



City of Garden Ridge

"A way of life, not just a place to live"

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, NOVEMBER 3, 2021, 6:00 P.M.

Councilmembers Present:

Mayor Robb Erickson
Mayor Pro-Tem Lisa Swint
Councilmember Jesse Valdez
Councilmember Todd Arvidson
Councilmember Kay Bower

Councilmembers Absent:

Councilmember John McCaw

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Kat Balbi, Assistant City Secretary/Communications Specialist
Karen Ford, Finance/HR Director
Ron Eberhardt, Police Chief
Steven Steinmetz, Public Works Director
Linda Crosland, Librarian
Cynthia Trevino, City Attorney

City Commissioners Present:

Karen Diaz, Chair, Planning and Zoning Commission
Kerim Jacaman, Vice-Chair, Planning and Zoning Commission
Dr. Jim Miller, Planning and Zoning Commissioner
Roy Leatherberry, Planning and Zoning Commissioner
James Mueller, Chair, Water Commission
Keven Harshbarger, Vice-Chair, Water Commission
David Krawczynski, Chair, Wildlife Management Advisory Commission

1. Call to Order

With a quorum of the City Councilmembers present, Mayor Erickson called the regular meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, November 3, 2021, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance: Mayor Erickson led the Pledge of Allegiance and the Texas Pledge.

4. Proclamations

a) Purple Heart City

Mayor Erickson presented a Proclamation to the Alamo Chapter 1836-Military Order of the Purple Heart, designating the City of Garden Ridge as a Purple Heart City. Commander Bill Crumlett thanked the City of Garden Ridge for welcoming and honoring veterans and spoke regarding their veteran's organization.

5. City/Employee Recognitions/Employee Introductions

a) Thank you note from Shelby Trial to Community and Event Center Manager Kim Ryan.

City Administrator Nancy Cain stated a thank you note was received from Shelby Trial to Community and Event Center Manager Kim Ryan recognizing the outstanding service she continuously provides.

b) Thank you note from Rick Jellison to the Police Department and Citizens Patrol.

City Administrator Nancy Cain stated a thank you note was received from Rick Jellison to the Police Department and Citizens Patrol for their assistance with his vehicle after the GRCPAAA Car Show.

c) Thank you note from Jasen Miller to Sgt. Dennis.

City Administrator Nancy Cain stated a thank you note was received from Jasen Miller to Sgt. Dennis for his professionalism while serving the community.

d) Recognition of Employee Service Years with the City of Garden Ridge.

City Administrator Nancy Cain recognized employees with November anniversary dates for their hard work, dedication, and tenure with the City. This recognition included: Chief Eberhardt-7 years and Steven Steinmetz-21 years.

6. Citizen Comment Period

Brenda Elliot, 9404 Azalea Gate, spoke regarding the Police Department and City Ordinance Violations.

7. Consent Agenda

THESE ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A COUNCILMEMBER. PUBLIC COMMENT ON THESE ITEMS MAY BE HEARD DURING CITIZENS' PARTICIPATION; HOWEVER, THAT DOES NOT MEAN THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

a) Approval of Minutes for the October 6, 2021, City Council Regular Meeting.

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – September 30, 2021.

c) Resolution No. 484-112021 A Resolution of the City Council of the City of Garden Ridge, Texas, joining with the State of Texas and Political Subdivisions of the State as a party in the Texas Opioid Settlement Agreements secured by The Office of the Attorney General; authorizing the City Administrator to execute settlement participation forms; and establishing an effective date.

d) Resolution No. 485-112021 A Resolution of votes cast to elect Board of Directors for the Comal Appraisal District for the years 2022-2023.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Valdez, to approve Consent Agenda items a)-d). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

8. Staff Reports

a) City Administrator Monthly Activity Report.

City Administrator Nancy Cain provided City Council with an update regarding the American Rescue Plan, emergency preparedness, and First Friday.

b) Finance/HR Monthly Activity Report.

Finance/HR Director Karen Ford provided City Council with an update regarding personnel and the annual audit.

c) City Secretary Monthly Activity Report.

City Secretary Marisa Spencer reviewed the monthly activity report and recognized Assistant City Secretary/Communications Specialist Kat Balbi for receiving a scholarship from the Texas Municipal Clerks Association.

d) Police Department Monthly Activity Report.

Chief Eberhardt reviewed the monthly activity report and spoke regarding continuity of operations related to the Police Department.

e) Public Works Department Monthly Activity Report.

Public Works Director Steven Steinmetz reviewed the monthly activity report and spoke regarding continuity of operations related to the Public Works Department.

f) Library Monthly Activity Report.

Librarian Linda Crosland reviewed the monthly activity report and spoke regarding continuity of operations related to the Library.

9. City Engineer Projects Status Reports

City Engineer Sam Johnson reviewed the Trihydro Engineering Report and spoke regarding the FM 2252 TxDOT Project, FM 2252 Wastewater Project, and Land Development Projects.

10. City Commission and Committee Reports/Recommendations/Possible Actions

a) Planning and Zoning Commission:

- 1. Receive recommendation to waive termination for Commissioner Porter due to three (3) consecutive absences as stated in Ordinance No. 210-022018, Section V. Termination.**

Chair Diaz stated the Commission recommends waiving termination for Commissioner Porter due to his three (3) consecutive absences as stated in Ordinance No. 210-022018; however, Commissioner Porter submitted his resignation to City Staff after the Commission meeting.

1.1. Accept the resignation of Art Porter from the Planning and Zoning Commission.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember Bower, to accept the resignation of Art Porter from the Planning and Zoning Commission. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- 2. Receive recommendation regarding Preliminary Plat for Pensionmark Office Center located approximately 440 feet southwest of the intersection of Nacogdoches Road (FM 2252) and Nacogdoches Loop (Old Nacogdoches Road).**

Chair Diaz stated the Commission recommends approval of the Preliminary Plat for Pensionmark Office Center.

2.1. Take action on recommendation.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember Bower, to approve the Planning and Zoning Commission's recommendation and approve the Preliminary Plat for Pensionmark Office Center located approximately 440 feet southwest of the intersection of Nacogdoches Road (FM 2252) and Nacogdoches Loop (Old Nacogdoches Road). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- 3. Receive monthly activity update as applicable.**

Chair Diaz provided City Council with an update on topics discussed at the Commission's meeting.

b) Quarry Commission:

Mayor Erickson stated the Commission did not meet in October and there is nothing to report at this time.

c) Water Commission:

- 1. Receive recommendation regarding request for water leak adjustment for 21926 Park View Drive for the billing period of March 23, 2021 – April 23, 2021.**

Chair Mueller stated further internal review of this request determined that additional information is needed; therefore, the request is being sent back to the Water Commission.

1.1. Take action on recommendation.

No action taken.

- 2. Receive recommendation regarding Water Rate Structure.**

Vice-Chair Harshbarger reviewed a presentation regarding the Water Rate Structure and addressed questions from Councilmembers. Vice-Chair Harshbarger stated the Commission recommends the Water Rate Structure be increased to rates classified as rate option "Case C", a \$2.50 increase to the base rate and a restructuring of the tiers by dropping each tier by 5,000 gallons, with tier 1 being 1 – 10,000.

Mayor Erickson spoke regarding tabling action on the Water Rate Structure to allow for an additional month to receive input from citizens. He encouraged citizens to contact him or any Councilmember with their input and encouraged Councilmembers to also solicit input from citizens.

2.1. Take action on recommendation.

The City Council agreed by consensus to table action on the Water Rate Structure until next month.

3. Receive monthly activity update as applicable.

Chair Mueller provided City Council with an update on topics discussed at the Commission's meeting.

d) Wildlife Management Advisory Commission:

Chair Krawczynski provided City Council with an update on topics discussed at the Commission's meeting.

e) Parks Committee:

Rod Chamberlain, Parks Committee, provided City Council with an update on the Parks Committee's projects.

f) *Volunteer Garden Ridge!*

City Administrator Nancy Cain stated *Volunteer Garden Ridge!* reported 245 hours for the month of October.

11. Approvals and Authorizations

The following items are for discussion, consideration, and action.

a) Resolution No. 486-112021 A Resolution of the City Council of the City of Garden Ridge, Texas, authorizing hiring of bond counsel on a contingency fee basis.

City Administrator Nancy Cain spoke regarding the hiring of bond counsel on a contingency fee basis for the State Infrastructure Bank Loan and addressed questions from Councilmembers.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Arvidson, to approve Resolution No. 486-112021 A Resolution of the City Council of the City of Garden Ridge, Texas, authorizing hiring of bond counsel on a contingency fee basis. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Ordinance No. 210-112021 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.

Mayor Erickson spoke regarding the board and commission policies and procedures adopted in Ordinance No. 210-022018, stating that some of those policies created unintended consequences. City Secretary Marisa Spencer reviewed the proposed revisions to Ordinance No. 210 and addressed questions from Councilmembers.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Arvidson, to approve Ordinance No. 210-112021 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

12. Updates

a) City Council Projects.

1. City of Garden Ridge 50th Anniversary (Erickson and Bower).

Mayor Erickson and Councilmember Bower provided updates regarding the City of Garden Ridge 50th Anniversary.

13. Discussion of Future Agenda Items

None at this time.

14. Citizen Comment Period

Dr. Jim Miller, 9910 Marie Meadow, spoke regarding Ordinance No. 210, water rates, and deer management.

15. 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:

Alamo Area Metropolitan Planning Organization, Boy Scouts and/or Girl Scouts, City of Garden Ridge sponsored events and outreach efforts, Comal ISD (Garden Ridge Elementary/Danville Middle School/Davenport High School), Counties (Bexar/Comal/Guadalupe), Families of Garden Ridge, Garden Ridge Lions Club, Garden Ridge Citizen Police Academy Alumni Association/Citizen Patrol, Garden Ridge Women's Club, Greater Bexar County Council of Cities, Northeast Partnership.

Councilmember Arvidson spoke regarding Eagle Scouts and the Lion's 2021 Food Fest and Auction. Councilmember Valdez thanked City Staff for their assistance during the Garden Ridge Citizens Police Academy Alumni Association's Annual Open Car Show. Mayor Erickson spoke regarding Families of Garden Ridge Adopt-A-Highway Program, Northeast Partnership, and the County/City Officials Luncheon.

16. Executive Session

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

a) Pursuant to Texas Government Code Section 551.071(1) and 551.071(2) – Consultation with Attorney and 551.072 – Deliberations About Real Property.

- 1. To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person and legal advice on same: wastewater utility easement acquisition and property acquisition for city building project and related matters.**
- 2. 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 clearly conflicts with Texas Government Code Chapter 551 regarding possible computer/data breach (Mayor's Access & PC) and related investigation.**

Mayor Erickson announced the City Council will recess at 8:10 p.m. and reconvene into Executive Session at 8:20 p.m., to discuss and seek legal advice on the items stated above.

Mayor Erickson adjourned the Executive Session and reconvened back into Regular Session at 9:29 p.m.

17. Business Items

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.

No action taken.

18. Adjournment

Motion: A motion was made by Councilmember Bower, seconded by Mayor Pro-Tem Swint, to adjourn. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, November 3, 2021, City Council regular meeting was adjourned at 9:30 p.m. by Mayor Erickson.

ATTEST


Marisa Spencer
City Secretary



Robb Erickson
Mayor