



## City of Garden Ridge

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

### AGENDA

#### REGULAR CITY COUNCIL MEETING, SEPTEMBER 2, 2015 AT 6:00 P.M.

The Garden Ridge City Council will meet in a regular session on Wednesday, September 2, 2015 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 August 1, 2015 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 three (3) 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 three (3) minutes per citizen during Item 4 and to three (3) minutes per citizen during Item 8.
- d) Citizens' comments will be limited to one (1) hour in Item 4 and thirty (30) minutes in Item 8.
- e) Citizen comments may be deferred to a specific Business Item set forth in Section 6, 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 Presentation-Certificates of Appreciation
- a) Larry Blades, Quarry Commission
  - b) Harvey Bell, Planning and Zoning Commission

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) Approval of August 5, 2015 Regular City Council Meeting Minutes
- b) Approval of August 24, 2015 Special City Council Meeting Minutes
- c) Approval of August 26, 2015 Special City Council Meeting Minutes
- d) Approval of ADOPTING COMPREHENSIVE WATER ORDINANCE 54-092015 FOR THE CITY OF GARDEN RIDGE, TEXAS AND REPEALING ORDINANCE 54-052015 ADOPTED, MAY 6, 2015; PROVIDING DEFINITIONS; STATEMENT OF ORGANIZATION; GENERAL POLICIES; REGULATIONS AND RULES; RATES AND BILLING CYCLES; AND PROVIDING FOR A PENALTY.
- e) Approval of Resolution 379-092015 authoring the Mayor to execute, for and on behalf of the City, a contract for City Administrator Services, by and between the City and Nancy Cain.
- f) Recognition of Employees completing probationary period and receipt of 5% salary increase for:
  - i. Officer Steven Dennis effective September 3, 2015
- g) Resignation of Vicente Mongrell from the Garden Ridge Police Department effective August 14, 2015
- h) Financial Statement and Investment Report –July 30, 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) City Engineer Projects Update:
  - i. CIP Project for 2015
    - a. Status report
    - b. Trinity Wells
  
- b) Proposed 2015 Property Tax Rate
  - i. Discussion on proposed tax rate
  - ii. Motion to approve Ordinance 183-092015 adopting the tax rate of \$0.3002 per one hundred dollars of assessed valuation for the City of Garden Ridge, Texas to be effective for the Tax Year 2015 (Fiscal Year 2016) including:
    - a. Motion to adopt \$.1776 as the 2015 Maintenance and Operation Rate for the City of Garden Ridge; and,
    - b. Motion to adopt \$.1084 as the 2015 Debt Service Rate for the City of Garden Ridge.
  
- c) Hold a Public Hearing for the purpose of obtaining citizen input on the proposed annexation of the portion of 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of Official Public Records of Comal County, Texas.
  
- d) ORDINANCE 184-092015 PROHIBITING THE USE OF A HAND-HELD MOBILE COMMUNICATION DEVICE TO ENGAGE IN A CALL, OR SEND, READ OR WRITE A TEXT MESSAGE, OR ENGAGE IN ANY OTHER USE OF THE DEVICE WHILE OPERATING A MOVING MOTOR VEHICLE WITHIN THE CITY LIMITS OF GARDEN RIDGE, PROVIDING FOR A PENALTY, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE
  
- e) Resolution 378-092015 nominating a candidate for the Comal Appraisal District Board of Directors.
  
- f) Planning and Zoning Commission Recommendations and Possible Action to City Council:
  - i. Request from Bracken United Methodist Church for placement of temporary signs advertising their Pumpkin Patch event for a period of 40 days (September 22nd through October 31, 2015) within the Garden Ridge city limits at the locations of the northeast corner of FM 2252 and FM 3009 and at 19831 FM 2252.

- ii. Reappointment of Planning and Zoning Commissioners Place 4- Frank Dansby, Place 5- David Heier, and Place 6- Shawn Willis for a two year term of office expiring September 30, 2017
- g) Water Commission Recommendations and Possible Action:
  - No business to report or consider
- h) Quarry Commission Recommendations and Possible Action:
  - i. Reappointments of Quarry Commissioners Richard Holloway, Wayne Mudge, and Mike Shands for a two year term of office expiring September 30, 2017.
  - ii. Request from Orica USA, Inc. for a Partial Exemption Permit to conduct blasting activities at the Hanson Quarry and to include setting annual fee for the Partial Exemption Permit.
  - iii. Request from Buckley Powder Company for a Partial Exemption Permit to conduct blasting activities at the Hanson Quarry and to include setting annual fee for the Partial Exemption Permit.
- i) Update from the Garden Ridge Deer Management Committee
  - i. Survey
  - ii. An ordinance regulating the discharge of firearms within the City limits of the City of Garden Ridge (Discussion only).
  - iii. An ordinance prohibiting the feeding of deer within the City limits; (Discussion only).
- j) Update from the Garden Ridge Parks Committee
- k) 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) City Administrator Monthly Activity Report
  - Sign approvals since prior Council meeting
  - Community Center usage and financial report
  - Building Permits issued to date for residential, commercial and minor Construction projects
  - Recognition of employees and/or city events
  - Website and Facebook
- b) Library Monthly Activity Report

- New Patrons
- Old Patrons
- Library activities and classes

- 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
  
- d) Public Works Monthly Activity Report
  - Street and Right-Of-Way Maintenance
  - Drainage Facility and Easement Maintenance
  - Animal Control (domestic and wild)
  - Public Works Projects
  
- e) Police Department Monthly Activity Report
  - Traffic Enforcement
  - Criminal activity within city
  - Code Compliance Enforcement

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")
- Cibolo Valley Local Government Corporation ("CVLGC")
- 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
- Comal ISD
- Guadalupe County
- Bexar County
- Alamo Area Metropolitan Planning Organization ("MPO")
- TXDOT
- Joint Base Land Use Study-Randolph
- Greater Bexar County Council of Cities
- Lonestar Light Rail
- Northeast Lakeview Friends of Nighthawk

Forest Waters Club

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 assessment of fees on partial exemption blasting permits.
- b) Pursuant to Texas Government Code 552.071, (consultation with City Attorney) to seek and receive legal advice regarding the duties of the Mayor, City Council and City Commissions.

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:**

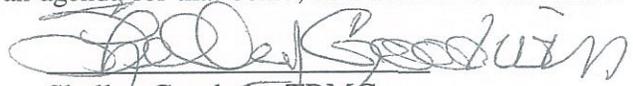
The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about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

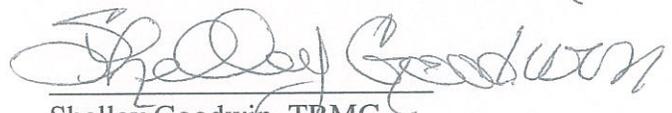
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the 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 10:00 a.m. on August 28, 2015 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  
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THIS CITY OF GARDEN RIDGE FLAG WAS FLOWN ON  
SEPTEMBER 2, 2015 AT THE GARDEN RIDGE MUNICIPAL COMPLEX  
IN APPRECIATION AND HONOR TO  
LARRY BLADES  
FOR HIS  
DEDICATION AND SERVICE AS  
QUARRY COMMISSIONER  
ON THE  
GARDEN RIDGE QUARRY COMMISSION  
OCTOBER 2003 – SEPTEMBER 2015

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NADINE L. KNAUS  
MAYOR

# **CERTIFICATE OF APPRECIATION**

**The City of Garden Ridge on this  
2nd day of  
September, 2015**

**Hereby expresses appreciation to**

**HARVEY BELL**

**For dedication and service as  
Planning and Zoning Commissioner, Place 1**

**November 2011 – September 2015**

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**Nadine L. Knaus, Mayor  
City of Garden Ridge**



## City of Garden Ridge

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

### MINUTES OF CITY COUNCIL REGULAR MEETING, August 5, 2015

#### **Members Present:**

Mayor Nadine Knaus  
Councilmember Todd Arvidson  
Councilmember Bryan Lantzy  
Mayor Pro-Tem John McCaw  
Councilmember Bobby Roberts  
Councilmember Shelby Trial

#### **Member Absent:**

None

#### **City Staff Present:**

Nancy Cain, City Administrator  
Ron Eberhardt, Police Chief  
Royce Goddard, Water Department Manager  
Steven Steinmetz, Public Works Director  
Shelley Goodwin, City Secretary

#### **Commission Chairs Present:**

Jim Bower, Water Commission Chair

#### **1. Call to Order**

With a quorum of the City Council Members present, Mayor Knaus called the regular meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, August 5, 2015, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

#### **2. Pledge of Allegiance**

Councilmember Arvidson led the Pledge of Allegiance.

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

Gregory Czerniak, 9419 Gardenia Bend, stated he is the homeowner requesting relief from a 278,000 gallon water bill. He stated his prior water bills normal estimated amount is \$45.00 to \$60.00 a month, except in December when drained and refilled his pool. He stated he had an irrigation company come out and then a plumber come out and neither could explain the large usage of water.

#### 4. Consent Agenda

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- a) Approval of July 1, 2015 Regular City Council Meeting Minutes
- b) Approval of July 9, 2015 Special City Council Meeting Minutes
- c) Approval of July 20, 2015 Special City Council Meeting Minutes
- d) Resignation of Robert Acosta from the Garden Ridge Police Department effective July 23, 2015
- e) Resolutions 356-082015 and 357-082015 Government/Municipal/ Public Funds Bank Resolution to add two (2) accounts at American Bank of Texas for the purpose of 2015 Capital Improvement Projects and Interest/Sinking Fund and allowing the signatures on accounts to be Nadine L. Knaus, Mayor, John McCaw, Mayor Pro-Tem, Nancy Cain, City Administrator and Shelley Goodwin, City Secretary.
- f) Resolutions 358-082015 through 370-082015 Wire Transfer Agreement with American Bank of Texas and designating Nancy Cain, City Administrator and Shelley Goodwin, City Secretary as Authorized Customer Agent to Wire Transfers for account numbers ending in 526, 807, 694, 795, 868,645, 845, 025, 033, 840, 832, 859, 844 and Agreeing to Transaction Fees.  
Financial Statement and Investment Report –June 30, 2015

Councilmember Trial stated he would like to pull Agenda Item 4d) to discuss it separately.

**Motion:** A motion was made by Councilmember Trial, seconded by Councilmember Arvidson, to approve the Consent Agenda except Agenda Item 4d) to be considered separately. The City Council voted five (5) for and 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) City Engineer Projects Update:
  - i. CIP Project for 2015
    - a. Status report
    - b. Trinity Wells

Garry Montgomery, River City Engineering, provided a PowerPoint regarding the CIP Projects for 2015 and the draft plans for the project (see attached PowerPoint).

**ii. MS4 Permit**

Garry Montgomery, River City Engineering, provided a PowerPoint regarding the MS4 Permit (see attached PowerPoint). He also reported the MS4 Survey will be going out in the utility bills and the City Council will need to approve an Ordinance in the next few months.

**iii. Citizen Complaints concerning previous CIP Project**

Garry Montgomery, River City Engineering, reported he met with the contractor regarding the citizen complaints with the previous CIP Project. He stated that some roadway cracks have been sealed and will soon be repaved.

**b) Review and discussion on the 2015 Effective and Rollback Tax Rate Calculations**

Nancy Cain, City Administrator, reviewed the 2015 Effective Tax Rate Worksheet. She reported the 2014 total taxable value is \$607,169,755 and the 2015 total taxable value is \$661,683,161. She stated the 2015 effective tax rate is \$0.2579/\$100, 2015 rollback tax rate \$0.3002/\$100, which would be a .1918 M & O rate and a .1084 debt rate. She stated the City Council has been provided 2 different tax rate options to choose from the first option is \$.0300200/\$100 and the second rate is \$.029999/\$100, Staff is recommending the first option.

**c) City Council proposal to adopt a tax rate of \$0.300200 for the 2015 tax year after compliance with all requirements related to the adoption of the proposed tax rate**

The City Council discussed the differences between the two proposed tax rate options.

**Motion:** A motion was made by Councilmember Lantzy, seconded by Councilmember Trial, for City Council proposal to adopt a tax rate of \$0.300200 for the 2015 tax year after compliance with all requirements related to the adoption of the proposed tax rate. The City Council voted four (4) for and one (1) opposed (Roberts). The motion carried.

**d) City Council proposal to adopt a tax rate of \$0.29999 for the 2015 tax year after compliance with all requirements related to the adoption of the proposed tax rate**

This Agenda Item was not needed since the City Council adopted 5d).

**e) Announce dates and times of the Public Hearing on the proposed 2016 Budgets for the City of Garden Ridge and Public Hearings on the proposed 2015 Tax Rate for the City of Garden Ridge**

Nancy Cain, City Administrator, announced the Public Hearing on the proposed 2016 Budget will be held on Monday, August 24, 2015, 1<sup>st</sup> public Hearing on 2015 tax rate will be held on Monday, August 24 and the 2<sup>nd</sup> Public Hearing being held on September 2, 2015.

**f) Planning and Zoning Commission Recommendations and Possible Action to City Council:**

No business to report or consider

**g) Water Commission Recommendations and Possible Action:**

- i. Request for water bill adjustment from Gregory Czerniak, 9419 Gardenia Bend, seeking relief on March 23, 2015 – April 23, 2015 water bill due to billing for 278,000 gallons and asking said bill be adjusted based on prior usage**

Jim Bower, Water Commission Chair, reported the Water Commission discussed the past water bills, current bill for 278,000 gallons, and meter testing for Mr. Czerniak. They also discussed with the Water Manager how this large amount of water could just disappear. The Water Commission unanimously approved the City Council recommendation to split the excess of Mr. Czerniak's normal usage of 25,000 between the City and resident which would make each party paying for 126,500 gallons.

The City Council discussed the Water Commission's recommendation and the Czerniak's water bill.

**Motion:** A motion was made by Councilmember McCaw, seconded by Councilmember Roberts, to approve water bill adjustment from Gregory Czerniak, 9419 Gardenia Bend, seeking relief on March 23, 2015 – April 23, 2015 water bill due to his normal usage in the amount of \$676.00. The City Council voted two (2) for and three (3) opposed (Trial, Lantzy and Arvidson). The motion failed.

**Motion:** A motion was made by Councilmember Lantzy, seconded by Councilmember Trial, to approve water bill adjustment from Gregory Czerniak, 9419 Gardenia Bend, seeking relief on March 23, 2015 – April 23, 2015 water bill to the amount of 21,000 gallons. The City Council voted three (3) for and two (2) opposed (Roberts and McCaw). The motion carried.

- ii. Update on a water bill adjustment request from Kevin Vaille, 8830 Cherokee Path, seeking relief on May 22, 2015 to June 23, 2015 water bill due to water leak**

Jim Bower, Water Commission Chair, reported Mr. Vaille withdrew this 2<sup>nd</sup> request.

- iii. Proposed water rate increase.**

Mayor Knaus stated the proposed water rate increase was provided to the Water Commission at their last meeting. She stated the Water Commission agreed to a water rate increase, but feels the rate increase should have more benefits for those who conserve. She stated she would like to rework the water rate increase and then bring it to Water Commission for their approval before coming back to the City Council for adoption.

The City Council agreed by consensus for Mayor Knaus to rework the water rate increase to provide for more conservative measures.

- h) Quarry Commission Recommendations and Possible Action:**

No business to report or consider

- i) Hold a discussion and possible action regarding Christmas Decoration Donations and the community involvement.**

Councilmember Trial reported the Parks Committee meet and discussed obtaining donations for a lighted Christmas Tree for the Municipal Complex. He feels this could be a great community project and provided several ways that the funds could be raised.

The City Council discussed the Christmas Tree, location, funding and hidden cost. The City Council agreed by consensus for Councilmember Trial to work with a civic organization for implementation of the proposed project and then bring it back to City Council.

**j) Hold a discussion and possible action regarding developing a possible ordinance prohibiting hand-held mobile communication devices while operating a moving motor vehicle.**

Mayor Knaus stated with school starting soon and with the changes coming from the last Legislative Session it would be a good time to move forward with prohibiting hand-held mobile communication devices while operating a moving motor vehicle.

Ron Eberhardt, Police Chief, reported he has reviewed San Antonio's ordinance and feels it is a strong ordinance. He provided the City Council with statistics from crashes involving mobile devices in Texas, Comal County and Garden Ridge.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to approve the creation of an ordinance regarding hand-held mobile communication devices while operating a moving motor vehicle. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**k) Update from the Garden Ridge Deer Management Committee**

Councilmember Arvidson reported he is working with the City Attorney regarding a no feeding of deer ordinance and amendments to the current firearms ordinance.

The City Council discussed the measures the State of Texas are doing with Deer Management, funding issues, and chronic waste disease in Texas.

The City Council agreed by consensus to move forward with an ordinance regarding no feeding of the deer.

**l) Update from the Garden Ridge Parks Committee**

Councilmember Trial updated the City Council on the percentage of the returns from those who have participated in completing the Garden Ridge Naturally survey. He also reviewed the returns and stated the completion date for the survey has been extended to September 1, 2015. He stated the next step would be to hold a Town Hall Meeting and update the residents of Garden Ridge on the results of the survey.

The City Council discussed the park trails and the bike racks for the park.

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

#### **4.d) Resignation of Robert Acosta from the Garden Ridge Police Department effective July 23, 2015**

Councilmember Lantzy stated he pulled this Agenda Item from the Consent Agenda to find out how long Robert Acosta had been with the Police Department and why he resigned.

Ron Eberhardt, Police Chief, stated Robert Acosta had been with the Police Department for over 2 years and he left for advancement.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to approve the resignation of Robert Acosta from the Garden Ridge Police Department. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

#### **6. State of the City**

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

- a) City Administrator Monthly Activity Report**
  - Sign approvals since prior Council meeting**
  - Community Center usage and financial report**
  - Building Permits issued to date for residential, commercial and minor**
  - Construction projects**
  - Recognition of employees and/or city events**
  - Website and Facebook**
  - TML Municipal Excellence Awards**

Nancy Cain, City Administrator reported:

Sign approvals since the last Council meetings-

- One sign request from Garden Ridge Lion's Club regarding their Fish Fry & Auction from September 3-October 3, 2015

Community Center usage and financial report-

- Booked 7 new events

Building Permits

- Major Permits and Minor Permits – no report provided

Recognition of employees and/or events.

- Councilmember Trial thanked Police Department for sponsoring the "Refuse To Be a Victim"

Website and Facebook

- Website and Facebook is being updated regularly and residents are using them more

Events-no events to report

#### **b) Library Monthly Activity Report**

**-New Patrons**

**-Old Patrons**

**-Library activities and classes**

Nancy Cain, City Administrator reported on behalf of Linda Crosland:

- July 704 visitors

- 1128 items checked out
- Events
  - Lunch & Learn- Insects: The Good, the Bad and the Unusual”-24 participants
  - Story Hours on July 2nd and July 9-29 and 20 participants

**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**

Royce Goddard, Water Manager, reported:

- July – 33.39 total acre feet from the Trinity Well was pumped and 118.61 pumped from Edwards Wells. Water system infrastructure maintenance, repairs and/projects- 3 new meters installed, 8 meters replaced, 5 new service line installations and 2 leak adjustments.

**d) Public Works Monthly Activity Report**

- **Street and Right-Of-Way Maintenance**
- **Drainage Facility and Easement Maintenance**
- **Animal Control (domestic and wild)**
- **Public Works Projects**

Steven Steinmetz, Public Works Director, reported:

Street and Right-Of-Way Maintenance – 3 street repairs, 3 right-of-ways shredded

Drainage Facility and Easement Maintenance –18 detention pond inspections were performed.

Animal Control apprehensions, nuisance/complaints, animal bites - apprehended 2 dogs and 0 cats for the month, which totals 40 dogs and 30 cats for the year

**e) Police Department Monthly Activity Report**

- **Traffic Enforcement**
- **Criminal activity within city**
- **Code Compliance Enforcement**

Ron Eberhardt, Police Chief, reported 14 alarm calls, 20 arrests, issued 151 citations and 277 warnings.

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

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

Kay Bower, stated she hopes the communications will be stronger with the new residents that will be affected with the upcoming CIP Projects.

Mr. Brockman, 21820 Tommy Trail, stated he feels the automatic door opener at City Hall should be put in the 2016 Budget.

Viviana Midla, stated she has attended 2 Deer Management Meetings and feels that everyone is feeding the deer.

#### **8. 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”)  
Cibolo Valley Local Government Corporation (“CVLGC”)  
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  
Comal ISD  
Guadalupe County  
Bexar County  
Alamo Area Metropolitan Planning Organization (“MPO”)  
TXDOT  
Joint Base Land Use Study-Randolph  
Greater Bexar County Council of Cities  
Lonestar Light Rail  
Northeast Lakeview Friends of Nighthawk  
Forest Waters Club**

Councilmember Arvidson reported he attended a breakfast meeting with CISD Superintendent and a school board member. He stated CISD is looking for a few residents from the district to serve on a committee that will watch over the Bond/Bid process. He stated he has recommended Councilmember Trial to serve.

Cynthia Trevino, City Attorney, stated she would need to talk to the Superintendent to get more information regarding the committee before Councilmember Trial could agree to serve to avoid a conflict of interest.

Councilmember Lantzy stated he would like to see the City Council receive their packets on a travel drive and to also invest in tablets.

Councilmember Lantzy stated Trophy Oaks is having a feral hog issue and inquired to what can be done about the issue.

Councilmember McCaw stated he attended the Cibolo Valley Water Company meeting and they are starting water retail operations, which they will start selling in 18 months.

Councilmember Roberts stated he wants to see the CIP Project run better this next time by not moving to the next portion until the first portion is completed.

#### **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 legal issues related to setting both monetary and non-monetary compensation of city employees.**

Mayor Knaus announced the City Council will recess into Executive Session at 8:40 pm, in accordance with Section Code 552.071, to consult with legal counsel.

Mayor Knaus adjourned the Executive Session at 9:34 pm and the City Council reconvened back into the regular session.

#### **11. 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**

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

**Motion:** A motion was made by Councilmember Lantzy, seconded by Councilmember McCaw, to approve Resolution 371-082015 of the City Council of the City of Garden Ridge, Texas, adopting revisions to personnel policies codified in the *City of Garden Ridge Employee Handbook & Personnel Policy*. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

#### **12. Adjournment**

There being no further business, the Wednesday, August 5, 2015 Garden Ridge City Council regular meeting was adjourned at 7:20 pm by Mayor Knaus.

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Nadine L. Knaus  
Mayor

ATTEST

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Shelley Goodwin, TRMC  
City Secretary



## City of Garden Ridge

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

### MINUTES OF CITY COUNCIL SPECIAL MEETING, August 24, 2015

#### **Members Present:**

Mayor Nadine Knaus  
Councilmember Todd Arvidson  
Mayor Pro-Tem John McCaw  
Councilmember Bobby Roberts  
Councilmember Shelby Trial

#### **Member Absent:**

Councilmember Bryan Lantzy

#### **City Staff Present:**

Nancy Cain, City Administrator  
Ron Eberhardt, 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 Knaus called the special meeting of the Garden Ridge City Council to order at 6:00 p.m. on Monday, August 24, 2015, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

#### **2. Citizen's Participation - 3 minute limit per citizen**

No one wished to speak

#### **3. Business Items**

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

- a) **Proposed 2016 Fiscal Year Budgets for the City of Garden Ridge General Fund, Water Fund, Interest & Sinking Fund and Capital Improvement Fund.**
  - i. **Public hearing**

- ii. **Discussion on proposed budgets**
- iii. **Adjustments to proposed budgets**

Mayor Knaus opened the public hearing at 6:04 pm.

Nancy Cain, City Administrator, provided a PowerPoint and spreadsheets regarding the proposed 2016 Fiscal Year Budget for the City of Garden Ridge.

Mayor Knaus stated she reworked the proposed water increase and instead of the increase of \$10.00 for the base rate, she is now proposing \$5.00. She stated the remainder of the increase will depend on the amount of water used, it will be done on volume.

The City Council discussed the proposed water rate increase and CIP Project deadlines.

Rusty Brockman, 21820 Tommy Trail, inquired to the roll back tax rate amount.

Nancy Cain, City Administrator, stated the M&O is 8% and the roll back rate is .03002, which is what the City is proposing for the 2015 Tax Rate.

Rusty Brockman, 21820 Tommy Trail, inquired about the water fund rate.

Mayor Knaus stated she would explain the rate during Agenda Item 3.c.

Mayor Knaus asked if anyone wished to speak. No one wished to speak, so Mayor Pro Tem Knaus closed the public hearing at 6:29 pm

**b) Proposed 2015 Property Tax Rate**

- i. **Public Hearing**
- ii. **Discussion on proposed tax rate**
- iii. **Announce the date, time and place of the second required Public Hearing scheduled for (Wednesday, August 26, 2015, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas)**
- iv. **Announce date, time and place of the City Council vote on the 2015 Tax Rate (Wednesday, September 2, 2015, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas)**

Mayor Knaus opened the public hearing at 6:30 pm. and asked if anyone wished to speak. No one wished to speak, so Mayor Pro Tem Knaus closed the public hearing at 6:31 pm

Nancy Cain, City Administrator, announced the second required Public Hearing on the 2015 Property Tax Rate is scheduled for Wednesday, August 26, 2015, 6:00pm in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas.

Nancy Cain, City Administrator, announced the City Council vote on the 2015 Tax Rate on Wednesday, September 2, 2015, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas.

**c) Water Revenue/Rate Increase:**

- i. Presentation**
- ii. Discussion**

Mayor Knaus provided a PowerPoint regarding the proposed water rate increase. She stated she will provide the information to the Water Commission tomorrow night for input and recommendation.

The City Council discussed the timeline for getting Ordinance 54 amended to include the water rate increase.

**d) Renewal of the City of Garden Ridge fiscal year 2016 benefit plan with Texas Municipal League Intergovernmental Employee Benefits Pool and authorize the City Administrator to execute contract with said provider for said insurance benefits**

- i. Health insurance rate of \$414.57 per month per employee**
- ii. Dental insurance rate of \$26.60 per month per employee**

Nancy Cain, City Administrator, updated the City Council on the renewal of the 2016 benefit plan with Texas Municipal League Intergovernmental Employee Benefits Pool for Health and Dental insurance.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to approve the renewal of the City of Garden Ridge fiscal 2016 benefit plan with Texas Municipal League Intergovernmental Employee Benefits Pool for health insurance rate of \$414.57 per employee and dental insurance rate of \$26.60 per month per employee and authorize the City Administrator to execute contract with said provider for said insurance benefits. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

**e) Renewal of the City of Garden Ridge employee vision insurance benefit with Avesis at a rate of \$5.27 per month per employee and authorize the City Administrator to execute contract with said provider for said insurance benefit**

Nancy Cain, City Administrator, updated the City Council on the renewal of the vision insurance benefit with Avesis.

The City Council discussed the rate and the option rates for employees' dependents.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to approve the renewal of the City of Garden Ridge employee vision insurance benefit with Avesis at a rate of \$5.27 per month per employee and authorize the City Administrator to execute contract with said provider for said insurance benefit. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

**f) Resolutions 372-082015 through 373-082015 Wire Transfer Agreement with American Bank of Texas and designating Nancy Cain, City Administrator**

**and Shelley Goodwin, City Secretary as Authorized Customer Agent to Wire Transfers for account numbers ending in 457 and 449 and agreeing to transaction fees.**

Nancy Cain, City Administrator, stated the two resolutions are for the wire agreements with American Bank of Texas for the two new accounts. She also stated these resolutions designate who can sign the wire transfer request.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to approve the Resolutions 372-082015 through 373-082015 Wire Transfer Agreement with American Bank of Texas and designating Nancy Cain, City Administrator and Shelley Goodwin, City Secretary as Authorized Customer Agent to Wire Transfers for account numbers ending in 457 and 449 and agreeing to transaction fees. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- g) Hold a Public Hearing for the purpose of obtaining citizen input on the proposed annexation of the portion of 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of Official Public Records of Comal County, Texas.**

Nancy Cain, City Administrator, provided the City Council with the history of the proposed annexation. She stated the City of San Antonio has released approximately 13 (+/-) acre of land which is a portion of the Woodlands of Garden Ridge. She stated with this annexation the entire subdivision will now be in Garden Ridge and eliminate any confusion for residents on City services.

Mayor Knaus opened the public hearing at 6:45 pm. and asked if anyone wished to speak.

Leo Tucker, 9614 Meadow Rue, inquired to the benefits for bringing the 13 (+/-) acres into the City limits.

Councilmember Roberts stated the developer was required to bring in water rights when he first started developing, but the new homes in that area will be required to pay water fees. He also stated the homes in the 13(+/-) acres will pay City taxes, so there is no long term cost to the City.

Mayor Knaus asked if anyone else wished to speak. No one did so Mayor Knaus closed the public hearing at 6:50 pm.

Nancy Cain, City Administrator, stated the second public hearing is scheduled for September 2, 2015 and the City Council will vote on the annexation on October 7, 2015.

**4. Citizen's Participation – Limit remarks to three (3) minutes per citizen**

See "Rules for Citizen's Participation" under Item 3.

Leo Tucker, 9614 Meadow Rue, stated he is concerned that the City would need to raise the tax rate and the water rate.

Nancy Cain, City Administrator, explained the history of the tax rate and water rate.

**5. Adjournment**

There being no further business, the Monday, August 24, 2015 Garden Ridge City Council regular meeting was adjourned at 7:52 pm by Mayor Knaus.

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Nadine L. Knaus  
Mayor

ATTEST

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Shelley Goodwin, TRMC  
City Secretary



# City of Garden Ridge

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

## MINUTES OF CITY COUNCIL SPECIAL MEETING, August 26, 2015

### **Members Present:**

Mayor Nadine Knaus  
Councilmember Todd Arvidson  
Mayor Pro-Tem John McCaw  
Councilmember Bobby Roberts  
Councilmember Shelby Trial

### **Member Absent:**

Councilmember Bryan Lantzy

### **City Staff Present:**

Nancy Cain, City Administrator  
Ron Eberhardt, Police Chief  
Steven Steinmetz, Public Works Director  
Karen Ford, Finance/HR  
Shelley Goodwin, City Secretary

### **1. Call to Order**

With a quorum of the City Council Members present, Mayor Knaus called the special meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, August 26, 2015, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

### **2. Citizen's Participation - 3 minute limit per citizen**

No one wished to speak.

### **3. Business Items**

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

- a) **Proposed 2015 Property Tax Rate**
  - i. **Public Hearing**
  - ii. **Discussion on proposed tax rate**
  - iii. **Announce date, time and place for the City Council vote on the 2015 Tax Rate (Wednesday, September 2, 2015, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas)**

Mayor Knaus opened the public hearing at 6:03 pm.

Nancy Cain, City Administrator, provided a PowerPoint and spreadsheets regarding the proposed 2016 Fiscal Year Budget for the City of Garden Ridge.

Pam Fritz, 8927 Garden Ridge Dr., inquired to the make up of the sales tax mentioned in the presentation.

Nancy Cain, City Administrator, explained where the sales tax comes from and which businesses pay sales tax in the City.

Mayor Knaus asked if anyone wished to speak. No one wished to speak, so Mayor Pro Tem Knaus closed the public hearing at 6:10 pm

Nancy Cain, City Administrator, stated the City Council will vote on the 2015 Tax Rate on Wednesday, September 2, 2015, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas.

- b) Water Revenue/Rate Increase:**
  - i. Presentation**
  - ii. Discussion**
  - iii. Vote on water rate increase**

Mayor Knaus provided a PowerPoint presentation (attached). She stated she reworked the proposed water rate increase and instead of the increase of \$10.00 for the base rate, she is now proposing \$5.00. She stated the remainder of the increase will depend on the amount of water used, it will be based on volume. She also stated that this is the same presentation she provided to City Council on Monday, August 24, 2015 and Water Commission on Tuesday, August 25, 2015. She stated the Water Commission voted unanimously for the water rate increase.

Pam Fritz, 8927 Garden Ridge Dr., inquired as to the aquifer that is mentioned in the CIP Projects.

Mayor Knaus stated it would be the Trinity.

**Motion:** A motion was made by Councilmember McCaw, seconded by Councilmember Trial, to approve the water rate increase of \$5.00 for base price, EAA increase of \$.36, and the additional increase for the different volumes of water used. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- c) Proposed 2016 Fiscal Year Budgets for the City of Garden Ridge General Fund, Water Fund, Interest & Sinking Fund and Capital Improvement Fund.**
  - i. Discussion on proposed budgets**
  - ii. Adjustments to proposed budgets**

- iii. **Resolution 374 General Fund for the period of October 1, 2015 through September 30, 2016**
- iv. **Resolution 375 Water Fund for the period of October 1, 2015 through September 30, 2016**
- v. **Resolution 376 Interest and Sinking Fund for the period of October 1, 2015 through September 30, 2016**
- vi. **Resolution 377 Capital Improvement Fund for the period of October 1, 2015 through September 30, 2016**
- vii. **Motion to ratify the property tax increase of \$.3002 as reflected in the 2015 Budget (as shown in the General Fund and Interest and Sinking Fund Budgets) of the City of Garden Ridge**

Nancy Cain, City Administrator, inquired about changes or adjustment the City Council would like to make to the proposed FY 2016 Budget.

The City Council did not wish to make any changes or adjustments.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember Trial, to approve Resolution 374 General Fund for the period of October 1, 2015 through September 30, 2016, Resolution 375 Water Fund for the period of October 1, 2015 through September 30, 2016, Resolution 376 Interest and Sinking Fund for the period of October 1, 2015 through September 30, 2016, and Resolution 377 Capital Improvement Fund for the period of October 1, 2015 through September 30, 2016. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember McCaw, to ratify the property tax increase of \$.3002 as reflected in the 2015 Budget (as shown in the General Fund and Interest and Sinking Fund Budgets) of the City of Garden Ridge. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

**4. Citizen's Participation – Limit remarks to three (3) minutes per citizen**

See "Rules for Citizen's Participation" under Item 3.

No one wished to speak

**5. Executive Session**

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

- a) **Pursuant to Texas Government Code 552.071 (Consultation with Attorney) and 552.074 (Personnel Matters), to deliberate the evaluation and duties of the City Administrator and to seek and receive legal advice on related legal issues**
- b) **Pursuant to Texas Government Code Chapter 551.071 (Consultation with Attorney) to seek and receive legal advice regarding the duties of the Mayor, City Council and City Commissions**

Mayor Pro Tem Knaus announced the City Council will recess into Executive Session at 6:24pm, in accordance with Section Code 552.071, to consult with legal counsel.

Mayor Pro Tem Knaus adjourned the Executive Session at 6:52pm and the City Council reconvened back into regular session.

**6. 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

**Motion:** A motion was made by Councilmember Roberts, seconded by Councilmember Trial, to authorize the Mayor to negotiate with Nancy Cain for the terms and conditions of a contract for reimbursement of excess leave accumulated by Nancy Cain, City Administrator. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

**7. Adjournment**

There being no further business, the Monday, August 24, 2015 Garden Ridge City Council regular meeting was adjourned at 6:54 pm by Mayor Knaus.

\_\_\_\_\_  
Nadine L. Knaus  
Mayor

ATTEST

\_\_\_\_\_  
Shelley Goodwin, TRMC  
City Secretary

AN ORDINANCE ADOPTING COMPREHENSIVE WATER ORDINANCE NUMBER 54-052015 092015 FOR THE CITY OF GARDEN RIDGE, TEXAS AND REPEALING ORDINANCE 54-042014 052015 ADOPTED, APRIL 2, 2014 MAY 6, 2015; PROVIDING DEFINITIONS; STATEMENT OF ORGANIZATION; GENERAL POLICIES; REGULATIONS AND RULES; RATES AND BILLING CYCLES; AND PROVIDING FOR A PENALTY

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

1. The City Council of the City of Garden Ridge, Texas, hereby repeals Ordinance 54-042014 052015 adopted on April 2, 2014 May 6, 2015 and adopts Ordinance 54-052015 092015 as the Comprehensive Water Ordinance.

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In the event of a second check being returned for the same customer and for the same reasons stated above, the customer shall, in addition to being required to pay the additional fee set forth in Section 25.05, be required to pay all future Water Department bills in cash.

Any deviation from this policy must be approved by a unanimous vote of the City Water Commission.

## **SECTION 24-- ESTABLISHMENT OF WATER RATES**

### **24.01 -- UNIFORM RATES FOR CUSTOMERS WITHIN CITY LIMITS.**

A uniform monthly water usage rate shall be charged to all single-family residence customers who live within the incorporated limits of the City of Garden Ridge and who secure their water service from the City of Garden Ridge Water Department. Such rate is established in Section 25.02.

### **24.02 -- UNIFORM RATES FOR CUSTOMERS OUTSIDE THE CITY LIMITS.**

A uniform monthly water usage rate shall be charged to all single-family residence customers who live outside the incorporated limits of the City of Garden Ridge and who secure water service from the City of Garden Ridge Water Department. Such rate is established in Section 25.02. Justification for a higher rate is that customers within the incorporated limits of Garden Ridge are assessed ad valorem taxes to recover the capital cost of purchasing the water company. The higher rate for customers residing outside the incorporated limits of Garden Ridge enables such customers to enjoy the services of the Water Department and to share a portion of the capital cost of purchasing the water company.

### **24.03 -- ARRANGEMENTS FOR OTHERS.**

Where a residence, business establishment, complete apartment or mobile home unit is not within reach of a water main of the Water Department from which to secure water service, arrangements may be proposed to secure water from another user who receives service from the Water Department. Such arrangements are only authorized with the consent and at the option of the Water Department.

A special permit must be obtained from the Water Department to secure water through another user of the Water Department. The basic monthly water service charge to the customer through which water service is being provided shall be based on the "minimum" water bill rates established in Section 25.02, multiplied by the number of customer units securing water service through such that customer's meter.

Each "minimum" will entitle the user to the regular minimum quantity of water for the classification of service for which the customer's water rates are billed. The regular minimum, additional minimum, and all water used over the minimums by such consumer shall be charged to the customer having the water meter.

### **24.04 -- ALL WATER PASSING THROUGH A METER WILL BE CHARGED.**

All water that passes through a meter of the Water Department shall be charged for, whether used or not.

### **24.05 -- PRICE OF WATER PASSING.**

Whenever water is purchased by any consumer other than through a service connection through the mains of the Water Department (such as water sold to another municipality) and such water is secured from water taps of the Water Department, such consumer shall pay current applicable rates.

## **SECTION 25 – RATES AND FEES**

### **25.01 -- APPLICATION OF RATES**

All charges for water connections, meter installations, and miscellaneous items detailed in this Section shall be paid in advance of any service being rendered. There will be no exception to this requirement unless approved, in advance, by a majority vote of the City Water Council or unless otherwise authorized in a Section of this Ordinance. Rates outlined in this Section may be changed from time to time by an approved by a majority vote of the Garden Ridge City Council.

### **25.02 -- BASIC WATER RATES FOR SINGLE FAMILY RESIDENCES**

Basic water rates applicable to single-family residential customers depend on whether the residence to receive service is physically located within the incorporated limits of the City of Garden Ridge, Texas. Single family residences physically located

within the extra-territorial jurisdiction area of the City of Garden Ridge, Texas, are considered to be outside the city limits of Garden Ridge, Texas. The rates are as follows:

a.	METERS INSIDE CITY LIMITS	METERS OUTSIDE CITY LIMITS
	Minimum Monthly Charge of <del>\$18.00</del> 23.00 (5,000 gallons)	Minimum Monthly Charge of <del>\$33.50</del> 38.50 (5,000 gallons)
Each additional 1,000 gallons, up to 15,000	<del>\$1.85</del> 2.40	<del>\$3.33</del> 3.88
Each additional 1,000 gallons, up to 25,000	<del>\$3.06</del> 3.97	<del>\$4.59</del> 5.50
Each additional 1,000 gallons, up to 35,000	<del>\$4.39</del> 5.69	<del>\$6.66</del> 7.96
Each additional 1,000 gallons, up to 45,000	<del>\$5.84</del> 7.57	<del>\$8.86</del> 10.59
Each additional 1,000 gallons, up to 55,000	<del>\$7.07</del> 9.17	<del>\$10.90</del> 13.00
Each additional 1,000 gallons, up to 65,000	<del>\$8.30</del> 10.77	<del>\$12.92</del> 15.39

- b. METERS INSIDE CITY LIMITS: Water rates for usage over 65,000 gallons shall be based upon 10,000 gallon block increments. For each 10,000 gallon block, beginning at 65,000 gallons, the applicable rate shall increase by ~~\$1.23~~ 1.60.
- c. METERS OUTSIDE CITY LIMITS: Water rates for usage over 65,000 gallons shall be based upon 10,000 gallon block increments. For each 10,000-gallon block, beginning at 65,000 gallons, the applicable rate shall increase by ~~\$1.23~~ 1.60.

25.03 -- BASIC WATER CHARGES FOR COMMERCIAL SERVICE.

- a. Classification C-1 -- One Inch (1") Meter (Capacity 25 GPM)  
-- See Section 25.02 --
- b. Classification C-2 -- One and One-Half Inch (1.5") Meter (Capacity 50 GPM)  
-- See Section 25.02 --
- c. Classification C-3 -- Two Inch (2") Meter (Capacity 80 GPM)  
-- See Section 25.02 --
- d. Classification F-1 -- Water Drawn From City Fire Hydrants  
-- See Section 25.02 Outside City Rates --  
*NOTE: The customer is responsible for the cost of repairing or replacing any damage to the hydrant, meter, or valve associated with the hydrant while under contract for service.*

25.04 -- WATER RATES FOR TEMPORARY SERVICE

See Section 25.02 Outside City Rates

25.05 -- CUSTOMER SERVICE CHARGES

All charges for water connections, meter installations, and miscellaneous items detailed in this Section shall be paid in advance of any service being rendered, except in the case of the charge for returned checks. There shall be no exception to this requirement unless approved by a majority vote of the City Water Commission or otherwise authorized by a Section of this Ordinance.

All of the following listed fees and/or charges apply, effective with the date of this Ordinance, for services rendered by the Water Department.

a. Water Connection Charges.

Water connection charges are separate and apart from other fees and charges for water service. The water connection charge is a one-time non-refundable charge to a new customer when providing requested water service. The water connection charge is not an "impact fee" but merely a fee intended to cover the cost of the water meter itself plus the costs of making the connection to the water system.

The applicable charge depends on the classification of the customer, as shown below, and shall be paid when application for the requested water service is submitted to the Water Department. Application for service must be submitted at the time the building permit for that residence is issued. Applicable water connection charges are as follows:

(1) Single-Family Residence:

1" Meter -----	\$ 1325.00
1.5" Meter-----	\$ 1550.00
2" Meter-----	\$ 1850.00

(The installation charge for larger meters will be negotiated)

(2) Commercial Establishment: The charge will depend on the Commercial Classification of the establishment set forth in Section 25.03.

Commercial Classification C-1-----	\$ 1325.00
Commercial Classification C-2-----	\$ 1550.00
Commercial Classification C-3-----	\$ 1850.00

Where the Water Department approves a connection to a main which is across the street from the lot to be served, an additional charge in the amount of the total costs incurred for such additional services and resurfacing of street areas will apply. These costs are in addition to any fees or charges listed in this Section.

- a. Replace a damaged meter box----- \$ 50.00
- b. Replace damaged valve box-----\$ 150.00
- c. Replace damaged fire hydrant-----\$1400.00
- d. Replace sampling station-----\$ 450.00
- e. Replace air relief valve-----\$ 350.00
- f. Replace valve markers-----\$ 50.00
- g. Excavate, install and/or replace a damaged meter valve-----\$ 150.00
- h. Excavate, install and/or replace a damaged curb (meter) valve-----\$ 150.00
- i. Replace a damaged meter:
  - (1) 3/4"-5/8"-1" the cost of the meter plus-----\$ 40.00
  - (2) 1.5" and larger the cost of the meter plus-----\$ 60.00
- j. Upgrading meter size:
  - (1) 5/8" to 3/4": the difference in price of the meters plus----- \$ 40.00

- (2) All other upgrades, refer to Section 25.05(a-1)
- k. Relocate a water meter at the request of or for the benefit of the customer-----refer to Section 25.05(a-1) – meter cost
- l. Meter Test When The Meter Is Not In Error----- \$ 50.00
- m. Turn-Off/Disconnection Charges.  
Resulting from a delinquency or non-payment of water service bills-----\$ 40.00
- n. Turn-On/Reconnection Charges.  
Resulting or following a turn-off or disconnection due to delinquency  
or non-payment of water service bills-----\$ 40.00  
  
(NOTE: An additional charge of \$50.00 will be imposed for a turn-on or  
reconnection required to be performed during non-regular working hours.)
- o. Turn-Off & Turn-On Transfer of existing meter service to a new customer-----\$ 40.00
- p. Customer Service Charges. As a general rule, the following service charges will not be assessed the first time Water Department personnel are called to service a problem which is determined, by the Water Department, to be the responsibility of the customer. However, if Water Department personnel are called and respond to a service call which has previously been pointed out (to the customer) as his or her area of responsibility, the following charges apply:
- (1) On-Duty Service Calls  
Minimum charge for the first half-hour ----- \$ 30.00  
Each hour (or fraction thereof) thereafter ----- \$ 40.00
- (2) Off-Duty Service Calls  
Minimum charge for the first half-hour ----- \$ 35.00  
Each hour (or fraction thereof) thereafter ----- \$ 45.00
- q. Check returned for insufficient or non-sufficient funds----- \$ 25.00
- r. Deposits
- (1) Residential Water Deposit ----- \$200.00  
(a) Owner ----- \$ 150.00  
(b) Renter ----- \$ 150.00
- (2) Commercial Water Deposit----- \$200.00
- (3) Fire Hydrant or Temporary Service Deposit-----\$400.00
- (Deposits refundable at termination of service minus any balance on account)

25.06 CUSTOMER FEES

*The City of Garden Ridge Water Department may be assessed management fees, program fees and pumping fees for water that is allocated from, pumped from and/or supplied from the Edwards Aquifer and/or the Trinity Aquifer. The assessment of such fees as a pass-through fee to all water customers is authorized. Such fees will be collected from all water customers of the Garden Ridge Water Department. The charges will be billed monthly as a separate charge on customer water bills. No pass-through fees shall be charged if there is not metered use by the customer during the billing period. These charges shall be reviewed annually and adjusted as necessary for the full recovery of such fees assessed to the City of Garden Ridge Water Department.*

SECTION 26 -- REQUESTS FOR SERVICE - GENERAL POLICY

26.01 -- REQUESTS FOR SERVICE -- GENERAL POLICY

# GARDEN RIDGE POLICE DEPARTMENT

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## MEMORANDUM

To: Nancy Cain, City Administrator  
From: Dan Bellinger, Lieutenant  
Date: 08-10-15  
Copies: Ofc. Dennis' file  
Reference: Ofc. Dennis' probation release request

---

Mrs. Cain,

Officer Dennis is projected to complete his 6 month probation period on 09-03-15. On that date, he will have met all the requirements of the city to be released from probation. His pay would be adjusted for the 5% increase at that point. I am requesting that this item be placed on the council agenda for consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "DB 10/15", is written over the typed name.

Dan Bellinger, Lieutenant

August 14, 2015

I, hereby resign my commission as a police officer with the City of Garden Ridge effective immediately. For obvious reasons, I wanted to wait until the judge made his decision before I officially made my decision to resign. It was my hope to continue in police work.

It's been a pleasure working for you and the citizens of this city for the past 8 months. I have gained invaluable work experience as well as personal experience. Your agency is poised for continued growth and I wish it nothing but success in the upcoming years. I also thank you personally for giving me the opportunity to work for such a well respected agency.

Sincerely,

Vicente A. Mongrell

A handwritten signature in black ink, appearing to be 'Vicente A. Mongrell', with the number '113' written to its right.

## MONTHLY REPORT

### CITY OF GARDEN RIDGE BALANCE OF ALL FUNDS AS OF 7/31/15

ACCOUNT	BALANCE	CURRENT RATE
<b>CITY FUNDS</b>		
OPERATING ACCOUNT	\$ 456,513.87	0%
MONEY MARKET	\$ 979,766.80	.15%
ASSET FORFEITURE/SEIZURE (STATE)	\$ 688.47	.10%
ASSET FORFEITURE/SEIZURE (FED)	\$ 13,283.98	.05%
2002 WATER IMPROVEMENT		
INTEREST & SINKING	\$ .00	0%
2005 MUNICIPAL COMPLEX I&S		
2005 I&S – TAX NOTE	\$ .00	0%
2009 REFINANCE 98 I&S	\$ 75,726.70	.10%
2009 INTEREST & SINKING	\$ 116,803.02	.15%
2012 REFINANCE I&S	\$ 160,511.33	.15%
2012 INTEREST & SINKING	\$ 128,979.95	.15%
2015 INTEREST & SINKING	\$ 9,036.77	.10%
2012 CIP PROJECT	\$ 1,437,128.12	.15%
2015 CIP PROJECT	\$ 6,664,995.05	.10%
STREET IMPACT FEE	\$ 20,833.91	.05%
TEXPOOL STREET IMPACT FEE	\$ 408.94	0%
TEXPOOL INVESTMENT	\$ 399.67	0%
PEG FEES	\$ 43,966.52	0%
SUBTOTAL OF CITY FUNDS		\$10,109,043.10
AVERAGE CITY INTEREST RATE		.11363%
<b>WATER FUNDS</b>		
2009 WATER IMPROVEMENTS	\$ .00	0%
IMPACT FEES	\$ 181,745.46	.15%
TEXPOOL WATER RIGHTS/INFRASTR	\$ 4,906.58	.0630%
TEXPOOL WATER INVESTMENT	\$ 604.91	0%
TEXPOOL IMPACT FEE	\$ 411.31	0%
WATER SURCHARGE	\$ 144,432.09	.15%
WATER COMPANY OPERATING	\$ 2,190,663.38	.15%
CAPITAL IMPROVEMENT CONSTRUCTION BOND	\$ .00	0%
SUBTOTAL WATER FUNDS		\$ 2,522,763.73
AVERAGE WATER INTEREST RATE		.12825%
<b>TOTAL ALL FUNDS</b>		<b>\$12,631,806.83</b>
<b>TOTAL AVERAGE INTEREST RATE</b>		<b>.12094%</b>

CITY OF GARDEN RIDGE

GENERAL FUND

CASH & INVESTMENTS AS OF 7/31/15

OPERATING CHECKING	\$ 456,513.087
MONEY MARKET	<u>\$ 979,766.80</u>
TOTAL GENERAL FUND	\$ 1,436,680.34
TEXPOOL INVESTMENT	<u>\$ 399.67</u>
TOTAL INVESTMENT	\$ 399.67
TOTAL RESERVES FOR CITY	\$ 1,436,680.34

WATER FUND

INVESTMENTS AS OF 7/31/15

WATER COMPANY OPERATING	\$ 2,190,663.38
TEXPOOL WATER INVESTMENT FUND	<u>\$ 604.91</u>
TOTAL WATER COMPANY RESERVES	\$2,191,268.29

EXPENDITURE & REVENUES

PERIOD OF 7/31/15

83.33% OF FISCAL YEAR

REVENUE YEAR TO DATE

GENERAL FUND	\$2,065,038	8.99% of Budget
WATER FUND	\$ 691,811	65.02% of Budget

EXPENDITURES YEAR TO DATE

GENERAL FUND	\$1,703,769	72.21% of Budget
WATER FUND	\$ 720,642	54.73% of Budget

EXCESS REVENUE OVER/(UNDER) EXPENDITURES YEAR TO DATE

GENERAL FUND	\$ 361,269
WATER FUND	\$ ( 28,832)

REVENUE FOR MONTH ENDING 7/31/15

GENERAL FUND	\$ 64,664
WATER FUND	\$ 138,905

EXPENDITURES FOR MONTH ENDING 7/31/15

GENERAL FUND	\$ 212,671
WATER FUND	\$ ( 53,903)

EXCESS REVENUE OVER/(UNDER) EXPENDITURES FOR MONTH ENDING 7/31/15

GENERAL FUND	\$ ( 148,006)
WATER FUND	\$ 192,808

# City of Garden Ridge

2015 CIP Project & Well Development

RIVER CITY ENGINEERING, LTD.

---

SEPTEMBER 2, 2015

GARRY MONTGOMERY, P.E.

# 2015 CIP Project Update

---

Survey work will be completed by September 4.

The geotechnical engineer – Raba Kistner has began their field work to complete the geotechnical recommendations for the project. This field work will be complete by mid September.

RCE and City Staff will schedule a public meeting to discuss plans and schedule prior to bidding the project. A letter will be sent to each property effected by this project prior to the public meeting and prior to the contractor mobilizing we will send additional correspondence relaying contact information and scheduling for construction.

Our goal is to have the construction plans and specifications prepared for bid by December with award and notice to proceed in early 2016.

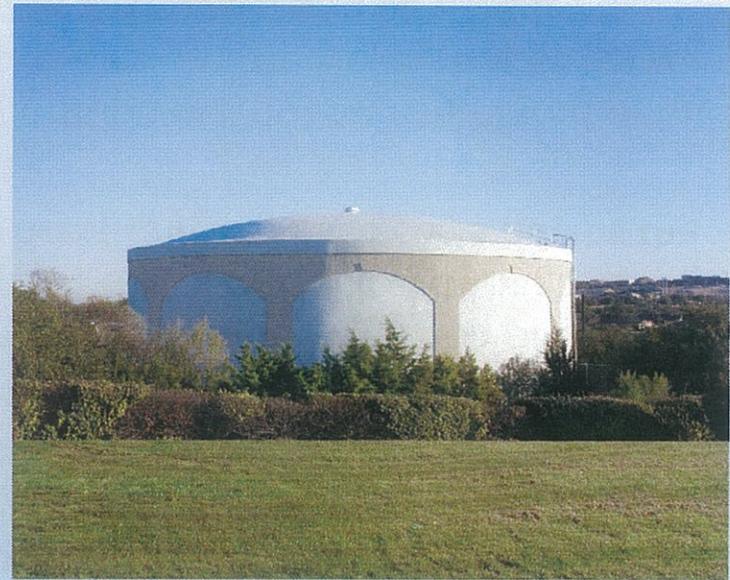
# 2015 Well 2 & 3 Site Development

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- RCE and LBG Guyton will advertise for bid of the drilling of Well No. 9 and completion of Well No. 10 in September. We plan to bring a recommendation for award to the October Council Meeting.
- RCE has met with two tank contractors to discuss decorative coatings and the possibility of burying a portion of the tank. Burying a portion of the tank will be contingent upon the findings of the geotechnical borings. If solid rock is found burying the tank can drastically increase costs due to the associated excavation.
- Design and construction document preparation will not be completed until the production capacity of both wells is known. By late November or early December we should know the capacity of both wells and be able to complete the remainder of the design.
- One of the tank contractors provided documentation illustrating architectural treatments that are available for the ground storage tank. Any of these treatments could be bid as an alternate to evaluate costs.

# Architectural Treatments

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# Architectural Treatments

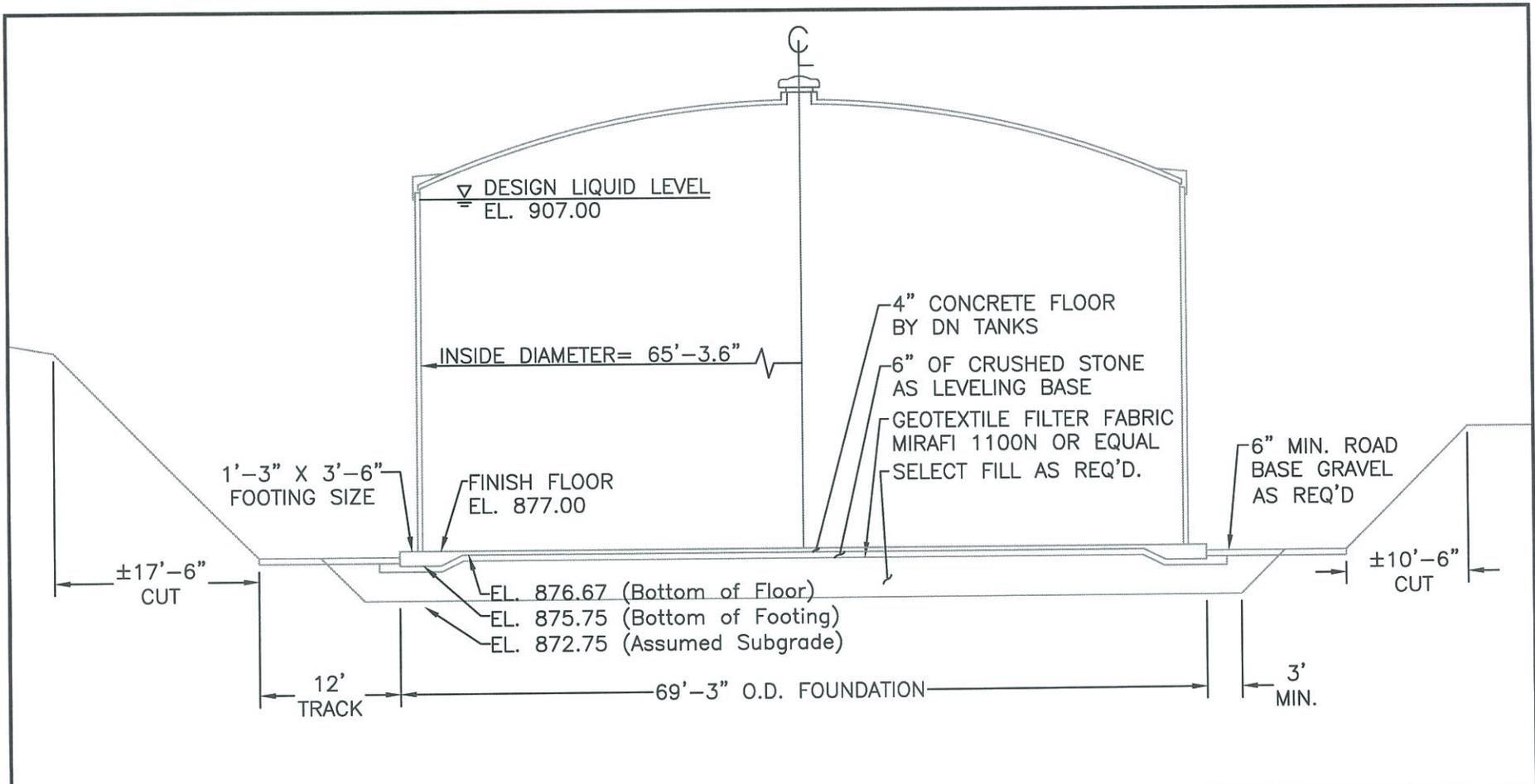
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# Architectural Treatments

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NOTES:

1. PLEASE USE THESE EX-DRAWINGS IN CONJUNCTION WITH THE DETAILED DN TANKS SCOPE LETTER AND SUBCONTRACT.
2. ALL TEMPORARY SLOPES ARE TO MEET OSHA REQUIREMENTS.
3. FOUNDATION PREPARATION SHALL BE IN ACCORDANCE WITH THE FINAL GEOTECHNICAL REPORT. WRITTEN FOR ANAWNA D110, TYPE III PRESTRESSED CONCRETE TANK. NO GOETECHNICAL INFORMATION HAS BEEN PROVIDED AND WE HAVE ASSUMED FOUNDATION PREPARATIONS.

SECTION

1  
A-A

"THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF DN TANKS, AND MAY NOT BE DUPLICATED, IN WHOLE OR IN PART, USED FOR OTHER THAN INTERNAL REVIEW PURPOSES, OR DISCLOSED TO OTHERS, WITHOUT THE PRIOR EXPRESS WRITTEN PERMISSION OF DN TANKS."



DYK and Natgun  
Generations Strong

0.75 MG PRECAST, PRESTRESSED  
CONCRETE WATER STORAGE TANK  
CONSTRUCTION SITE LAYOUT - SECTION

DRAWN BY: JS	DATE: 06/03/15	SCALE: NTS	DWG# EX-2	REV:
CHECKED: ***	FILE: U:\ENGINEER\DRAWINGS\LAYOUTS\SITE\2015\SAT (GARDEN RIDGE), TX 06-03-15 .DWG			
SITE LOCATION: SAT (GARDEN RIDGE), TX			SHEET 2 OF 2	

AN ORDINANCE ADOPTING A TAX RATE OF \$0.3002 PER  
ONE HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUATION  
FOR THE CITY OF GARDEN RIDGE, TEXAS TO BE EFFECTIVE  
FOR THE TAX YEAR 2015 (FISCAL YEAR 2016)

WHEREAS, the City Council of the City of Garden Ridge, Texas has duly approved a General Fund Budget for maintenance and operation for Fiscal Year 2016 and an Interest and Sinking Budget for Fiscal Year 2016 beginning October 1, 2015 and ending September 30, 2016.

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

THAT, the City Council of the City of Garden Ridge, Texas does hereby adopt the tax rate of \$0.3002 per one hundred dollars (\$100.00) of assessed valuation for the tax year 2015 with said rate being composed of the following elements:

- a. A tax rate of \$0.1918 per one hundred dollars (\$100.00) of assessed valuation for the General Fund maintenance and operations:

**THIS TAX RATE WILL RAISE MORE TAXES FOR  
MAINTENANCE AND OPERATIONS THAN LAST  
YEAR'S TAX RATE.**

and

**THE TAX RATE WILL EFFECTIVELY BE RAISED BY  
1.02 PERCENT AND WILL RAISE TAXES FOR  
MAINTENANCE AND OPERATIONS ON A \$100,000  
HOME BY APPROXIMATELY \$1.90.**

- b. A tax rate of \$0.1084 per \$100.00 of assessed valuation for the retirement of debt service through the Interest and Sinking Fund.

THAT, all other Ordinances or parts of other Ordinances in conflict herewith are hereby repealed to the extent that they are in conflict; and

THAT, if any part of Ordinance 183-092015 shall be held void or unconstitutional, it is hereby provided that all other parts remain in full force and effect; and

THAT, this Ordinance shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Garden Ridge,  
Texas, this 2nd day of September, 2015.

---

Nadine L. Knaus  
Mayor

ATTEST:

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Shelley Goodwin, TRMC  
City Secretary



## City of Garden Ridge

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

July 22, 2015

**To: Comal County, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or a special district and school district**

Dear Sir or Madam:

This correspondence is sent pursuant to Texas Local Government Code Section 43.062(b) to provide you with notice of the following:

### CITY OF GARDEN RIDGE NOTICE OF PUBLIC HEARINGS

The City of Garden Ridge City Council will hold public hearings on **Monday, the 24th day of August, 2015 at 6:00 p.m. and Wednesday, the 2nd day of September, 2015, at 6:00 p.m.** Both meetings will be at Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, TX 78266. The purpose of the Public Hearing to receive public testimony concerning the proposed annexation of the properties described below:

That portion of 107.14 acre tract of land located in the Daphne Development, commonly known as the Woodlands at Garden Ridge, Comal County, Texas, that are more particularly described as follows:

Being all of that portion of the west side of a 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds in **Exhibit "A."**

You are receiving this letter because your organization is a public service provider, which provides service to one or more of the above described lots. Representatives of the providers of public services to the proposed annexation area are encouraged to attend one or both public hearings. Please contact the City Administrator at (210) 651-6632 should you have any questions regarding the public hearings or proposed annexations.

Very truly yours,



## City of Garden Ridge

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

July 22, 2015

**To: Each Property Owner Woodlands at Garden Ridge, Comal County, Texas**

Dear Sir or Madam:

This correspondence is sent pursuant to Texas Local Government Code Section 43.062(b) to provide you with notice of the following:

### CITY OF GARDEN RIDGE NOTICE OF PUBLIC HEARINGS

The City of Garden Ridge City Council will hold public hearings on Monday, August 24, 2015 at 6:00 p.m. and Wednesday, September 2, 2015 at 6:00 p.m. Both meetings will be at Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, TX 78266. The purpose of the Public Hearing is to receive public testimony concerning the proposed annexation of the properties described below:

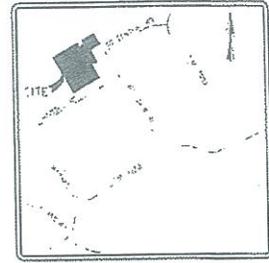
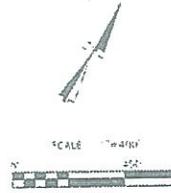
That portion of 107.14 acre tract of land located in the Daphne Development, commonly known as Woodlands at Garden Ridge, Comal County, Texas, that are more particularly described as follows:

Being all of that portion of the west side of a 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds in **Exhibit "A."**

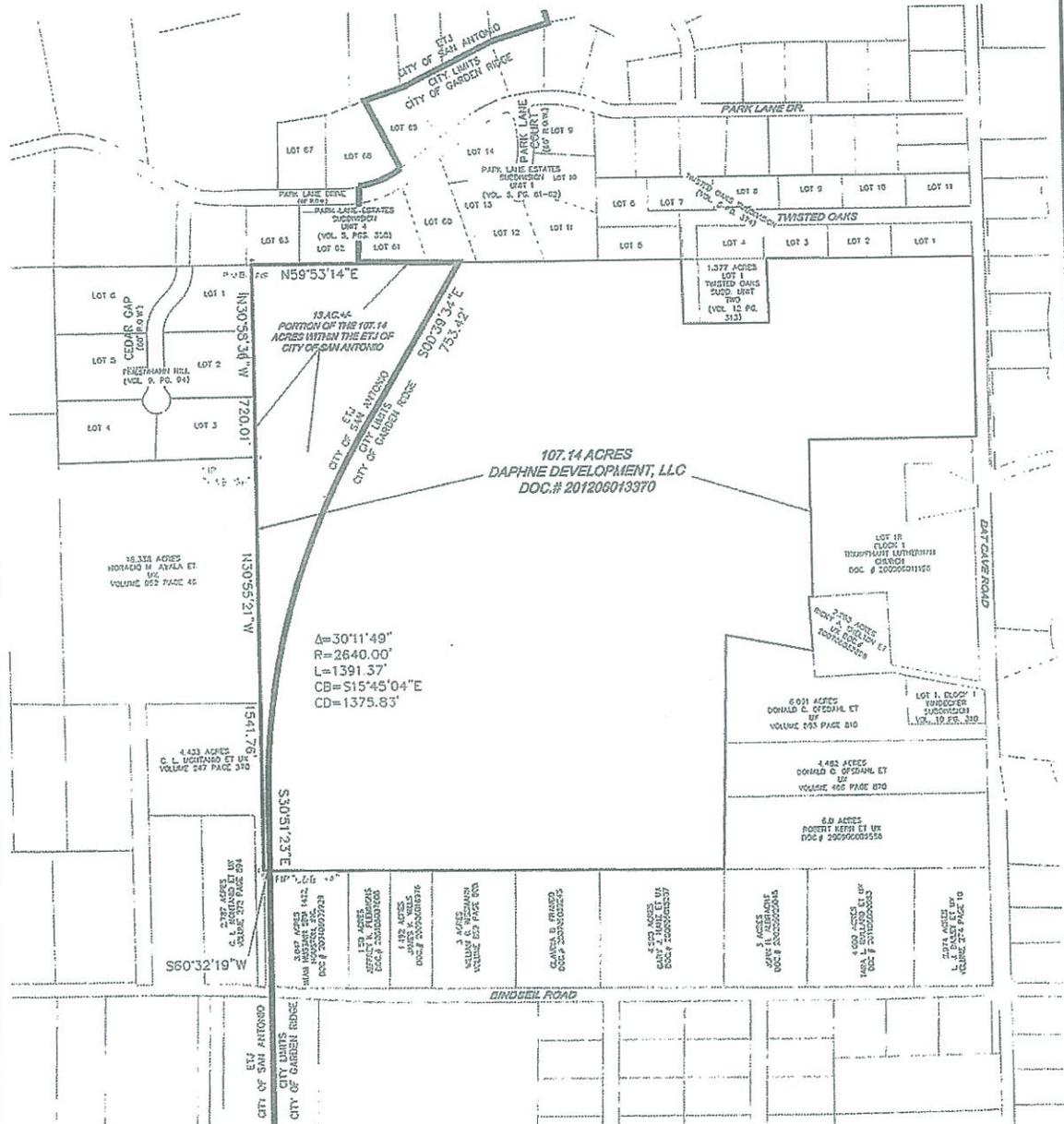
Please contact the City Administrator, Nancy Cain, at (210) 651-6632, should you have any questions regarding the public hearings or proposed annexations.

Very truly yours,

NOTES:  
 1. BEARINGS ON THE 107.14 ACRE BOUNDARY ARE HAD93 TEXAS SOUTH CENTRAL ZONE.  
 2. BEARINGS ON THE CITY LIMITS LINES ARE PER THE MAP TITLED "CITY OF GARDEN RIDGE CITY LIMITS JANUARY 2007" PREPARED BY BILL CALLENDER R.P.L.S. OF RECORD IN THE ADMINISTRATOR'S OFFICE OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS.



LOCATION MAP  
 NOT-TO-SCALE



KFW SURVEYING  
 14605 HUBBARD ROAD, BLDG. 40  
 SAN ANTONIO, TEXAS 78230  
 PHONE (210) 928-8444  
 FAX (210) 928-8100  
 FIRM LICENSE NO. 10028300



EXHIBIT OF  
 THE PORTION OF A 107.14 ACRE TRACT WHICH IS OUTSIDE THE CITY  
 LIMITS OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS.

PLAT NO. 11-11	DATE 11-11-11
BY: [Signature]	DATE: 11-11-11
BY: [Signature]	DATE: 11-11-11





**PROPERTY DESCRIPTION OF  
A PORTION OF 107.14 ACRES**

Being all of that approximately 13 acre portion of the west side of a 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" iron rod for the northwest corner of said 107.14 acres and the tract described herein, also being the northeast corner of Lot 1 of the Friesnhahn Hill Subdivision of record in Volume 9 Page 94, Deed and Plat Records of Comal County, Texas and on the south line of Lot 63 of the Park Lane Estates Subdivision Unit 4 of record in Volume 5 Page 358, Deed and Plat Records of Comal County, Texas;

**THENCE:** N 59° 53' 14" E (bearings based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the southeast line of said Park Lane Estates Subdivision Unit 4 and northwest line of said 107.14 acres and the tract described herein to the point of intersection with the City Limits line of the City of Garden Ridge, Texas for the northeast corner of this tract,

**THENCE:** S 00° 39' 34" E, a distance of 753.42 feet (course and distance taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callender, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to a point of curvature;

**THENCE:** Continuing over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, with a curve to the left (courses and distances taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callender, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) said curve having an arc length of 1391.37 feet, a delta angle of 30° 11' 49", a radius of 2640.00 feet and a chord bearing and distance of S 15° 45' 04" E 1375.33 feet, to a point of tangency;

**THENCE:** S 30° 51' 23" E (course taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callender, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to the point of intersection with the southeast line of said 107.14 acres and being on the northwest line of a called 3.047 acre tract conveyed to Imam Hussain of record in Document No. 200406039929 of the Official Public Records of Comal County, Texas, for the southeast corner of the tract described herein;

**THENCE:** S 60° 32' 19" W (this course and the following courses and distances based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the northwest line of the 3.047 acre tract and a southeast line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the west corner of the 3.047 acre tract and in the northeast line of a 4.433 acre tract of land conveyed to C. L. Montanio et ux of record in Volume 247 Page 370, Deed Records of Comal County, Texas and the most southwest corner of the 107.14 acre tract and the tract described herein;

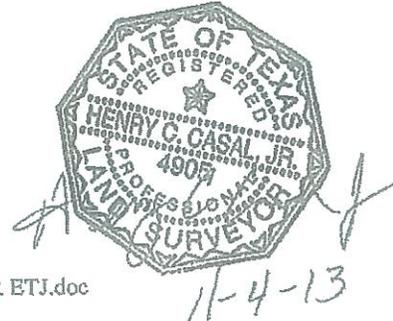
**THENCE:** N 30° 55' 21" W, a distance of 1541.76 feet, along and with the northeast line of the 4.433 acre tract and a northeast line of a 16.338 acre tract of land conveyed to Horacio M. Ayala et ux of record in Volume 962 Page 46, Official Public Records of Comal County, Texas and with a southwest line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the north corner of the 16.338 acre tract of land and a southeast corner of Lot 3 of the Friesnhahn Hill Subdivision of record in Volume 9

Page 94, Deed and Plat Records of Comal County, Texas and an angle point of the 107.14 acre tract and the tract described herein;

**THENCE:** N 30° 58' 36" W, a distance of 720.01 feet, along and with the northeast line of said Friesnhahn Hill Subdivision and a southwest line of the 107.14 acre tract, to the **POINT OF BEGINNING** and containing all of that portion of said 107.14 acres outside of the City Limits line of the City of Garden Ridge, Comal County, Texas.

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Job No.: 12-038  
Prepared by: KFW Surveying  
Date: November 1, 2013  
Revised: 11-4-2013  
File: S:\Draw 2012\12-038 Forest At Garden Ridge\FN FOR ETJ.doc



ORDINANCE NO. 184-092015

**AN ORDINANCE PROHIBITING THE USE OF A HAND-HELD MOBILE COMMUNICATION DEVICE TO ENGAGE IN A CALL, OR SEND, READ OR WRITE A TEXT MESSAGE, OR ENGAGE IN ANY OTHER USE OF THE DEVICE WHILE OPERATING A MOVING MOTOR VEHICLE WITHIN THE CITY LIMITS OF GARDEN RIDGE, PROVIDING FOR A PENALTY, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds that using a hand-held mobile telephone (cell phone) while operating a motor vehicle has the potential to distract a driver from operation of a motor vehicle and cause the driver to concentrate less on driving safely; and

**WHEREAS**, the City Council finds using a hand-held mobile telephone while operating a motor vehicle has the potential to limit the person's ability to steer and maneuver said motor vehicle, and

**WHEREAS**, the City Council finds that the use of a hand-held mobile communication device to engage in a call, 2) send, read, or write a text message, 3) view pictures or written text, whether transmitted by internet or other electronic means, 4) engage in gaming, or 5) engaging in any other use of the device while operating a moving motor vehicle is a traffic hazard and a danger to the public, which creates a particular danger or probability of danger in the City of Garden Ridge; and

**WHEREAS**, the City Council desires to prohibit the use of hand-held mobile communication devices to engage in use of a mobile communication device while driving as contained herein and consistent with Texas law; and

**WHEREAS**, the City Council desires to implement these rules and regulations in order to protect the health, safety and welfare of the citizens and community of the City of Garden Ridge.

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

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Definitions.

- (a) *ENGAGING IN A CALL* means talking to, dialing, or listening on a hand-held mobile communication device, but does not include holding a mobile communication device to activate or deactivate the device.
- (b) *HAND-HELD MOBILE COMMUNICATION DEVICE* means a text- messaging device or other electronic, two-way communication device that uses a commercial mobile service, as defined by 47 U.S.C.§ 332, that is designed to receive and transmit voice communication, text message or pictorial communication, or both, whether by internet

or other electronic means. The term includes a mobile telephone, and a personal digital assistant (PDA).

- (c) *HANDS-FREE MOBILE TELEPHONE* means a mobile telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.
- (d) *PARK OR PARKED* means for the operator to completely cease movement of a motor vehicle in a lawful manner and location. For purposes of this Section, "Parked" does not include or mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or traffic congestion patterns then existing.
- (e) *TEXT MESSAGE* means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a short message service (SMS) or a computer network. The term does not include a communication transmitted through a global positioning or navigation system.

### Section 3. Offense.

- (a) A person commits an offense if the person uses a hand-held mobile communication device to 1) engage in a call, 2) send, read, or write a text message, 3) view pictures or written text whether transmitted by internet or other electronic means, 4) engage in gaming, or 5) engage in any other use of the device while operating a moving motor vehicle.
- (b) This section does not apply to an operator of a motor vehicle using a hand-held mobile communications device:
  - 1) while the vehicle is legally parked or is being driven on private property;
  - 2) that is affixed to the vehicle and used as a global positioning or navigation system;
  - 3) that is used with a hands-free mobile communication telephone or other such device;
  - 4) while operating an authorized emergency vehicle in an official capacity; or
  - 5) who is licensed by the Federal Communications Commission while operating a radio frequency device other than a hand held mobile communication device.
- (c) It shall be an affirmative defense to prosecution under this section that the person was using a hand-held mobile communication device for the purpose of:
  - 1) executing the person's official duties;
  - 2) reporting illegal activity to a law enforcement agency;

- 3) communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency situation; or
- 4) preventing injury to a person or property.

Section 4. Penalty.

- (a) Only warning citations may be issued for the first 30 days following the effective date of this ordinance so that an education effort by the City of Garden Ridge may be conducted to inform the public about the importance and requirements of this new ordinance. Any person who shall violate any of the provisions of this ordinance or fail to comply therewith shall be deemed guilty of a Class C Misdemeanor and, upon conviction shall be fined not more than Two Hundred dollars (\$200.00).
- (b) An offense under this section is not a moving violation and may not be made a part of a person's driving record or insurance record.
- (c) In addition to enforcement by a peace officer of the City of Garden Ridge, this section may be enforced by a peace officer of another entity, including those employed by school districts, duly authorized to issue traffic citations within the City of Garden Ridge.

Section 4. Cumulative and Savings. This Ordinance shall be cumulative of all provisions of ordinances of the City of Garden Ridge City, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section. The provisions of state law will govern in the event of a conflict.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Nadine Knaus, Mayor

**ATTEST:**

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Shelley Goodwin, City Secretary