.
- f) After the damaged items have been removed and the environment has been stabilized, the area must be thoroughly cleaned.
- g) Walls, floors, ceilings, and all furniture and equipment must be scrubbed with soap and water and a fungicide.
- h) Carpeting and especially the padding under it, should be carefully examined, as mold will develop rapidly.
- i) Removal of smoke odor and fogging with fungicides or insecticides should be performed only by professionals.

- j) Assist Departmental Staff in securing equipment and removal of water.

Section 6. Assessment of Damage

In the event of a major disaster, do not enter the building until it has been declared safe to do so by the Fire Marshal or Emergency Management Personnel.

The Emergency Management Coordinator will survey the entire area and take extensive notes (use a pencil, ink will run). Photographic records will also be made with both 35mm and video cameras.

Disaster Recovery Team Chairman and the Records management officer and records coordinator will assess the extent of damage as soon as possible. This action should be done with a minimal amount of physical handling. Photographs taken by the Emergency Management Coordinator will support information on damage.

Determination of records damage will include:

- a) How much damage has occurred?
- b) What kind of damage is it? (Fire, smoke, soot, clean water, dirty water, heat, humidity)
- c) Is it confined to one area or is the entire building damaged?
- d) How much of the collection of records has been affected?
- e) What type of records have been damaged? (Documents, books, microforms, computer disks)
- f) Are any damaged records vital?
- g) Are the damaged items easily replaced or are they irreplaceable?
- h) Can the records be salvaged by an in-house recovery team, or will outside help be required?

The Disaster Recovery Team Chairman will notify the members of the Disaster Recovery Team, contact outside or that is needed, initiate any emergency agency company recovery procedures for water-damaged records.

The Records management officer and records coordinator will create an inventory as records are moved.

Section 7. Recovery Procedures for Water-damaged Records

The following procedures should be conducted by departments with the supervision of the Disaster

Recovery Team Chairman.

PAPER RECORDS -Volumes to be Frozen

- a) Clean the floor and aisles first.
- b) Take action within 48 hours to prevent the development of mold and mildew.
- c) Begin with the wettest materials. Handle wet paper carefully and as little as possible --it is fragile.
- d) Dirt and mold should be removed and treated before freezing. If time does not permit these activities, dirty and/ or moldy books may be frozen (mud will easily brush off when it is dry). Silt should be washed out immediately, as it is almost impossible to remove when it is dry.
- e) Pack materials on-site, if possible. Pack loose papers, files, or books spine down for minimum damage. Wrap freezer paper around each volume (waxed side next to the volume) and place in plastic crates.
- f) If books are stuck together, do not attempt to separate them, but pack them as one volume.
- g) Pack crates one layer only, snugly enough that volumes will not slide or lean.
- h) Wrap open books as found. Do not attempt to close open volumes or open closed volumes that are wet. Do not place more than one open volume in a container.
- i) Blast freeze as quickly as possible to stabilize materials.
- j) Keep accurate records of each container's contents and label that container. If containers are sent to more than one freezer, note which container numbers are sent where.
- k) Keep records of damaged items and discarded items
- l) Materials should be placed in a freezer facility as quickly as possible to prevent the growth of mold. Care should be taken that containers do not fall over during transport, as further damage may result. Materials should be placed in refrigerated trucks if they cannot be frozen within forty-eight (48) hours.
- m) Records already stored in boxes should not be re-boxed unless, absolutely necessary. Tip the boxes gently to allow excess water to drain out. Then quick-freeze the entire box.

PAPER RECORDS -Volumes to be Air-Dired

Washing procedure (to be preformed off-site only).

- a) Keep books tightly closed and hold under cold, clean, running water.
- b) Remove as much mud as possible from the binding by dabbing gently with a sponge. Do NOT rub or use brushes and do NOT sponge the pages, or edges, as these actions can force the mud into the spine or the wet pages, causing further damage to the volume. Let the motion of the running water clean off the dirt.
- c) Squeeze the book gently and with even pressure to remove excess water and to reshape the binding.
- d) Do **NOT** wash:
 - 1. Open or swollen volumes.
 - 2. Vellum or parchment bindings or pages.
 - 3. Full or partial leather bindings.
 - 4. Fragile or brittle materials.
 - 5. Works of art on paper.
 - 6. Water-soluble components (inks, tempera, watercolors, dyes, charcoal, etc.)
 - 7. Manuscripts.
 - 8. Saturated Volumes.
- e) Do not open saturated volumes – wet paper tears easily!
- f) Set volumes on their heads on absorbent paper. Pages tend to droop within the binding when a volume is shelved upright, so setting it on its head will counteract this tendency. Plastic sheeting should be placed under the paper toweling or unprinted newsprint to protect tabletops. Turn the volumes right side up when changing the paper beneath them. Their position should be reversed each time the paper is changed and the wet paper is removed from the area.
- g) Cover may be opened to support the volume.
- h) Aluminum foil may be placed between the cover and the end leaf to prevent staining from the binding dyes.
- i) When most of the water has drained, proceed as for "Damp Volumes", below.
 - 1. Damp Volumes
- j) Very carefully open the book (not more than a 30° angle).
- k) Keep the volume in an upright position.

- l) Place interleaving sheets at intervals of twenty-five leaves (fifty pages), unless they will distort the volume.
- m) Change interleaving frequently. Do NOT reuse unless the sheets are being impregnated with fungicide. Ortho-Phenyl Phenol (O-PP) is recommended. Mix one pound of O-PP to one gallon of acetone or ethanol (do not use methanol, as it will cause inks to bleed). Safety equipment (mask, eye goggles and rubber gloves should be worn when preparing and using this solution.

1. Slightly Damp Volumes/ Volumes with Only Wet Edges

- n) Stand volume on its head and fan open slightly. Paperback books may support each other with a barrier between them or they may be wedged with Styrofoam pieces. Position volume in the path of circulating air.
- o) When almost dry, lay the volumes flat and place weights (NOT other drying books) on them to minimize distortion. Do not stack wet volumes.
- p) Lightweight volumes (less than six pounds) may be hung on lines to dry.
 - 1 Use monofilament nylon lines, not more than 1 / 32" diameter, not more than five or six feet long, spaced approximately one-half inch apart.

- 2 Do NOT line-dry a saturated volume as the monofilament will cut through the wet paper.

3 Volumes With Coated Stock Paper

- a) Wet coated stock paper should be handled with care, as the print will slide off the wet page if it is rubbed. DO NOT allow wet books with coated stock paper to dry in a closed state as the pages will permanently bond together. Almost all attempts to separate stuck pages by rewetting them have failed. Vacuum freeze-drying of coated stock volumes is rarely successful. Keep volumes submerged until the pages can be separated. The only chance of saving such materials is to interleave every page and air dry.

4 Documents/Unbound Materials

5 Freeze as found

- a) Do not remove from file cabinet drawers, document cases, or folders.
- q) Do not turn containers upside down to empty or drain. If possible, gently top file cabinets and boxes to allow excess water to drain out.
 - a) Separation of wet sheets.
 - b) Place a sheet of polyester film on top of a stack of wet, unbound papers (or

the first page of a bound volume).

- r) Rub gently with a bond folder – surface friction will cause the wet paper to adhere to the film.
- s) Peel back the top sheet and place it on top of a piece of polyester web, nonwoven interfacing, such as Pellon, is most effective.
- t) Remove the polyester film.
- u) Place another piece of polyester web on top of the wet sheet.
- v) Repeat the entire process, separating the wet sheets one at a time and interleaving them with polyester web. (Materials may be frozen at this stage.)
- w) Air dry the sheets (supported by the polyester web) by placing them on absorbent paper on tables, on drying racks, or on top of closely spaced monofilament lines. Air in the room should be kept circulating, but fans should **not** blow directly on the materials.
- x) The papers may be flattened when they are almost dry by placing them between two sheets of blotting paper (to remove excess moisture) and applying even pressure with weights.

PHOTOGRAPHIC MATERIALS

Photographic materials (prints, negatives, slides, film) should not be allowed to dry untreated after they become wet, as they will stick to their enclosures or to each other. Any attempt to separate them after they have dried together may result in damage to the emission or the image. Remove materials from their enclosures and wash off any mud or dirt under cold, clean, running water.

Do not expect to salvage color photographs, as the colored layers will separate and the dyes will fade quickly. However, if you wish to try, air dry immediately or freeze them.

Color films and photographs:

- a) Keep wet.
- b) Freeze if professional help must be delayed longer than 48 hours.
- c) Transport to or have picked up by photographic laboratory.

Silver emulsion films and photographs:

1. Keep wet.
2. Wash off any mud or dirt under cool, clean, running water.
3. Microforms:

- a) Silver halide microfilm:
- b) Leave film in cartons.
- c) Immerse film in clean, cool water in clean, liffed container.
- d) DO NOT agitate container during transportation or storage.
- e) Add a one-percent solution of Formalin to water to prolong storage time to two weeks.
- f) Vesicular and diazo microfilm:
 - 1. Rinse off mud or dirt under cold, clean, running water.
 - 2. Lay out reels or fiche flat to air dry or dry with cheesecloth.

TAPES (AUDIO, VIDEO, COMPUTER) AND FLOPPY DISKETTES

Such records are among the easiest to duplicate and store off-site, thus making a backup system an invaluable alternative to recovery. Water is especially damaging to magnetic materials. The longer they have been wet the greater the damage will be. Do not attempt to play any damaged tapes or disks, as they can damage the equipment on which they are being played. The following procedures are recommended if you wish to attempt to salvage tapes:

- a) Break open the cassettes. Remove floppy disks from their cases.
- b) Wash in clean or distilled water.
- c) Air dry, dry with cheesecloth, run through a tape cleaner or winder, or gently separate the reel flanges with spacers (such as inert grommets) to allow water to run off, promote air flow, and prevent tap-to-flange adhesion. Do not dry with heated airflow, as it will promote humidity, resulting in adhesion of the media.
- d) Store upright and without crowding in distilled, room-temperature water. (May be stored this way for up to two weeks).

OTHER MAGNETIC MEDIA

Obtain professional advice from one of the consultants listed in the Team Chairman's files, or contact the Texas state Library for a list of vendors.

Section 8. RESTORATION OF WATER-DAMAGED RECORDS

A number of options are available for treating water-damaged materials. The choice of treatment

will depend upon the extent and type of damage incurred, and the manpower, expertise, and facilities available.

PAPER RECORDS

The period of time during which items are frozen can be used to decide which records are worth restoring and which can be discarded without further processing and expense.

VACUUM FREEZE DRYING

Vacuum freeze-drying is the safest and most successful method, although it is also the most expensive. Materials **MUST** be frozen prior to placing in a sublimation chamber. This type of chamber operates under high vacuum and high heat, and turns the ice crystals in and on the frozen materials to water vapor. The vapor is then collected on a cold panel that has been chilled to at least -200°F, so it cannot go back on the materials. If they are not frozen when they are put in the chamber, the materials will freeze on the outside and the water molecules on the inside will be forced through the frozen barrier as the vacuum is pulled. This action can cause the book or document to "explode".

When materials are removed from the vacuum freeze chamber, they will be **VERY** dry and should acclimate for at least one (1) month before they are opened to avoid cracking the spine and/ or binding (this is especially true for leather bindings). They may be placed in a high humidity room to accelerate the acclimation process, but must be monitored closely for signs of mold.

Materials so treated will **NOT** look like new, but will show signs of swelling and distortion. Photographs will not be damaged by this treatment, but rubber cement may dissolve and stain the pages to which it has been applied.

VACUUM DRYING

Vacuum drying involves the placement of wet materials in a chamber that pulls the moisture by means of a vacuum. This method is **NOT** recommended as the heat involved is damaging to paper (especially bound paper) and photographic materials. Microwave ovens should not be used for the same reason. In addition, the rapid evaporation of water in the microwave can cause vapor explosions in the covers and inside pages of coated stock.

If frozen materials are vacuum dried, most of the water will pass through the liquid state before vaporizing. As a result, water-soluble inks and dyes may bleed.

FREEZING

Freezing wet materials will stabilize them and provide you with time to determine your course of action. Mold will not grow and further deterioration from water will not occur when materials are in a frozen state. Books have been left in a freezer for ten years and successfully thawed and air-dried with no resultant damage. Freezing will also help to eliminate smoke odor from materials.

Rapid freezing is recommended to minimize damage from ice crystals (the faster the materials are frozen, the smaller the ice crystals will be). Blast freezing services can be performed on site.

Freezing is an intermediate stage. After materials have been removed from the freezer, they must be placed in a vacuum freeze dryer or air-dried.

AIR-DRYING

Air-drying is labor intensive and requires a great deal of space, but it is tried, true and cheap. It also offers security, as it can be done in-house and materials can be watched.

Air-drying should be performed only in a stable environment to inhibit the growth of mold. The ideal environment for air-drying is 50°-60°F and 25-35% RH. This process is NOT recommended for coated stock materials.

PHOTOGRAPHIC MATERIAL

a) Color film and photographs:

- 1) Obtain professional assistance with restoration
- 2) Silver or emulsion film and photographs
- 3) Air dry (if not too many and if time permits) either flat or on lines
- 4) If too many to air-dry, store in cold water (64°F or below) for up to three (3) days. Formaldehyde may be added to water at a ratio of 15ml. to 1 liter.
- 5) Transport to or have picked up by a professional photography laboratory within twenty-four (24) hours
- 6) If time permit air-drying or transporting to a professional laboratory, freeze quickly. (Less damage is caused by freezing than by delaying treatment).

b) Microforms:

- 1) Silver Halide:
Send to or have picked up by professional microfilm processing laboratory.

c) Vesicular and diazo:

- 1) Wash with liquid detergent and rinse
- 2) Lay out on absorbent paper to dry

Tapes and Floppy Diskettes

If the diskette itself has been damaged (by melting, creasing, etc.), restoration is very difficult, and probably incomplete at best. If there is a loss of access to data due to foreign material on the surface, this type of damage more readily allows restoration. To remove a contaminant, follow these procedures:

- a) Carefully remove diskette from jacket and sleeve
- b) Agitate the exposed diskette in multiple baths of cool, distilled water
- c) Dry with lint-free towels or air dry
- d) Insert diskette
- e) Copy data to new diskette
- f) Clean copy equipment drive heads often to avoid permanent damage to heads

Other Magnetic Media

Have professionally cleaned and dried by an outside agency.

Section 9. RECOVERY PROCEDURES FOR OTHER TYPES OF DAMAGE

FIRE/SMOKE

PAPER

If records are not fragile, trim charred edges, and clean the surface with a soft bristled brush and rub gently with art gum eraser, mildly abrasive drawing paper, or wallpaper cleaner. Typed material should first be tested to determine if correctable ribbon was used; if so, do not use paper cleaner. If records are too fragile, enclose in mylar folder and copy, using either paper or microfilm. Discard the original, keeping a record of such action.

Smoke damaged records can be quick frozen to remove smoke smell.

Consult restoration and microfilm specialists

PHOTOGRAPHIC MATERIALS

High temperatures of 125°F and above melt the film emulsion and even the base media. The results of fire damage include sticky surfaces, melted layers and severe image

distortion. The assistance of a professional restorer will be required in the recovery process.

MAGNETIC MEDIA

High temperatures of 125°F and above destroy magnetic tapes, disks and diskettes. Determine how much information is available elsewhere for reconstruction of data. If recovery is necessary, contact the Team Chairman.

ATMOSPHERIC POLLUTANTS AND CHEMICAL SPILLS

Damage varies with each chemical spill or pollutant. Contact restoration specialists to assist in salvage.

RODENT, MOLD, OR INSECT INFESTATION

Contact restoration specialists to fumigate and clean records and deacidify if needed.

DISASTER SUPPLY KIT

A disaster supply kit should be located in each City facility to allow the Disaster Team to begin work immediately after a disaster. The Disaster Recovery Team Chairman should keep a list of supply kits for each building and their locations.

The following items should be included in the Disaster Supply Kit:

- a) Absorbent paper: 5-20 reams, optimum size 9"x12"; (Do not use newspaper for archival or permanent records).
- b) Wax paper or freezer paper
- c) Roll of plastic sheeting or one 9'x12' plastic drop cloths
- d) Sharp knives: 2 or 3
- e) Large screwdriver
- f) Distilled water: 1 gallon
- g) Formalin
- h) Flashlight with extra batteries (replace batteries every six months)
- i) Protective clothing
- j) Rubber gloves: 4 pair
- k) Large, strong plastic garbage bags: 10
- l) Paper tags with string or wire holders: 25
- m) Scissors, 12": 2 pair
- n) Clean lint-free rags or paper towels

- o) Cubic foot boxes or plastic milk crates
- p) Lidded containers: 2 or 3; and
- q) Sponges

CHECK LIST

I. Pre-Emergency Planning

A. Disaster Recovery Team

- ___1. Appoint representative to DRT in accordance with Section III A.
- ___2. Assign specific duties to DRT members.
- ___3. Appoint building administrator to DRT from each building
- ___4. Review Disaster Recovery Plan with DRT on an annual basis
- ___5. Select additional members as needed

B. Prevention Precautions

- ___1. Check building(s) periodically for hazards.
- ___2. Prohibit smoking in all storage areas
- ___3. Install class ABC fire extinguishers as needed
- ___4. Check air conditioning systems
- ___5. Check drainage of floors located above records storage areas
- ___6. Raise all storage cabinets off the floor
- ___7. Use steel shelving with adequate cross bracing
- ___8. Move microfilm of different generic types separately
- ___9. Store microfilm of different generic types separately
- ___10. Duplicate and discard all nitrate base negative film
- ___11. Use fire-resistant materials in construction
- ___12. Install some type of fire suppressant system

C. Emergency Preparations

- ___1. Provide emergency instructions to all employees

- ___2. Prepare floor diagrams with records locations
- ___3. Prepare a list of professional consultants
- ___4. Prepare a list of volunteers to assist with records recovery
- ___5. Prepare a list of suppliers and facilities needed for recovery
- ___6. Create and duplicate any forms needed for recovery

II. INITIAL RECOVERY PROCEDURES

A. DAMAGE ASSESSMENT

- ___1. Assemble the Disaster Recovery Team
- ___2. Secure entry to damaged areas
- ___3. Determine extent of damage
- ___4. Assemble volunteers and supplies needed for initial recovery
- ___5. Set up operations desk for Disaster Recovery Team Chairman
- ___6. Stabilize temperature and humidity in disaster areas
- ___7. Prepare damage location inventories
- ___8. Make treatment decisions as appropriately as possible
- ___9. Arrange for temporary cold storage if water damage is present
- ___10. Establish the necessary workrooms for records treatment
- ___11. Assign removal priorities from disaster areas
- ___12. Organize volunteers who will be helping with recovery operations

B. REMOVAL OF RECORDS

- ___1. Pack damaged records
 - ___a. Pack wet articles in plastic milk crates (if available).
 - ___b. Wrap records to be frozen in wax paper.
 - ___c. Have a fire extinguisher ready when opening file drawers.
 - ___d. Immerse wet microfilm in fresh, cool water.

- ___2. Remove damaged records.

- ___a. Remove records using hand trucks, book carts or human chains.
 - ___b. Inventory every container that is removed from the disaster area(s).
 - ___c. Take damaged materials to work rooms or transport vehicles
- ___3. Begin restoration procedures.

IV. Disaster Recovery Operations

Section 1. Procedures

If a disaster strikes when the building is occupied, your first concern should be for the safety of the individuals inside. Escape routes, alternate routes, and procedures for evacuating the building should be clear to all personnel and visitors. Practice drills should be conducted on a regular basis to eliminate panic during an actual disaster. Specific individuals should be assigned the task of determining whether the building has been completely evacuated.

Most disaster, however, seem to occur when the building is unoccupied-during the early morning hours, on weekends, or during holiday closings. In the event of a major disaster, do not enter the building until it has been declared safe to do so by the fire or emergency management personnel.

The following steps are recommended for an effective records recovery operation:

- Activate the in-house disaster recovery team
- Establish security and safety
- Assess the damage
- Stabilize the environment
- Treat damaged records to salvage
- Post-disaster assessment

Section2. Recovery Team

The disaster recovery team should be contacted and assembled prior to the start of work to salvage records after a disaster. Tee team members must be briefed on the procedures to be followed and priorities to be met. Each person should be given a specific area of responsibility. No salvage activity should begin until a plan of action has been determined by the team leader.

One of the immediate priorities for the action plan must be to obtain the various services, equipment, and supplies needed during the salvage operation. The disaster plan should provide

most of the basic information; however, it may be necessary to spend considerable time on the telephone. A communications center should be established immediately, which can function as a centralized point for the organization of the recovery effort and to help avoid confusion and delays whenever possible

Arrangements must be made to take care of the needs of all personnel involved in the recovery effort. Hot coffee/tea and food should be available in an area where people can rest and relax, separate from the disaster area.

Section 3. Security and Safety

Throughout the initial period of damage assessment and during recovery activities, security and safety precautions are essential. Security control measures should restrict access to the damaged area(s) and be maintained through the use of security personnel, sign-in/sign-out register, and identification badges. Only authorized personnel should be permitted to enter the building.

Safety precautions during the recovery process include:

- Reviewing disaster areas for hidden hazards such as short-circuited motors or broken electrical wires
- Avoiding standing water and wet carpets that make use of electrical equipment dangerous
- Installing and using temporary wiring properly
- Using care with fire and water-damaged files. Wet records are heavy. Caution must be used in opening cabinets or lifting storage boxes
- Using face masks and protective gloves, and immediately washing or cleaning clothing may be necessary due to the health hazards caused by fungal and bacterial organisms

Section 4. Damage Assessment

The type and degree of damage must first be examined. One or more disaster recovery team members should walk through the entire area and take notes to answer questions, such as:

- How much damage has occurred?
- What kind of damage is it (fire, smoke, soot, clean water, dirty water, heat, humidity)?
- Is it confined to one area or is the entire building damaged?
- How much of the records holdings have been affected?
- What types of record media have been damaged (paper documents, microforms, photographs, magnetic tapes, and diskettes)?
- Are the damaged records easily replaced (is there a preservation duplicate stored off-site, are there convenience copies of records)?

- Are the damaged records irreplaceable and what is their value (is this the only copy of the information, how important are these records to the business of the agency)?
- Can the records be salvaged by the in-house recovery team, or will outside help be required?

A realistic and thorough assessment must be made as quickly, efficiently, and safely as possible. The damage to records should be appraised without handling the records whenever possible, as further irreparable damage may result. Before you begin handling the materials, photographs should be taken to document the damages.

Section 5. Stabilizing the Environment

While the character and degree of damage is being assessed, steps must be taken to stabilize the environmental conditions affection the records. Mold growth, which can appear within 48 hours, is encouraged by conditions of highly humidity and high temperatures. By reducing relative humidity and temperatures, and reduce the risk of mold and thereby buy time for the recovery operations. The following equipment should be readily accessible to help stabilize the environment:

- Portable generators, in case a power failure occurs
- Pumps, to remove large quantities of standing water
- Fans, to circulate the air
- Thermometers, hygrometers, or other devices to measure the temperature and humidity

The air should be circulated in the damaged area to eliminate any stagnate air pockets. This may be accomplished by running fans constantly. If possible, the fans should expel the humid air form the area. Dehumidifiers can help to lower the humidity, although they are usually effective only in small, enclosed areas and tend to increase the temperature in a room. They can also freeze up in the lower temperatures required for salvage and recovery operations. Temperature and humidity should be monitored constantly.

Any standing water should be pumped from the area. Extreme caution must be taken, as standing water can conceal hazards. All wet debris and carpets should be removed.

Section 6. Treating Water-Damaged Records

The choice of specific steps to be followed for salvaging records will vary according to the type of records medium being treated and the cause of the damage. The records most likely to be salvaged after a disaster are those that have water damage. A number of options are available for treating water-damaged materials.

Paper Records

A decision has to made by the recovery team leader and/or the record management officer and any available conservation personnel whether water-damaged paper records will be air dried or

frozen. When materials are slightly damp and quantity is considered manageable, air-drying may be considered. If the material is soaked, it should be frozen, regardless of the quantity.

Freeze and thermal vacuum-dry method-The most effective procedure for stabilizing water-damaged records and archival materials is to blast freeze them to a temperature of -20°F and then to dry them by a thermal vacuum process. Freezing offers several advantages because it allows time to:

- Estimate recovery costs
- Prepare and coordinate subsequent steps in the drying and recovery operation
- Clean up the affected areas of the disaster site.

In addition, freezing stabilizes water –soluble materials such as inks, dyes, etc., which may disperse during natural drying. The subsequent thermal vacuum-drying will cause water to pass from a frozen state to a vapor without returning to liquid form. Under such conditions, the feathering of inks is slight. Freezing and thermal vacuum-drying will also lessen stains and reduce and remove the odor caused by smoke.

Drying without freezing method – If it is decided that the freeze and thermal vacuum-drying method is not practical, natural drying of the damaged material is possible. Rooms chosen to be drying areas must have good air circulation and low humidity; this requirement can be achieved by the use of fans, dehumidifiers, and/or air conditioning.

Mircoforms

In the handling of water-damaged microforms, speed is again essential in order to prevent the breakdown of the film emulsions and the onset of bacterial growth that will destroy film images. Generally, water-damaged microfilm and microfiche should not be frozen since development of ice crystals may be harmful. Damaged microforms should be kept under water, preferably distilled, and sent to a professional micro processing laboratory for film cleaning services

Electronic Media

The disaster recovery planning for records stored on electronic media should include the implementation of an effective program for creating regular backups of critical or essential files and storing these in a safe location. Unless there is no other alternative, file recovery efforts should proceed through reliance on use of backup files rather than attempting to reuse damaged media. For electronic media disaster planning purposes, system support backup tapes and disks and documentation should be stored off-site. A typical backup would consist of establishing three versions of data: the previous generation of data, the active data, and a copy of the active data.

If the circumstances require the salvaging of water-damaged electronic media, they should not be used until thoroughly cleaned and dried and the housing or containers replaced. This will avoid damage to equipment, especially disk drives.

Magnetic tapes which have become wet have a good chance for information recovery. Hand dry all external surfaces with a soft, lint proof cloth and air-dry the tape using a tape cleaner or winder to

run tapes from reel to reel. A company specializing in magnetic tape restoration should be consulted.

Drain and blot floppy diskettes with soft, lint-proof cloth. Peel the jacket away from the diskette and rinse the diskette with distilled water. Drain the diskette and place flat; blot and air dry approximately eight hours. When dry insert into new jacket. Copy data to new diskette. If the information copies properly, discard the damaged diskette. Clean copy equipment drive heads to prevent damage to the heads.

Note: Further information on the planned backup of records on magnetic media can be found in "Electronic Records: (Part V of the *Texas State Records Management Manual*). Off-site backup storage is usually the best protection for vital records.

Section 7. Post-Disaster Assessment

An essential component of the disaster recovery process is an assessment after the disaster recovery operation is completed. The assessment should note the effectiveness of the disaster plan and should include an evaluation of the sources of supplies and equipment, and of any off-site facilities used. Once the assessment has been made, the disaster plan should be amended where necessary to reflect any inadequacies that have been identified. Never assume that since your agency has experienced a disaster it will be a long while, if ever, that you will have another one.

Section 8. Plan Ahead – Be Prepared

The real disaster is when agencies fail to prevent those situations which are damaging to records but could have been avoided, or fail to be prepared to make an effective response when a disaster strikes so that valuable city records can be recovered.

The objectives of disaster recovery planning for records management are to identify potential hazards to the maintenance of records needed by the agency for official city business and, as much as possible, to prevent emergencies from happening. In the event of an unavoidable calamity, agencies can still be prepared to ensure continuation of services to the public by efficiently recovering vital city records.

Disaster Recovery Plan – Sample Format

Name of agency

Date of completion or update of this plan

Agency staff to be called in the event of a disaster:

Disaster Recovery Team	Name	Telephone Numbers (home and office)
Leader		
Members/alternates		
Building maintenance		
Building security		
Legal advisor		

Emergency services to be called (if needed) in the event of a disaster:

Service	Contact	Telephone Numbers
Ambulance		
Carpenters		
Chemist		
Data processing backup		
Electric		
Electrician		
Emergency management coordinator		
Exterminator		
Fire department		
Food services		
Gas		
Locksmith		
Micrographics		
Plumber		
Police department		
Security personnel (extra)		
Software vendor		
Temporary personnel		
Utility companies		
Water		
Other individuals/ groups to assist in the clean up		

Locations of in-house emergency equipment and supplies (attach map or floor plan with locations marked).

Item	Location
Batteries	
Badges	
Camera and film	
Cut-off switches and valves	
Electric	
Gas	
Water	
Sprinkler system (if separate)	
Extension cords (heavy duty)	
Fire extinguishers	
First aid kits	
Flashlights	
Ladders	
Mops, sponges, buckets, brooms	
Nylon monofilament	
Packaging tape and string	
Paper clips (non-rust)	

- Paper towels (not colored)
- Pencils/waterproof ball point pens
- Plastic trash bags
- Rubber gloves
- Scissors
- Transistor radio (battery powered)
- Wiping cloths
- Writing tablets

Sources of off-site equipment and supplies (if maintained on --site, note location):
 Item Contact Telephone Number

Item	Contact	Telephone Numbers
CB Radio		
Dehumidifiers		
Drying space		
Dust masks		
Fans		
Fork lift		
Freezer or wax paper		
Freezer space		
Fungicides		
Generator (portable)		
Hard hats		
Pallets		
Plastic milk crates		
Plastic sheeting (heavy)		
Pumps (submersion)		
Rubber boots or overshoes		
Refrigeration truck		
Safety glasses		
Spotlights		
Trash cans (plastic, small/large)		
Unprinted newsprint		
Vacuum/freeze-frying facilities		
Waterproof clothing		
Wet-dry vacuum		
Work tables and chairs		

Salvage priority list

Attach a copy of the records retention schedule identifying all vital records series. The location and record medium of the preservation duplicate for each vital records series should be noted.

It is also very helpful if other records series are reviewed to determine their priority for salvage should a disaster occur. The following questions can be helpful in determining priorities:

- Can the records be replaced? At what cost?
- Would the cost of replacement be less or more than restoration of the records?
- How important are the records to the agency
- Are the records duplicated elsewhere?

To identify this process, priorities may be assigned as follows:

1. Salvage at all costs (for example, records that are historically valuable or non-vital records that are important to agency operations and very difficult to recreate)
2. Salvage if time and resources permit (for example, records that are less important to the agency or somewhat easier to recreate)
3. Dispose of as part of general cleanup (for example, records that do not need to be salvaged because they are convenience copies and the record copy is at another location)

Agency disaster recovery procedures

Attach a list of specific procedures to be followed in the event of a disaster in your agency, including responsibilities of in-house recovery team members.

Follow-up assessment

If a disaster does occur, a written report, including photographs, should be prepared after recovery and attached to a copy of the disaster plan. The report should note the effectiveness of the plan and should include an evaluation of the sources of supplies and equipment, and of any off-site facilities used.

ORDINANCE NO. 19-112013

AN ORDINANCE OF THE CITY OF GARDEN RIDGE, TEXAS AMENDING ORDINANCE 19 BY EXCLUDING CERTAIN PROVISIONS OF THE 2009 INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, AND INTERNATIONAL PLUMBING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; REPEALER CLAUSE; PREEMPTION CLAUSE; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of City of Garden Ridge, Texas has adopted the 2009 editions of the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, and International Plumbing Code as published by the International Code Council, as the building and safety codes for the City of Garden Ridge; and

WHEREAS, the City Council of the City of Garden Ridge finds that it is in the best interests of the citizens of the City of Garden Ridge to implement the provisions and requirements of the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, and International Plumbing Code that are most applicable to the City and its needs, and allow the City to allocate resources effectively; and

WHEREAS, The City Council of the City of Garden Ridge deems it necessary to amend this ordinance providing requirements for building construction in order to protect the health, safety, and welfare of the citizens of Garden Ridge:

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

I. SECTION

That Ordinance 19, Amendment #6 approved on May 5, 2010 is repealed and that Section 2 of Ordinance 19 is hereby amended in its entirety to now read as follows:

SECTION 2.

THAT, the City of Garden Ridge, Comal County, Texas hereby adopts a minimum building requirements code for construction, alteration, repair and additions to every building and structure, as well as any appurtenances connected or attached to such buildings or structures in the City. These minimum building requirements also include the construction and/or installation of fences, retaining walls, swimming pools, barns, patios, carports, play houses, fixed dog kennels, decks, gazebos, spas, hot tubs (fixed), lawn sprinkler systems and security alarm systems. The following standards and provisions, as well as those attached as part of this Ordinance, shall constitute and be known as "The Building Code" and are herein referred to as "the Code":

- A. The International Building Code, 2009 Edition, with the exception of the following portions:
 - 1. Section 103, Department of Building Safety
 - 2. Section 104, Duties and Powers of Building Official
 - 3. Section 109, Means of Appeal
- B. The International Plumbing Code, 2009 edition, with the exception of the following portions:
 - 1. Section 103, Department of Plumbing Inspection
 - 2. Section 104, Duties and Powers of the Code Official
 - 3. Section 109, Means of Appeal
 - 4. Section 6.08.16.5, Connections to lawn irrigation systems
 - 5. Section 312.9, Inspection and testing of backflow prevention assemblies
- C. The International Mechanical Code, 2009 edition, with the exception of the following portions:
 - 1. Section 103, Department of Mechanical Inspection

2. Section 104, Duties and Powers of the Code Official;
 3. Section 109, Means of Appeal
- D. The International Fuel and Gas Code, 2009 edition, with the exception of the following portions:
1. Section 103, Department of Inspection
 2. Section 104, Duties and Powers of the Code Official
 3. Section 109, Means of Appeal
- E. The International Residential Code, 2009 edition, with the exception of the following portions:
1. Section R103, Department of Building Safety
 2. Section R104, Duties and Powers of the Building Official
 3. Section R112, Board of Appeals
- F. The minimum building requirements of the City of Garden Ridge, as specified in Attachments 1, 2, and 3 of Ordinance 19.

II. SECTION TWO.

That Ordinance 19, Section 7 is hereby amended to add:

- g. Any plumbing inspection required by this Code shall be performed by an individual who is properly licensed as a plumbing inspector under the laws of the State of Texas.

Subsequent subsections shall be renumbered as necessary.

III. 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.

IV. 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.

V. 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.

VI. 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.

VII. EFFECTIVE DATE

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

PASSED AND APPROVED this the ____ day of November, 2013.

Ordinance 19-112013
City of Garden Ridge

CITY OF GARDEN RIDGE, TEXAS

ANDREW DALTON, MAYOR

ATTEST:

SHELLY GOODWIN, CITY SECRETARY

Approved as to form:

GEORGE E. HYDE, CITY ATTORNEY

AN ORDINANCE AMENDING ORDINANCE NUMBER 71 DATED FEBRUARY 5, 1992 ELIMINATING THE POSITION OF CITY FORESTER AND CITY FORESTRY BOARD, IDENTIFYING A POTENTIALLY SEVERE PROBLEM IN THE MAINTENANCE OF HEALTH AMONG THE THOUSANDS OF OAK TREES WITHIN THE CITY OF GARDEN RIDGE, TEXAS; IDENTIFYING THE DISEASE OF THREAT TO THOSE TREES AS OAK WILT; PROVIDING GUIDANCE ON IDENTIFYING SYMPTOMS OF THE DISEASE; SPECIFYING CERTAIN DISEASE PREVENTIVE MEASURES AND ACTIONS TO BE TAKEN UPON ENCOUNTERING THE DISEASE WITHIN PRIVATE OR ELSEWHERE WITHIN THE CITY; PROVIDING FOR PENALITIES FOR THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY AND PUBLICATION

Whereas, the forests, copses, and individually cultivated and maintained trees of the city are essential to the economic, environmental and aesthetic welfare of the citizens of Garden Ridge and;

Whereas, the City Council has determined that diseased trees and certain firewood can be dangerous to persons and property and constitute a public nuisance and,

Whereas, the City Council has determined that abatement of such nuisance is to the benefit of public health, safety and general welfare,

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

SECTION 1 – REQUIREMENTS AND DIRECTIVES

Any tree or part thereof which is pruned, trimmed or wounded shall be treated with a sealing paint within six (6) hours of suffering such wound.

SECTION 2 – DISEASED TREES AS NUISANCE

2.01 – NUISANCE DEFINED

Any tree or part thereof which is infected by a lethal communicable disease that is likely to spread to other trees is hereby declared a public nuisance.

2.02 – OAK WILT

The disease of greatest concern to this city, *Ceratocystis Fagacearum* (Oak Wilt) is a fungus which attacks live, red and white oaks. It being the duty of all citizens to safeguard personal and public properties, all are enjoined to learn to identify and report to any city official any sightings of oak wilt disease.

a. Transmission

1. Spores of the fungi are carried by insects and may invade recently wounded branches or tree trunks at the point of exposure.
2. Red oak firewood imported to the city may carry the fungi which may, when placed in the vicinity of living oak trees, create an infection center capable of spreading the disease to surrounding healthy oak trees.
3. The disease may move in live oaks from one tree to another where trees are close enough to one another that their root systems are interconnected by underground grafting.
4. The spores may be carried from diseased trees to healthy trees by sap beetles.

b. Symptoms

1. Live Oak

- (a) limb flagging
- (b) light brown leaves (Spring)
- (c) dead leaf margins (Summer)
- (d) dead veins (Fall)
- (e) leaf drop
- (f) tree dies quickly (weeks or months) and may often involve large areas
- (g) trees do not respond to water

2. Red Oak

- (a) wilted leaves

- (b) leaves die from tips inward
- (c) tree dies within days
- (d) no leaf drop
- (e) 1 tree or clump at a time

SECTION 3 – DISCOVERY AND REPORTING

3.01 – ACTION UPON DISCOVERY

- a. Identify and locate diseased tree(s)
- b. Flag trees affected to facilitate relocating
- c. Report finding to city official
- d. If on own property, act immediately to treat or remove affected tree(s).

3.02 – ABATEMENT OF NUISANCE BY OWNER OR OCCUPANT

It shall be unlawful for any person, owner or occupant having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limit of the city to permit or maintain on any such lot, tract or parcel, any tree or part thereof which is a nuisance and it shall be the duty of such person, owner or occupant to promptly remove, eradicate or otherwise control such condition.

3.03 – NOTICE AND ABATEMENT REQUIRED

Subject to the provisions of Section 3.05, the City shall serve to the owner of the premises a public nuisance as herein defined is found, written notice of the existence of such nuisance and an order detailing the requirements of abatement to be completed within a reasonable time to be specified in such notice, but not less than ten (10) working days. The owner of the premises for purposes of this article means a person who has title to the property, possession of the property, whether lawful or not or a greater right to possession of the property than all but the titled owner. The notice of abatement shall be placed upon said infected tree or plant or part thereof. Failure of the owner to correct the violation within the specified time shall constitute a misdemeanor.

3.04 – APPEAL FROM NOTICES: HEARING

The owner served with notice as described in Section 3.03, shall have the right to appeal the order to the City Council. Notice that such owner desires to appeal shall be submitted in writing to the City Administrator within the time specified for abatement in the notice. Upon receipt of notice of appeal, the City Administrator shall schedule a meeting with the City Council as soon as practicable to consider such appeal.

3.05 - PROTECTED TREES

In order to assure compliance with all applicable Land Development code requirements, the City will seek approval of the appropriate Federal or State authority on the removal of any tree believed to be protected or where a question may exist as to the protective status of a diseased tree subject otherwise to removal. Such approval or advice should be in hand prior to owner notification.

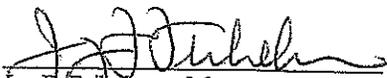
SECTION 4 – PENALTY FOR VIOLATIONS

It shall be unlawful for any person, company, corporation or conglomerate to do any act forbidden by this Ordinance or fail to perform any act or operation required by this Ordinance. Violations of this Ordinance are punishable with a fine of up to, but not to exceed one thousand (\$1,000) dollars, with each day after notification of violation persists being considered a new and separate offense.

SECTION 5 – SEVERABILITY CLAUSE

If any section, paragraph, sub-division, clause or phrase of this Ordinance shall be adjudged invalid, illegal or held unconstitutional, the same shall not effect the validity of this Ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

Passed and Approved on this 3rd day of July 2001.


Jay F. Feibelman, Mayor

ATTEST:


Judy Tokaff, City Secretary

ORDINANCE 162-042011

AN ORDINANCE OF THE CITY OF GARDEN RIDGE TEXAS ESTABLISHING A NUISANCE ABATEMENT PROGRAM FOR THE CITY OF GARDEN RIDGE, TEXAS; DECLARING JUNKED VEHICLES A PUBLIC NUISANCE; PROHIBITING THE ACCUMULATION OF GARBAGE, TRASH, WEEDS, BRUSH AND OTHER MATTERS; ESTABLISHING GENERAL NUISANCES; SETTING FORTH PUBLIC HEARING AND ABATEMENT/REMOVAL REGULATIONS & REQUIREMENTS; ESTABLISHING CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR SEVERABILITY; AND, REPEALING ORDINANCE 27 AND ALL OTHERS TO THE EXTENT THEY ARE IN CONFLICT; DECLARING AN EFFECTIVE DATE

WHEREAS, the City of Garden Ridge Texas is a Type A General Law City as that term is defined within the Texas Local Government Code; and,

WHEREAS, the City of Garden Ridge desires to continue to protect and ensure the public health, safety, welfare and environment of the public, it's residents and businesses by regulating public health nuisances; and,

WHEREAS, the City of Garden Ridge has determined that a nuisance abatement program is necessary to provide for and protect the public health, safety and welfare of the public

WHEREAS, the City of Garden Ridge has determined that nuisances as defined by this ordinance, including junked vehicles are detrimental to the safety and welfare of the public, tend to reduce the value of private property, and constitute nuisances; and

WHEREAS, Chapter 683 of the Texas Transportation Code and Chapters 341- 343 of the Texas Health & Safety Code authorize a municipality to adopt procedures for the abatement of nuisances and the abatement and removal of a junked vehicles from private or public property; and

WHEREAS, the City Council desires to adopt regulations governing such nuisances and junked vehicles consistent with Texas law.

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

ARTICLE I – GENERAL PROVISIONS

Section 1.1 Purpose of this Article

The purpose of this article is to protect the public health, safety, environment and general welfare of the citizens of the City of Garden Ridge through this nuisance abatement program.

Section 1.2 Definitions

The following words, terms, and phrases, when used in this article shall have the following meanings:

Abate means to eliminate a nuisance by removal, repair, rehabilitation, or demolition.

Antique Vehicle means a passenger car or truck that is at least 25 years old.

Building means a structure built for the support, shelter or enclosure of a person, animal, chattel, machine, equipment or other moveable property.

Graffiti means any unauthorized inscription, works, signature, symbol, design or other marking of any sort that is etched, written, painted, drawn or applied in any other way to any structure, building, tree, vehicle, or property of any sort or to any portion or element thereof, whether the property is public or private.

Garbage means waste from public and private establishments (including residences and restaurants), including vegetable, animal and fish carcasses, but does not include sewage body waste or industrial byproduct.

Deteriorated Fence means a fence that:

- 1) is out of vertical alignment more than one (1) foot from vertical measured at the top of the fence, except for fencing four (4) feet or less in height, which shall not be out of vertical alignment more than six (6) inches from vertical measured at the top of the fence; or
- 2) is broken, loose, damaged, has removed or missing parts including but not limited to pickets, slats, posts, wood rails, stones, bricks and/or panels; or
- 3) is braced by guy wires, braces or any other material that may be viewable from any public streets, rights-of-way, alleyways, or property and easements over which the city or general public has domain and control or viewable from any private streets or private right-of-way accessible to the public, unless the use of such braces is incorporated in a commercially available fence design.

Harborage means the state of being protected or safeguarded as from danger; sanctuary, shelter or refuge.

Junked Vehicle means a vehicle as defined by Section 683.071 of the Texas Transportation Code that may be self-propelled and meets any of the conditions described below for 30 consecutive days if on private property or for 72 consecutive hours, if the vehicle is on public property:

- 1) does not have lawfully attached to it:
 - a. an unexpired license plate; or
 - b. a valid motor vehicle inspection certificate; or
 - c. is wrecked, dismantled or partially dismantled, or discarded; or
 - d. is otherwise inoperable.

Motor vehicle collector means a person who (a) owns one or more antique or special interest vehicles; and (b) acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle.

Improved Property means any property regardless of zoning on which a structure exists for purposes of a residence, office or, business.

Unimproved Property means any property regardless of zoning on which a structure does not exist for the purposes of a residence, office or business.

Refuse means garbage, rubbish, paper and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses and may include waste.

Rubbish means nondecayable waste from a public or private establishment or residence.

Special interest vehicle means a motor vehicle of any age that has not been materially changed from its original manufacturer's equipment or specifications or by its very appearance and character is clearly being preserved/modified by a hobbyist.

Vehicle shall include but not limited to cars, trucks, trailers, recreational vehicles, travel trailers, boats or other watercraft, or motorcycles.

Weeds mean all rank and uncultivated vegetable growth or matter that:

- 1) has grown to more than 12 inches in height; or
- 2) regardless of height, may create an unsanitary condition or become a harborage for rodents, vermin or other disease carrying pests.

Article II – ABATEMENT AND REMOVAL OF JUNKED VEHICLES

Section 2.1 Junked Vehicles Declared a Public Nuisance

In accordance with Section 683.072 of the Texas Transportation Code, junked vehicles, including a part of a junked vehicle not enclosed in garage or other structure is a public nuisance.

Section 2.2 Offense/Penalty

A person commits an offense if the person maintains a junked vehicle as defined by Section 2.1 of this Article. An offense under this section is a misdemeanor punishable

by a fine not to exceed \$200.00. The Court, upon a finding of guilty shall also order the abatement and removal of the Junked Vehicle at the cost and expense of the person committing the offense.

Section 2.3 Inapplicability

Article II will not apply to any vehicle or vehicle part that is stored in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area are not a health hazard, are maintained in an orderly manner, and are screened from ordinary public view by appropriate means.

Article II does not apply to any vehicle or any part thereof that is completely enclosed in a building in a lawful manner and is not visible from the street or from other public or private property.

Section 2.4 Abatement Procedures

Section 2.4.1. Notice:

Notice requiring abatement and removal of a Junked Vehicle, or Junked Vehicle Part from private property shall be furnished by the Chief of Police or his designee not less than ten (10) days before the date the junked vehicle, or part of the junked vehicle, must be abated or removed. The notice must be sent by certified mail return receipt requested or presented to the owner by hand delivery to (1) the last known registered owner of the junked vehicle or motor vehicle part; (2) each lien holder of record of the junked vehicle or junked vehicle part; (3) the owner or occupant of the property on which the junked vehicle or junked vehicle part is located.

Notice requiring abatement and removal of a Junked Vehicle, or Junked Vehicle Part, if a Junked Vehicle or Junked Vehicle Part is located on a public right-of-way or a private right-of-way accessible to the public shall be placed/affixed on the junked vehicle or junked vehicle part and written notice shall be provided at the door/gate of the property closest to the Junked Vehicle or Junked Vehicle Part. The notice shall include an admonition that any request for a public hearing regarding the abatement and removal of the Junked Vehicle or Junked Vehicle Part must be made not later than the tenth day after the date on which the notice was provided.

Section 2.4.2. Public Hearing:

If a person receiving Notice provided in Section 2.4.1, requests a public hearing, the city council shall conduct the public hearing. If a public hearing is requested by a person for whom notice has been sent under Section 2.4.1., the public hearing shall be held not earlier than the 11th day after the date of the service of notice. At the public hearing, the

Junked Vehicle or Vehicle Part is presumed, unless demonstrated otherwise by the owner, to be inoperable. If the information is available an order requiring removal of the junked vehicle or junked vehicle part shall include the vehicle's description, vehicle identification number, and license plate number.

Section 2.4.3. Junked Vehicle Disposal:

A junked vehicle, including any part of a junked vehicle, may be removed to by a towing service under Contact with the City to provide towing and impound services to their storage facility. The junked vehicle or junked vehicle part shall not be reconstructed or made operable after removal. The Chief of Police or his designees shall furnish notice of the removal of a junked vehicle or junked vehicle part to the Texas Department of Transportation within five (5) days after the date of removal. The relocation of a junked vehicle or junked vehicle part to another location in the city after a proceeding for the abatement and removal of the junked vehicle or junked vehicle part has commenced has no effect on a proceeding if the junked vehicle or junked vehicle part also constitutes a public nuisance.

ARTICLE III – ACCUMULATION OF GARBAGE, TRASH, WEEDS, BRUSH AND OTHER MATTERS

Section 3.1 Accumulation of Garbage, Trash, Weeds, Brush or Other Matters

Section 3.1.1. Unlawful to allow accumulation of garbage, weeds, brush, rubbish, or other matters

It shall be unlawful and a nuisance for any person to allow garbage, brush, rubbish, trash, or any other objectionable, unsightly, and unsanitary matter of whatever nature to accumulate on any property under his control and within the city limits.

It shall be unlawful and a nuisance for any person to permit grass and/or weeds to grow to a height in excess of twelve (12) inches. The following provisions relate only to the height of grass and weeds on properties with an area or areas which have remained in their natural state:

a) On improved property: that portion of the property that has remained in its natural state - grass and weeds shall not be permitted to grow to a height in excess of twelve (12) inches in that portion and/or area and is not found to be a harborage for rodents, vermin and other pests which may be disease carrying.

b) On unimproved property: that portion that remains in its natural state - grass and weeds are not permitted to grow to a height in excess of twelve (12) inches adjacent to a paved roadway and for a distance of twenty-five (25) feet into the property from said roadway and within ten (10) feet of adjoining property and/or area is not found to be a harborage for rodents, vermin and other pests which may be disease carrying.

c) On unimproved property: grass and weeds are not permitted to grow to a height in excess of twenty-four (24) inches beyond the perimeter as defined in (b, above), unless the vegetation is for agricultural purposes, and/or the area is not found to be a harborage for rodents, vermin and other pests which may be disease carrying.

Section 3.2. Abatement Procedures

Section 3.2.1. Notice Requirement

High grasses, weeds, or brush. When any violation of high grasses, weeds or brush is found to exist, a notice in writing sent by certified mail return receipt requested as allowed under this article will be addressed to the owner of the property in question. If the address of the property owner is unknown or notice is returned, then notice may be given by publication one (1) time in a local newspaper of general circulation regularly used by the City for public notices or any other means allowed by law, including that provided by Texas Health & Safety Code § 342.006. The property owner will have ten (10) days from the date of the notice/publication to correct the violation.

High grasses, weeds, or brush in excess of forty-eight (48) inches. In the event that high grasses, weeds, or brush is higher than forty-eight (48) inches the city may go upon the property found in violation of this article and abate such violation without notice to the property owner. No later than the tenth day after the city causes the work to be done under this section, the city shall send an itemized bill to the property owner by certified mail.

Section 3.2.2. Contents of Notice

When notice is required under Section 3.2.1 the notice to abate a nuisance the notice shall contain:

- (1). The location of the nuisance, if the same is stationary.
- (2) A description of what constitutes the nuisance.
- (3) An order to abate the nuisance within a stated time, which shall be reasonable under the circumstances, or to request a hearing within ten (10) days after service of notice to abate the nuisance. Request for hearing shall be in writing and shall be addressed to the municipal court judge in which court the procedure to abate the nuisance is pending.
- (4) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city may abate such nuisance and assess the cost of abatement against such person.

Section 3.2.3. Hearing on Nuisance

If a person receiving Notice provided in Section 3.2.1, requests a public hearing within seven (7) days, the city council shall conduct the public hearing. If a public hearing is requested by a person for whom notice has been sent under Section 3.2.1., the public

hearing shall be held not earlier than the 11th day after the date of the service of notice. At the public hearing, the nuisance is presumed, unless demonstrated otherwise by the owner. If the information is available an order declaring the condition of the property shall issue for use in enforcing the ordinance pursuant to Texas law and Chapter 54 of the Texas Local Government Code.

Such hearing and findings are independent from any criminal provision or application of this Ordinance. Upon the failure of the person, firm, or corporation upon whom notice to abate a nuisance was served pursuant to this Article or to request a hearing, the city representative may proceed to enter upon the property to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 3.3 Penalties

Section 3.3.1. Assessment of city's expenses

Expenses incurred due to the action taken by the city to correct any condition coming under the nuisance provisions of this Article, including service charges to cover administrative costs, attorneys' fees and penalty charges, shall be assessed against the owners of all outstanding interests in the lot or parcel of land involved. An itemized bill of such costs will be mailed to each such owner if the address is known.

Section 3.3.2. City's Expenses Declared Lien

The expense of such removal or cutting shall be assessed against the real estate or lots shall constitute a privileged lien. Such lien shall be notice to all persons from the time of recording, and shall bear interest at the legal rate of interest from the date that the city pays for such removal or cutting. For any such expenditures, and interests, as aforesaid, suit may be instituted and foreclosure had in the name of the city.

ARTICLE IV – GENERAL NUISANCES

Section 4.1 Prohibited Acts which constitute a Nuisance:

Whatever is dangerous to human health or welfare, or whatever enters the ground, the water, the air, or food that is a hazard to human health is hereby declared a nuisance. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance and are therefore prohibited and unlawful; provided, however, this list shall not be deemed or construed to be conclusive, limiting, or restrictive:

- (1) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
- (2) Any condition that provides harborage for rats, mice, snakes and other vermin

- (3) A polluted well, or cistern, spring or stream, or the pollution of any body of water used for drinking or recreational purposes.
- (4) Accumulation of any water, stagnant, flowing, or otherwise which may become a breeding place for mosquitoes or otherwise a potential health hazard, unless such accumulation or collection of water is treated so as effectually to prevent such breeding.
- (5) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a heightened fire hazard in the vicinity where it is located.
- (6) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (7) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches including dense smoke, noxious fumes, gas, soot or cinders.
- (8) The carcasses of animals or fowl not disposed of within twenty-four (24) hours after death.
- (9) Dead, diseased, or insect harboring trees when such trees constitute a hazard to life or property.
- (10) All appliances intended for indoor use, working or nonworking, used, stored, abandoned or junked anywhere outside of a structure.
- (11) Furniture intended for indoor use that is used, stored, abandoned or junked outside, including on a porch, in a yard, or under a carport.
- (12) Fences in a deteriorated condition.
- (13) Graffiti visible to the public.
- (14) Human waste or wastewater that is deposited, stored, discharged or exposed in such a way as to be a potential instrument or medium in disease transmission.

Section 4.2 Abatement Proceedings:

Section 4.2.1. Notice

Wherever a nuisance is found to exist the city representative shall give ten (10) days written notice by certified mail and regular mail, or hand delivery with signed receipt to the owner or occupant of the property upon which such nuisance exists or to the person causing or maintaining the nuisance. If the owner of the property is not to be found, notice shall be attached to the door of the last known address of the property owner and published in the newspaper of general circulation normally used by the City for publication of public notices. If such notice is returned, official action to abate such nuisance shall be continued to a date not less than ten (10) days from the date of such return.

Section 4.2.1. Contents of Notice

The notice to abate a nuisance shall contain:

- (1.) the location of the nuisance, if the same is stationary;
- (2.) a description of what constitutes the nuisance;
- (3.) an order to abate the nuisance within the stated time, which shall be reasonable under the circumstances, or to request a hearing within ten (10) days after service of notice to abate the nuisance. Request for a hearing shall be in writing and shall be addressed to the municipal court judge in which court the procedure to abate the nuisance is pending.
- (4.) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city may abate such nuisance and assess the cost of abatement against such person.

Section 4.2.2. No Required Notice

In the event of an immediate danger to the health and safety of the public, the City Administrator or designee may go upon the property where the nuisance(s) is found, and abate or cause to be abated such nuisance(s) without notice to the property owner. No later than the tenth day after the date the city abates or causes to be abated the nuisance(s) upon the property, the city shall send notice to the property owner in the manner required by section 4.2.1. The notice shall contain:

- (1) a description of the nuisance(s) that was found on the property;
- (2) a statement that the nuisance(s) was abated by the city;
- (3) an itemized statement of the costs and fees incurred by the city for work done to abate the nuisance; and
- (4) an explanation of the property owner's right to request a hearing before the municipal court judge concerning the city's abatement of such nuisance(s).

Section 4.3 Penalties

Section 4.3.1. Assessment of city's expenses

Expenses incurred due to the action taken by the city to correct any condition coming under the nuisance provisions of this Article, including service charges to cover administrative costs, attorneys' fees, Texas Local Government Code Chapter 54 penalties, assessments, court costs, expert fees, and all related expenses and other penalty charges, shall be assessed against the owners of all outstanding interests in the lot or parcel of land involved. An itemized bill of such costs will be mailed to each such owner if the address is known.

Section 4.3.2. City's Expenses Declared Lien

All City expenses for such removal or cutting including all listed expenses in Section 4.3.1 shall be assessed against the real estate or lots and shall constitute a privileged lien. Such lien shall be notice to all persons from the time of recording, and shall bear interest

at the legal rate of interest from the date that the city pays for removing the nuisance. For any such expenditures, and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the city.

Section 4.3.3. Fines

Any person found to be in violation of this Ordinance, unless otherwise specifically stated, shall be fined \$500 per day for each day and specific independent violation existing. Upon a finding that the violation constitutes a danger to public health and sanitation, including dumping of refuse, such fine shall be no less than \$500 and shall not exceed \$2,000.00. Where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law. Such fine shall be in addition to all assessments, penalties and expenses provided by other law, including but not limited to those provided by Texas Local Government Code Chapter 54.

Section 4.3.4. Additional Penalties

Violation of provisions of this Article or failure to comply with any of its requirements shall constitute a Class C misdemeanor. Any person, firm or corporation violating any of the provisions of the Ordinance, or any parent or legal guardian of a child under seventeen (17) years of age, who intentionally, knowingly, recklessly, or with criminal negligence allows another person under their control to place graffiti upon any structure or property or to otherwise violate this Article shall be deemed to have committed a misdemeanor and upon conviction shall be subject to fines in addition to any person placing graffiti upon the structure or property.

Each day each instance of any violation continues to exist shall constitute a separate and distinct offense.

Section 4.3.4. 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.

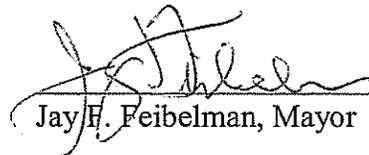
Section 4.3.5. Repeal

Ordinance 27 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 4.3.6. Effective Date.

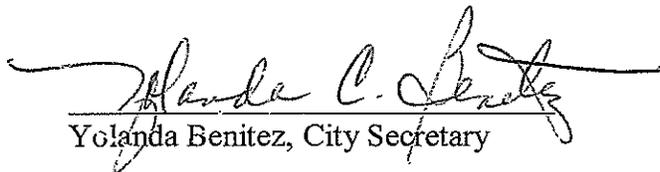
This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

Passed and approved this 6th day of April, 2011.



Jay F. Feibelman, Mayor

Attest:



Yolanda Benitez, City Secretary

QUARTERLY REPORT
CITY OF GARDEN RIDGE
BALANCE OF ALL FUNDS AS OF 9/30/13

<u>ACCOUNT</u>	<u>BALANCE</u>	<u>CURRENT RATE</u>	<u>AVERAGE RATE FOR QUARTER</u>
CITY FUNDS			
OPERATING ACCOUNT	\$ 228,615.10	0%	0%
MONEY MARKET	\$ 957,184.14	.20%	.30%
MUNICIPAL COMPLEX PROJECT FUND	\$ 15,575.46	.20%	.20%
ASSET FORFEITURE/SEIZURE (STATE)	\$ 1,475.91	.10%	.10%
ASSET FORFEITURE/SEIZURE (FED)	\$ 85,053.13	.15%	.25%
2002 WATER IMPROVEMENT I&S	\$ 11,181.93	.20%	.20%
2005 MUNICIPAL COMPLEX I&S	\$ 72,066.64	.15%	.25%
2005 I&S - TAX NOTE	\$ 50,647.26	.15%	.25%
2009 REFINANCE 98 I&S	\$ 71,084.83	.15%	.25%
2009 I&S	\$ 47,972.29	.10%	.23%
2012 REFINANCE I&S	\$ 10,992.63	.05%	.22%
2012 INTEREST & SINKING	\$ 49,358.72	.10%	.23%
2012 CIP PROJECT	\$ 5,288,598.38	.20%	.30%
STREET IMPACT FEE	\$ 165,250.04	.20%	.30%
TEXPOOL STREET IMPACT FEE	\$ 408.94	0%	0%
TEXPOOL INVESTMENT	\$ 399.67	0%	0%
PEG CAPITAL FEES	\$ 25,006.17	0%	0%
SUBTOTAL OF CITY FUNDS	\$ 7,080,871.24		
AVERAGE CITY INTEREST RATE		.15%	.24%
WATER FUNDS			
2009 WATER IMPROVEMENTS	\$ 42,811.38	.10%	.20%
IMPACT FEES	\$ 901,835.73	.35%	.35%
TEXPOOL WATER INVESTMENT	\$ 604.91	0%	0%
TEXPOOL IMPACT FEE	\$ 411.31	0%	0%
WATER RIGHTS/INFRASTRUCTURE	\$ 4,903.45	.0394%	.05%
WATER SURCHARGE REVENUE	\$ 90,339.27	.15%	.25%
WATER COMPANY OPERATING	\$2,968,368.33	.20%	.30%
SUBTOTAL WATER FUNDS	\$4,009,274.38		
AVERAGE WATER INTEREST RATE		.17%	.23%
TOTAL ALL FUNDS	\$11,090,145.62		
TOTAL AVERAGE INTEREST RATE		.16%	.24%

CITY OF GARDEN RIDGE

GENERAL FUND

CASH & INVESTMENTS AS OF 9/30/13

OPERATING CHECKING	\$ 228,615.10
MONEY MARKET	<u>\$ 957,184.14</u>
TOTAL GENERAL FUND	\$ 1,185,799.24
TEXPOOL INVESTMENT	<u>\$ 399.67</u>
TOTAL INVESTMENT	\$ 399.67
TOTAL RESERVES FOR CITY	\$ 1,186,198.91

WATER FUND

INVESTMENTS AS OF 9/30/13

WATER COMPANY OPERATING	\$ 2,968,368.33
TEXPOOL WATER INVESTMENT FUND	<u>\$ 604.91</u>
TOTAL WATER COMPANY RESERVES	\$ 2,968,973.24

EXPENDITURE & REVENUES

PERIOD OF 9/30/13

100% OF FISCAL YEAR

REVENUE YEAR TO DATE

GENERAL FUND	\$ 2,417,113	98.37% of Budget
WATER FUND	\$ 1,137,741	87.16% of Budget

EXPENDITURES YEAR TO DATE

GENERAL FUND	\$ 1,865,086	88.95% of Budget
WATER FUND	\$ 723,763	57.49% of Budget

EXCESS REVENUE OVER/(UNDER) EXPENDITURES YEAR TO DATE

GENERAL FUND	\$ 552,028
WATER FUND	\$ 413,978

REVENUE FOR MONTH ENDING 9/30/13

GENERAL FUND	\$ 96,110
WATER FUND	\$ 91,059

EXPENDITURES FOR MONTH ENDING 9/30/13

GENERAL FUND	\$ 193,389
WATER FUND	\$ 95,117

EXCESS REVENUE OVER/(UNDER) EXPENDITURES FOR MONTH ENDING 9/30/13

GENERAL FUND	\$ (97,279)
WATER FUND	\$ (4,058)

Garden Ridge Community Center

9/30/13

Revenues

Rentals	\$ 38,475
Deposits	\$ 10,140*
Donations	\$ 300

Total Deposits Received:	\$ 27,250
Deposits refunded to date:	<u>\$ 17,110</u>
Revenue from deposits to date:	\$ 10,140*

Total Revenue: \$ 48,915

Expenditures

Telephone	\$ 564
Supplies	\$ 899
Utilities	\$ 6,661
Maintenance	\$10,636
Equipment	\$ 0
Facility Enhancements	\$ 8,050
Manager	\$18,456
Marketing	\$ 0
Donation Expenditures	<u>\$ 233</u>

Total Expenditures: \$45,499

Revenue Over/ (Under) Expenditures: \$ 3,416

10/1/2013 THRU 10/31/13

MAJOR PERMITS

Permit #	Address	Builder	Sq Ft.	Value \$	Permit Fees
0551 -13	8343 Park Lane	John Miller	3,458	\$ 449,540.00	\$ 3,025.26
TOTAL			3,458.00	\$ 449,540.00	\$ 3,025.26

MINOR PERMITS

Permit #	Address	Builder	Project	Permit Fees
0539 -13	21911 Pesa cove	Fencecrete	Fence	\$ 125.00
0540 -13	20530 Timber Rose	Citywide Elect	Minor Electric	\$ 125.00
0541 -13	21306 Hampton Park	Alvarado Fence	Fence	\$ 125.00
0542 -13	9617 Kurre Way	Alberto Gonzalez	Patio, Sidewald 2 Bridges	\$ 475.00
0543 -13	9413 Magic Falls	Lawn Masters	Pavillion	\$ 125.00
0544 -13	8815 Garden Ridge Dr.	Massoun Moezzi	Outbuilding	\$ 250.00
0545 -13	21919 Pesa Cove	Fencecrete	Fence	\$ 125.00
0546 -13	9400 Municipal Parkway	Goodman Networks	Telecommunica Tower	N/C
0547 -13	21905 Deer Canyon	Quality Fence	Fence	\$ 125.00
0548 -13	9926 Trophy Oaks	Derksen Buildings	Outbuilding	\$ 100.00
0549 -13	8806 Timmerman Cove	John Jackson	Outbuilding	\$ 100.00
0550 -13	19881 Fm 2252	Wilcut Construction INC	Classroom & Parking Area	\$ 4,882.80
0552 -13	19014 Nacogdoches Loop	Hill Electric	Minor Electric	\$ 125.00
TOTAL				\$ 6,682.80

TOTAL MAJOR FEES FOR THE MONTH	\$ 3,025.26
TOTAL MINOR FEES FOR THE MONTH	\$ 6,682.80
TOTAL ALL PERMIT FEES FOR THE MONTH	\$ 9,708.06

TOTAL MAJOR PROJECTS VALUE FOR THE YEAR	\$ 15,524,600.00
TOTAL MAJOR PROJECTS SQ FT. FOR THE YEAR	119,420

TOTAL MAJOR PERMIT FEES FOR THE YEAR	\$ 95,739.16
TOTAL MINOR PERMIT FEES FOR THE YEAR	\$ 43,886.62
TOTAL ALL PERMIT FEES FOR THE YEAR	\$ 139,625.78

