



City of Garden Ridge

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

AGENDA WATER COMMISSION REGULAR MEETING WEDNESDAY, FEBRUARY 16, 2022, 6:00 PM

The Water Commission will meet in a regular session on Wednesday, February 16, 2022 at 6:00 PM 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 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 to the City Secretary 48 hours prior to this meeting.

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Citizen Comment Period - limited to 30 minutes total**

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. The Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you must follow these guidelines:

- a) Respect and courtesy:
 - 1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
 - 2. Show the Commission the same respect that you would like to be shown.
 - 3. End your speaking at the time allotted below.
- b) Speaking:
 - 1. First citizen comment period
 - 1.1. You are required to sign up to speak and you are limited to one 3-minute period.
 - 2. Second citizen comment period
 - 2.1. You are not required to sign up and you are limited to one 2-minute period.
 - 3. State your name and address before your comments begin.
 - 4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

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 City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

5. **Business Items**

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

- a. Approvals
 - 1. Approval of Minutes for January 18, 2022, Water Commission Regular Meeting.

- b. Discussions/Reports/Updates
 - 1. Utility Department Monthly Activity Report.
 - i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).
 - 2. Items applicable to the Water Commission discussed at the February City Council Regular Meeting.
- c. Recommendations
 - 1. Request for water leak adjustment for 9427 Gloxinia Dr. for the billing period of August 23, 2021 – September 23, 2021 and September 23, 2021 - October 22, 2021.
 - i. Review and make recommendation regarding the request.
 - 2. Discuss and make possible recommendations on the amount of Transferable Water Rights for proposed Pensionmark Office Center development.
 - 3. Transferable Water Rights.
 - i. Discuss and make possible recommendations to amend Ordinance No. 7.
 - ii. Discuss and make possible recommendations on discounting or offsetting water rates for future developers who transfer water rights to the City of Garden Ridge.
 - 4. Discuss and make possible recommendations on the Leak Adjustment Process.
 - 5. Discuss and make possible recommendations on the Review/Development Process for Water Rates.
 - 6. Water Commission activities and projects.
 - i. Update Commissioner's activities and projects list and receive update from Commissioners.
 - ii. Discuss and make possible recommendations on future meetings or direction regarding Water Commission activities and projects.
- d. Future Agenda Items
 - 1. Commissioners input on agenda items.
 - 2. Announce the date, time, and location for next meeting (March 15, 2022 at 6:00 p.m. at City Hall).

6. Citizen Comment Period

7. 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 Commission Authorized: The Commission may vote or act upon any item within this Agenda.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of the City Council, 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 City Council, 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.

This is to certify that I, Michelle Hinojosa, posted this Agenda at 8:45 a.m. on February 9, 2022, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Michelle Hinojosa
Utility Clerk





City of Garden Ridge

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

MINUTES WATER COMMISSION REGULAR MEETING TUESDAY, JANUARY 18, 2022, 6:00 P.M.

Commissioners Present:

Chair James Mueller
Vice-Chair Keven Harshbarger
Commissioner Joseph Haltaman
Commissioner Dr. Richard Carmichael
Commissioner Don Stone
Mayor Robb Erickson, Ex-Officio

Commissioners Absent:

Commissioner Brenda Reynolds

City Staff, City Councilmembers, and Other Commissioners Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Michelle Hinojosa, Utility Clerk
Steven Steinmetz, Public Works Director

1. Call to Order

With a quorum of the Water Commissioners present, Chair Mueller called the regular meeting of the Garden Ridge Water Commission to order at 6:00 p.m. on Tuesday, January 18, 2022, 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: Chair Mueller led the Pledge of Allegiance.

4. Citizen Comment Period:

Tony Overman spoke regarding Transferable Water Rights for future development within the City of Garden Ridge.

5. Business Items

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

a) Approvals

1. Minutes for November 16, 2021, Water Commission Regular Meeting.

Motion: A motion was made by Commissioner Dr. Carmichael, seconded by Commissioner Stone, to approve the minutes for the November 16, 2021, Water Commission Regular Meeting. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Discussions/Reports/Updates

1. Utility Department Monthly Activity Report.

i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).

Steven Steinmetz, Public Works Director, reviewed the monthly activity report and answered questions from the Commission.

2. Items applicable to the Water Commission discussed at the December and January City Council Meeting.

Chair Mueller updated the Commission on the items applicable to the Commission discussed at the December and January City Council Meeting.

c) Recommendations

1. Discuss and make possible recommendations on the amount of Transferable Water Rights for proposed Pensionmark Office Center development.

Nancy Cain, City Administrator, discussed the amount of Transferable Water Rights for proposed Pensionmark Office Center development.

Motion: A motion was made by Vice-Chair Harshbarger, seconded by Commissioner Stone, to recommend to City Council to approve the transfer at minimum 8.23 acre feet of Edwards water rights for Phase I prior to filing of the final plat for the project and at minimum 12.66 acre feet of Edwards water rights to the City of Garden Ridge prior to the issuance of building permits related to Phase 2 of the Pensionmark Office Center development. The Commission voted three (3) for and one (1) opposed (Commissioner Dr. Carmichael). The motion passed by a vote of three (3) to one (1).

2. Water Commission activities and projects.

i. Update of Commissioner's activities and projects list and receive update from Commissioners.

The Commissioners had none at this time.

ii. Discuss and make possible recommendations on future meetings or direction regarding Water Commission activities and projects.

The Commissioners updated their projects.

d) Future Agenda Items

1. Commissioners input on agenda items.

Commissioner Dr. Carmichael requested to review the Transferable Water Rights in Ordinance No. 7 and potential to offset water rates for future developers. Vice-Chair Harshbarger requested to review the Water Rate Review and Implementation or Development Process and the Leak Adjustment Procedures with the new water rates.

2. Reschedule Tuesday, February 15, 2022, Regular Meeting.

Motion: A motion was made by Commissioner Haltaman, seconded by Commissioner Stone, to reschedule the next Regular Meeting to Wednesday, February 16, 2022. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously.

3. Announce the date, time, and location for next meeting.

Chair Mueller announced the next Water Commission Regular Meeting will be held on Wednesday, February 16, 2022, at 6:00 p.m. at City Hall in the City Council Chambers.

6. Citizen Comment Period: None wished to speak.

7. Adjournment

Motion: A motion was made by Commissioner Dr. Carmichael, seconded by Commissioner Haltaman, to adjourn. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously. There being no further business, the Tuesday, January 18, 2022, Water Commission Regular Meeting was adjourned at 7:14 p.m. by Chair Mueller.

ATTEST:

James Mueller
Chair

Michelle Hinojosa
Utility Clerk



City of Garden Ridge

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January 27, 2022

To: Chair Mueller and Water Commission
From: City Administrator Cain

Re: Pensionmark Office Center - Transferable Water Rights Revised

On January 27, 2022, the Pensionmark Office Center project withdrew their request for transferrable water rights prior to the City Council's consideration of the Water Commissions' recommendation on the matter. The Engineer for the project has revised meter sizes for the project and submitted revised calculations for water usage based on the revised meter sizes and the LUE's associated with meter sizes. The revised calculation is attached for consideration on the amount of transferable water rights that will need to be transferred to the City of Garden Ridge for the project.

The project continues to be an office and retail development which will be phased. The Master Development Plan and Final Plat for the project have been approved by City Council. The Application for Water and Wastewater Utility Service is attached and contains a calculation for water use for Phase 1 and Phase 2 of the project development. Due to the revised meter sizes the calculation for Phase 1 is 4.75-acre feet and Phase 2 is 6.33-acre feet of water. At completion of both phases the amount of transferable water rights totals 11.08-acre feet. The water rights calculation is for both internal and external water usage.

Garden Ridge Ordinance 7 requires that the developer provide the City with transferable water rights to support their development and ensure an adequate supply of water is maintained for existing customers. The transferable water rights will need to be Edwards water rights. It is recommended that the Pensionmark Office Center transfers to the City of Garden Ridge at minimum of 4.75-acre feet of Edwards water rights for Phase 1 prior to filing of the final plat for the project and at minimum 6.33-acre feet of Edwards water rights to the City of Garden Ridge prior to the issuance of building permits related to Phase 2 of the project.

Respectfully,

Nancy Cain
City Administrator

City Administrator

From: Kevin Ethridge <[REDACTED]>
Sent: Thursday, January 27, 2022 10:34 AM
To: City Administrator
Cc: Shawn Willis; Stephen S. Lin
Subject: [EXTERNAL] Water Commission Pensionmark
Attachments: Water Rights Calculation.pdf

Nancy,

As per our phone call yesterday, I would like to withdraw the current submission for transferable water rights to the city council and submit our revised calculations (see attached) to the water commission for the February 16th meeting.

Thank you,

Kevin Ethridge | *Project Engineer*



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Phase 1				
	Meter Size	Number of Meters	LUEs per Meter	Total LUEs
Domestic	1.5"	1	5	5
Irrigation	1"	1	2.5	2.5

1 LUE = 565 Gallons per Day

1 ac/ft = 325,851 Gallons

1 LUE = 0.633 ac/ft

Total	7.5	LUEs
	4.75	ac/ft

Phase 2				
	Meter Size	Number of Meters	LUEs per Meter	Total LUEs
Domestic	1"	3	2.5	7.5
Irrigation	1"	1	2.5	2.5

1 LUE = 565 Gallons per Day

1 ac/ft = 325,851 Gallons

1 LUE = 0.633 ac/ft

Total	10	LUEs
	6.33	ac/ft

ORDINANCE NO. 7-062017

AN ORDINANCE AMENDING ORDINANCE 7-042006, 7-092008 and 7-012014 AMENDMENT #4 AND ALL AMENDMENTS THEREAFTER ADOPTED, RELATED TO THE RULES AND REGULATIONS GOVERNING PLATS, PLANS AND SUBDIVISIONS OF LAND WITHIN THE INCORPORATED AREA AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF GARDEN RIDGE, TEXAS; ESTABLISHING A REQUIREMENT TO PROVIDE TRANSFERABLE WATER RIGHTS OR OTHER WATER RESOURCE ACCEPTABLE TO THE CITY AS AN ALTERNATE WATER SOURCE TO ADD T TO THE WATER SYSTEM INFRASTRUCTURE, TO ALLOW AMPLE WATER SUPPLY TO THE SUBDIVISION, APPLICABLE TO ALL SUBDIVISIONS OF LAND AS PROVIDED; INCORPORATING SIGN REGULATIONS HEREIN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code, as heretofore or hereafter amended, the owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared and have the plat approved by the City;

WHEREAS, pursuant to the Ordinances of the City of Garden Ridge, which require the provision of an adequate water supply when subdividing land, including Ordinance 7-042006, 7-092008 and any amendment thereto; and pursuant to the requirements contained in Chapter 212 of the Texas Local Government Code requiring that a plat conform with the municipality's access to and extension of water mains and the instrumentalities of public utilities, a plat proposed for final approval is not considered to conform with these requirements and the application for plat approval is not considered complete for purposes of consideration by the City Council for approval unless the subdivision is also shown to comply with this Ordinance and any other Ordinance and/or Rule promulgated by the City under its authority provided by §212.002 of the Texas Local Government Code.

WHEREAS, Ordinance No. 7-042006, 07-092008 and all amendments thereafter adopted, prescribing the rules and regulations governing plats and subdivisions of land, must be amended to adequately promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City of Garden Ridge, Texas; and,

WHEREAS, the City of Garden Ridge, Texas, held a public hearing on the subject matter of this ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT ORDINANCE 7-042006 and 7-092008 AND ALL AMENDMENTS THEREAFTER ADOPTED, IS HEREBY FURTHER AMENDED TO READ AS FOLLOWS:

DEFINITIONS APPLICABLE TO THIS AMENDMENT:

Alley: A minor public right-of-way not intended to provide the primary means of access to abutting **lots**, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a **street**.

Lot: An undivided tract or parcel of land having frontage on a public **street** or an approved open space having direct **street** access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract number, lot number, or other symbol in a duly approved **subdivision plat** which has been properly filed of record.

Private Street: A **street** that is not a public thoroughfare.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a **subdivision** as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the City of Garden Ridge, in two or more parts to lay out a subdivision of the tract, including an addition to the municipality, to lay out suburban, building, or other **lots**, or to lay out **streets**, **alleys**, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of **lots** fronting on or adjacent to the **streets**, **alleys**, squares, parks, or other parts. "Subdivision" includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. "Subdivision" includes **resubdivision**, but it does not include a division of land for agricultural purposes into parts greater than five acres where each part has **street** access and no public improvement is being dedicated.

Street: A public right-of-way, however designated, other than an **alley**, which carries vehicular traffic or provides vehicular access to adjacent land. All streets are classified by other definitions in this section.

Resubdivision: The division of an existing **subdivision**, together with any change of **lot** size therein, or with the relocation of any **street** lines.

TRANSFERABLE WATER RIGHTS - REQUIREMENT:

In addition to any and all other obligations provided by local ordinance, or other law, the **subdivider** of property must provide transferable water rights or accessible water rights or sources for use by the City of Garden Ridge, Texas to ensure ample water supply necessary to support the **subdivision**. Such source must meet or exceed all standards, requirements and specifications applicable to a water source used by an approved public water supply system pursuant to Texas law and regulations.

The City of Garden Ridge, based on use and intensity of water consumption reasonably anticipated through the examination of the subdivision and land use project as presented in the

master planning process, annexation process or request for extension of service within the extraterritorial jurisdiction of the City, shall define the ample water supply necessary for the proposed subdivision or land use project. The amount of accessible or transferable water rights necessary to ensure ample water supply for the City, considering and including the additional water demands placed on the system by the subdivision or land use project shall be determined by the City of Garden Ridge at the time of master plan or land use project approval or upon obtaining service through a voluntary annexation agreement, or upon obtaining service within the extraterritorial jurisdiction of the City, which is within the City's existing or proposed extension of the Certificated of Convenience and Necessity (CCN) establishing the water service area.

All subdividers or property owners requesting water service from the City of Garden Ridge for new residential development or commercial development, to include annexation of property into the city limits or extension of the city's existing CCN must submit a master plan for the property before the City Water Commission prior to submission of such plan is complete for consideration by the Planning and Zoning Commission. The City Water Commission shall determine the use and intensity of water consumption reasonably anticipated through the examination of the land use project presented. After such determination has been made the City Water Commission shall make recommendation to the City Council of the amount of accessible or transferable water rights necessary to ensure ample water supply to the subdivision, land use project, annexation or CCN extension. The City Council shall make the final finding on the City Water Commission recommendation prior to submission of the master plan, land use project or annexation request to the Planning and Zoning Commission. Any extension of CCN that does not involve subdivision, platting or annexation of property or the extension of any city infrastructure or services other than water may not require Planning and Zoning consideration therefore the finding by the City Council shall be final.

SUBDIVISION SIGN – REQUIREMENTS

Subdivision Signs (advertising lots for sale): Two (2) ground signs, not exceeding twenty-four (24) feet (each) in perimeter and ten (10) feet in height may be erected to announce a legally approved subdivision or land development and must be removed when eighty percent (80%) of the lots or parcels are sold. While subdivision-signs may have indirect lighting, flashing lights, or moving parts are not permitted. A parcel of land must be at least ten (10) acres in size or have at least ten (10) separately platted lots in order to qualify as a subdivision for the purposes of sign regulations.

SEVERABILITY CLAUSE:

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

EFFECTIVE DATE:

This Ordinance shall take effect immediately upon passage and the publication of its caption, as required by state law.

PUBLICATION:

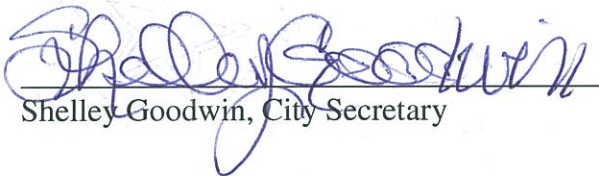
The caption of this ordinance shall be published as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, this, the 7th day of June, 2017.

A handwritten signature in black ink, appearing to read 'Larry Thompson', written over a horizontal line.

Larry Thompson, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Shelley Goodwin', written over a horizontal line.

Shelley Goodwin, City Secretary

Published in the New Braunfels Herald on Sunday, June 11, 2017.

Future Agenda Items

Water Commission

March 15, 2022 Regular Meeting

14 days before Meetings	(03/01/2022)	Water Commission and Staff items are due.
11 days before Meetings	(03/04/2022)	Water Commission Chair reviews agenda. City Attorney is sent agenda.
7 days before Meetings	(03/08/2022)	Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/ request additional information be added)
5 days before Meetings	(03/10/2022)	Post agenda packet to City Website.
4 days before Meetings	(03/11/2022)	(72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 Quarry Commission = Purple
 Wildlife Management Advisory Commission = Brown
 Municipal Court = Gray

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 19, 2022 Regular Meeting

14 days before Meetings	(04/05/2022)	Water Commission and Staff items are due.
11 days before Meetings	(04/08/2022)	Water Commission Chair reviews agenda. City Attorney is sent agenda.
7 days before Meetings	(04/12/2022)	Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/ request additional information be added)
5 days before Meetings	(04/14/2022)	Post agenda packet to City Website.
4 days before Meetings	(04/15/2022)	(72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 Wildlife Management Advisory Commission = Brown
 Municipal Court = Gray
 City Holiday = Orange

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

PENDING FUTURE AGENDA ITEMS