



City of Garden Ridge

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

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, MARCH 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
Charles Zech, City Attorney
Cynthia Trevino, City Attorney

City Commissioners Present:

Karen Diaz, Chair, Planning and Zoning Commission
Roy Leatherberry, Planning and Zoning Commissioner
Dr. Jim Miller, Planning and Zoning Commissioner
Michael Crow, Planning and Zoning Commissioner
Keven Harshbarger, Vice-Chair, Water Commission
Jerry Barucky, Chair, Quarry Commission
Armando Diaz, Quarry 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 6:03 p.m. on Wednesday, March 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. City/Employee Recognitions/Employee Introductions

a) Introduction of Officer Wang.

Chief Eberhardt introduced Officer Wang and spoke regarding his background and experience. Mayor Erickson and City Council welcomed Officer Wang to the City of Garden Ridge.

b) Thank you note from Bourke and Merlyn Corcoran to the City of Garden Ridge Library.

City Administrator Nancy Cain stated a thank you note was received from Bourke and Merlyn Corcoran to the City of Garden Ridge Library for managing and maintaining a welcoming atmosphere with many activities.

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

City Administrator Nancy Cain recognized employees with March anniversary dates for their hard work, dedication, and tenure with the City. This recognition included: Robert Mann-1 year of service, Ofc. Matt McKenzie-2 years of service, Sgt. Joe Thoenke-5 years of service, Karen Ford-7 years of service, Sgt. Steve Dennis-7 years of service, and Eric Lowman-15 years of service.

5. TxDOT Update/Discussion-Area Engineer Will Lockett

Mayor Erickson introduced TxDOT Area Engineer Will Lockett. Mr. Lockett provided City Council with an update regarding the intersection of FM 2252 and FM 3009 and addressed questions from Councilmembers.

Mayor Erickson and City Council thanked Mr. Lockett for his tenacity in addressing the City's concerns.

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 February 2, 2022, City Council Regular Meeting.

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – January 31, 2022.

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

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Valdez, to approve Consent Agenda items a)-c). The City Council voted five (5) 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 Finance/HR Director Karen Ford's retirement and spoke regarding First Friday.

b) Finance/HR Monthly Activity Report.

Finance/HR Director Karen Ford provided City Council with an update regarding open positions and hosting a Multi-City Local Government Job Fair at City Hall.

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.

9. 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.

Mayor Erickson announced the City Council will recess the open meeting and reconvene into a closed session consultation with the City Attorney at 6:40 p.m. Mayor Erickson reconvened the open meeting at 7:05 p.m.

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

a) Planning and Zoning Commission:

- 1. Receive recommendation regarding petition by Michael Domgard for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.2.5.2. to allow a fifty-four (54) percent impervious cover limit on property located at 9620 Trophy Oaks Dr. for the construction of a pool with outdoor kitchen, pool house, and garage/shop. The 0.8180 acre property is further known as Lot 38, Block 2, Trophy Oaks Subdivision, Garden Ridge, Texas. Impervious cover limit in Single Family Dwelling (R) District is thirty-five (35) percent of the lot area.**

Mayor Erickson stated the City Council acting in the official capacity as the Zoning Board of Adjustment will conduct a public hearing on the petition by Michael Domgard as stated on the agenda.

Rob Killen, Killen Griffin & Farrimond Attorneys at Law, presented the petition on behalf of Michael Domgard.

1.1. Hold a public hearing.

Mayor Erickson opened the public hearing at 7:17 p.m.

One (1) citizen spoke regarding the petition and City Secretary Marisa Spencer read one (1) written comment submitted.

Mayor Erickson closed the public hearing at 7:22 p.m.

1.2. Discuss and take action on recommendation.

The City Council discussed the petition and the hardships presented by the petitioner. The City Council discussed postponing the hearing and consideration of the petition until additional information is presented by the petitioner to assist the Zoning Board of Adjustment with the consideration for an adequate variance based on the specific facts and any potential hardships.

Motion: A motion was made by Councilmember Bower to request that the petitioner provide additional information related to the petition to include but not limited to a revised plan with precise numbers and a drainage study. There was no second; therefore, the motion died.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Arvidson, to postpone this hearing and consideration of the petition until additional information is presented to the City Council acting as the Zoning Board of Adjustment. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- 2. Receive recommendation regarding the appointment of Michael Crow to the Planning and Zoning Commission Place 5 with term expiring September 30, 2023.**

Chair Diaz stated the Commission recommends the appointment of Michael Crow to the Planning and Zoning Commission Place 5 Vacancy with term expiring September 30, 2023.

2.1. Discuss and take action on recommendation.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember McCaw, to approve the Planning and Zoning Commission's recommendation and appoint Michael Crow to the Planning and Zoning Commission Place 5 with term expiring September 30, 2023. The City Council voted five (5) 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:

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

c) Water Commission:

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

Vice-Chair Harshbarger spoke regarding the Application for Water and Wastewater Utility Service submitted by Pensionmark Office Center and stated the Commission recommends that City Council require Pensionmark Office Center to transfer a minimum of 4.75-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 a minimum of 6.33-acre feet of Edwards water rights to the City of Garden Ridge for Phase 2 prior to the issuance of building permits related to Phase 2 of the project.

1.1. Discuss and take action on recommendation.

Motion: A motion was made by Councilmember McCaw, seconded by Councilmember Valdez, to approve the Water Commission's recommendation and require Pensionmark Office Center to transfer a minimum of 4.75-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 a minimum of 6.33-acre feet of Edwards water rights to the City of Garden Ridge for Phase 2 prior to the issuance of building permits related to Phase 2 of the project. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

2. Receive monthly activity update as applicable.

Vice-Chair Harshbarger 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 February and there is nothing to report at this time.

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 246 hours for the month of February.

11. Approvals and Authorizations

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

a) Texas State-Wide Opioid Settlement Agreements.

City Administrator Nancy Cain spoke regarding the Texas State-Wide Opioid Settlement Agreements.

The City Council agreed by consensus to authorize City Administrator Nancy Cain to sign any releases and related documents pertaining to the Texas State-Wide Opioid Settlement Agreements.

b) Emergency Preparedness and After-Action Update.

Mayor Erickson spoke regarding emergency preparedness and provided City Council with an after-action update related to the recent severe weather event.

c) City of Garden Ridge Logo.

Mayor Erickson spoke regarding DFW Strategic Communications, the logo design process, and presented the logo options. The City Council discussed the logo design options and City Secretary Marisa Spencer addressed questions from Councilmembers.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember McCaw, to approve DFW Strategic Communications Logo Design #2 as the City of Garden Ridge Logo. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

d) City of Garden Ridge 50th Anniversary.

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

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Arvidson, to allocate an additional \$2,500 to the 50th Anniversary Line Item for advanced payments and deposits. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

12. Updates

a) City Council Projects.

1. 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 Arvidson spoke regarding Eagle Scouts. Councilmember Bower spoke regarding the Garden Ridge Women's Club. Mayor Erickson spoke regarding Families of Garden Ridge Adopt-A-Highway Program, County/City Officials Luncheon, Northeast Partnership, and Davenport High School Color Run.

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: property acquisition for city complex/building project and related matters.**
- 2. To receive legal advice regarding proposed revisions to Ordinance No. 210 and any potential liability issues.**
- 3. 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 computer/data breach (Mayor's Access & PC) and related investigation.**

Mayor Erickson announced the City Council will recess at 8:49 p.m. and reconvene into Executive Session at 9:00 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 10:28 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 Councilmember Arvidson, to adjourn. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, March 2, 2022, City Council regular meeting was adjourned at 10:28 p.m. by Mayor Erickson.

ATTEST


Marisa Spencer

City Secretary



Robb Erickson

Mayor