



City of Garden Ridge

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

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, FEBRUARY 2, 2022, 6:00 P.M.

Councilmembers Present:

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

Councilmembers Absent:

None

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
Jim Mueller, Chair, Water 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, February 2, 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: Mayor Erickson led the Pledge of Allegiance and the Texas Pledge.

4. Proclamations

a) Teen Dating Violence Awareness Month

Mayor Erickson presented a Proclamation to the Crisis Center of Comal County declaring the month of February as Teen Dating Violence Awareness Month.

5. City/Employee Recognitions/Employee Introductions

a) Thank you note from The Baruckys to the City of Garden Ridge.

City Administrator Nancy Cain stated a thank you note was received from The Baruckys to the City of Garden Ridge for providing great water.

b) Thank you note from Mr. Park to Public Facilities Representative Ryan Fergason.

City Administrator Nancy Cain stated a thank you note was received from Mr. Park to Public Facilities Representative Ryan Fergason for his professionalism and careful assistance in removing a skunk from his pool.

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

City Administrator Nancy Cain recognized employees with February anniversary dates for their hard work, dedication, and tenure with the City. This recognition included: Officer Holly McKay-6 years of service.

d) Small Town America Civic Volunteer Award.

Mayor Erickson spoke regarding the Small Town America Civic Volunteer Award. He stated City Staff submitted a nomination detailing the work of the City of Garden Ridge Library Volunteers and announced they were chosen as a Top 100 National Award Winner for Outstanding Civic Volunteerism. Mayor Erickson presented the Certificate of National Recognition to the City of Garden Ridge Library and thanked Librarian Linda Crosland for her exceptional leadership.

Librarian Linda Crosland spoke regarding the City of Garden Ridge Library Volunteers and thanked them for their continued hard work and dedication to serving the City.

6. Citizen Comment Period: No one signed up to speak.

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 January 5, 2022, City Council Regular Meeting.

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – December 31, 2021.

c) 2021 Garden Ridge Police Department Racial Profiling Report.

d) Destruction of City records in accordance with the City of Garden Ridge Records Retention Plan.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember McCaw, to approve Consent Agenda items a)-d). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. Approvals and Authorizations

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

a) Fiscal Year 2021 Audit Report (period ending September 30, 2021).

Debbie Fraser reviewed the Fiscal Year 2021 Audit Report and addressed questions from Councilmembers. The City Council thanked Finance/HR Director Karen Ford for her detailed efforts regarding the audit.

Motion: A motion was made by Councilmember McCaw, seconded by Mayor Pro-Tem Swint, to approve the Fiscal Year 2021 Audit Report (period ending September 30, 2021). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

b) Ordinance No. 231-022022 An Ordinance of the City Council of the City of Garden Ridge, Texas, to order a General Election on May 7, 2022, for the purpose of electing City Councilmember Place One, City Councilmember Place Four, and City Councilmember Place Five; making provisions for the conduct of such election; and resolving other matters related to the conduct of such election.

City Secretary Marisa Spencer reviewed Ordinance No. 231 and addressed questions from Councilmembers.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Valdez, to approve Ordinance No. 231-022022 An Ordinance of the City Council of the City of Garden Ridge, Texas, to order a General Election on May 7, 2022, for the purpose of electing City Councilmember Place One, City Councilmember Place Four, and City Councilmember Place Five; making provisions for the conduct of such election; and resolving other matters related to the conduct of such election. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. Staff Reports

a) City Administrator Monthly Activity Report.

City Administrator Nancy Cain spoke regarding new water rates going into effect and provided City Council with an update regarding winter weather preparations.

Mayor Erickson spoke regarding First Friday and the City Council agreed by consensus to cancel February First Friday due to the forecasted weather conditions.

b) Finance/HR Monthly Activity Report.

Finance/HR Director Karen Ford provided City Council with an update regarding conducting interviews for the Finance/HR Director position.

c) City Secretary Monthly Activity Report.

City Secretary Marisa Spencer reviewed the monthly activity report and spoke regarding continuity of operations related to the Administrative Department.

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.

10. City Engineer Projects Status Reports

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

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

a) Planning and Zoning Commission:

- 1. Receive recommendation regarding petition by Brenda L. Elliott for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.3.4. to allow the parking of a Recreational Vehicle (RV) in a portion of a driveway within the exterior side yard of the property at 9404 Azalea Gate, further known as Lot 4, Block 2, Garden Ridge Estates, Garden Ridge, Texas. Parking of an RV is only allowed in rear or interior side yards.**

Chair Diaz spoke regarding the petition and stated the Commission recommends denial of the petition by Brenda Elliott for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.3.4. to allow the parking of a Recreational Vehicle in a portion of a driveway within the exterior side yard of the property at 9404 Azalea Gate.

1.1. Hold a public hearing.

Mayor Erickson opened the public hearing at 6:56 p.m.

Two (2) citizens spoke regarding the petition and City Secretary Marisa Spencer read four (4) written comments submitted.

Mayor Erickson closed the public hearing at 7:05 p.m.

1.2. Discuss and take action on recommendation.

Motion: A motion was made by Councilmember McCaw, seconded by Mayor Pro-Tem Swint, to approve the Planning and Zoning Commission's recommendation and deny the petition by Brenda L. Elliott for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.3.4. to allow the parking of a Recreational Vehicle (RV) in a portion of a driveway within the exterior side yard of the property at 9404 Azalea Gate, further known as Lot 4, Block 2, Garden Ridge Estates, Garden Ridge, Texas. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

2. Receive recommendation regarding Final 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 spoke regarding the Final Plat for Pensionmark Office Center and stated the Commission recommends approval of the Final Plat for Pensionmark Office Center.

2.1. Discuss and take action on recommendation.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Valdez, to approve the Planning and Zoning Commission's recommendation and approve the Final 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 five (5) for and none (0) opposed. The motion carried unanimously.

3. Receive recommendation regarding the resignation of Jesse Deaver.

Chair Diaz stated the Commission recommends approval of the resignation of Jesse Deaver from the Planning and Zoning Commission.

3.1. Discuss and take action on recommendation.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Arvidson, to approve the Planning and Zoning Commission's recommendation and approve the resignation of Jesse Deaver from the Planning and Zoning Commission. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

4. 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 that a Commission representative is not in attendance this month to provide any updates.

c) Water Commission:

1. Receive recommendation regarding the amount of Transferable Water Rights for proposed Pensionmark Office Center development.

Chair Mueller stated the Commission recommends that Pensionmark Office Center transfer at minimum 8.23 acre feet of Edwards water rights to the City of Garden Ridge for Phase 1 prior to filing of the final plat for the project and transfer 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 project.

1.1. Discuss and take action on recommendation.

City Administrator Nancy Cain stated Pensionmark Office Center has withdrawn their application in order to reevaluate meter sizes; therefore, City Council action is not needed at this time.

2. 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:

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

e) Parks Committee:

City Administrator Nancy Cain 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 203 hours for the month of January.

12. Updates

a) City Council Projects.

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

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

2. Bulk Dumpsters/Brush along FM 3009 (Valdez).

Councilmember Valdez spoke regarding brush scattered along FM 3009 during bulk dumpster weekends.

13. Discussion of Future Agenda Items: None at this time.

14. Citizen Comment Period: No one wished to speak.

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 Valdez spoke regarding the GRCPAAA Annual Car Show funds being donated to the 100 Club of Comal County. Councilmember Arvidson spoke regarding Russ Sanders' volunteer service to the City and expressed condolences to his loved ones. Mayor Erickson spoke regarding Families of Garden Ridge Adopt-A-Highway Program, County/City Officials Luncheon, and Northeast Partnership.

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 7:33 p.m. and reconvene into Executive Session at 7:50 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 9:03 p.m.

17. Business Items

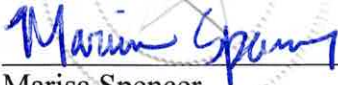
The City Council will reconvene into Regular Session upon conclusion of the Executive Session and may recall any item posted for Executive Session for action, as necessary.

Motion: A motion was made by Councilmember Arvidson, seconded by Councilmember Valdez, to move that the Mayor and City Council task the City Staff and our City Attorney with drafting an ordinance defining the ethical and professional behavior and conduct of our elected officials to include mandating the smooth transition of power from one elected official to another after an election or an appointment to the position. Additionally, the ordinance will mandate a professional update briefing from the outgoing to the incoming elected official with briefing to include the status of the City of Garden Ridge, ongoing issues and topics of interest within the City, and the handover of public records, both physical and electronic, to the incoming elected official. Furthermore, in the event that a smooth transition of power does not occur, the Mayor and City Council will have the authority to censure, issue a Letter of Admonishment, and fine the elected official responsible for violating the ordinance due to their unethical and unprofessional behavior while still in office. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

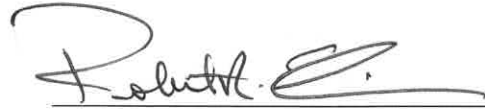
18. Adjournment

Motion: A motion was made by Councilmember Bower, seconded by Mayor Pro-Tem Swint, to adjourn. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, February 2, 2022, City Council regular meeting was adjourned at 9:05 p.m. by Mayor Erickson.

ATTEST



Marisa Spencer
City Secretary



Robb Erickson
Mayor