



City of Garden Ridge

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

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, APRIL 6, 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
Dr. Jim Miller, Planning and Zoning Commissioner
Michael Crow, Planning and Zoning Commissioner
Roy Leatherberry, Planning and Zoning Commissioner
Darren Bates, Planning and Zoning Commissioner
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 6:01 p.m. on Wednesday, April 6, 2022, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

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

3. Presentations/Proclamations

a) JBSA Randolph Airshow Update-Maj Richard Smith.

Mayor Erickson introduced Maj Richard Smith, who provided City Council with an update regarding the JBSA Randolph Airshow and addressed questions from Councilmembers.

b) Sexual Assault Awareness Month Proclamation.

Mayor Erickson presented a Proclamation to representatives from the Crisis Center of Comal County declaring April as Sexual Assault Awareness Month.

c) Child Abuse Prevention Awareness Month Proclamation.

Mayor Erickson presented a Proclamation to representatives from Court Appointed Special Advocates (CASA), Children's Advocacy Center of Comal County (CACCC), and St. Jude's Ranch for Children Texas (SJRC) declaring April as Child Abuse Prevention Awareness Month.

d) National Library Week Proclamation.

Mayor Erickson presented a Proclamation to Librarian Linda Crosland declaring April 3-9, 2022, as National Library Week.

4. Citizen Comment Period

Ken Kneupper, 8891 Schoenthal Road, spoke regarding Comal Independent School District.

Marisa Driscoll, 9138 Blazing Star Trail, spoke regarding concerns related to agricultural products and drought conditions.

5. 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 March 2, 2022, City Council Regular Meeting.

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – February 28, 2022.

c) Resolution No. 488-042022 A Resolution of the City Council of the City of Garden Ridge, Texas, suspending the CenterPoint Energy 2022 Annual GRIP Adjustment for the South Texas Division in the City of Garden Ridge for a period of forty-five (45) days from May 2, 2022.

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.

6. Staff Reports

a) City Administrator Monthly Activity Report.

City Administrator Nancy Cain reviewed thank you notes recognizing the Parks Committee and the Police Department, stated *Volunteer Garden Ridge!* reported 240.50 hours for the month of March, and recognized employees with April anniversary dates for their hard work, dedication, and tenure with the City. This recognition included: Shannon Del Toro-8 years of service and Nancy Cain-20 years of service.

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.

7. City Engineer Projects Status Reports

City Administrator Nancy Cain reviewed the Trihydro Engineering Report and spoke regarding the FM 2252 TxDOT Project and Land Development Projects.

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

a) Planning and Zoning Commission:

- 1. Receive recommendation regarding petition by Shawn M. Willis on behalf of Pensionmark – San Antonio, for the issuance of a Special Use Permit for Phase 1, for construction and operation of a one (1) story 11,725 square foot office and retail building, with associated sidewalks, parking spaces, driveways, and detention pond on property zoned Neighborhood Services (B-1), located at 19243 FM 2252, Garden Ridge, Texas, further described as a 4.23 acre tract of land lying in Section 96, Abstract 120, of the George M. Dolson Survey, Comal County, Texas, being all of a remaining portion of a 4.402 acre tract of land described to Vaquero Grande, LLC, a Texas Limited Liability Company, recorded in Document 201906028430 of the Official Public Records of Comal County. The property is further located on the east side of FM 2252 across from Hickory Bend in Garden Ridge, Texas.**

Chair Diaz stated the Commission recommends approval of the petition by Shawn Willis on behalf of Pensionmark – San Antonio for the issuance of a Special Use Permit as stated on the agenda.

1.1. Hold a public hearing.

Mayor Erickson opened the public hearing at 7:03 p.m.

No one wished to speak, and City Secretary Marisa Spencer read one (1) written comment submitted.

Mayor Erickson closed the public hearing at 7:04 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 approve the petition by Shawn M. Willis on behalf of Pensionmark – San Antonio, for the issuance of a Special Use Permit for Phase 1, for construction and operation of a one (1) story 11,725 square foot office and retail building, with associated sidewalks, parking spaces, driveways, and detention pond on property zoned Neighborhood Services (B-1), located at 19243 FM 2252. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- 2. Receive recommendation regarding the appointment of Darren Bates to the Planning and Zoning Commission Place 7 with term expiring September 30, 2022.**

Chair Diaz stated the Commission recommends the appointment of Darren Bates to the Planning and Zoning Commission Place 7 vacancy with term expiring September 30, 2022.

2.1. Discuss and 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 appoint Darren Bates to the Planning and Zoning Commission Place 7 with term expiring September 30, 2022. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- 3. Receive recommendation regarding the Draft Zoning Ordinance.**

Chair Diaz stated the Commission held two (2) public hearings regarding the Draft Zoning Ordinance and recommends approval of the Draft Zoning Ordinance.

Mayor Erickson stated the City Council will conduct a workshop meeting on Wednesday, May 25th at 1:00 p.m. and possibly conduct a public hearing on the Draft Zoning Ordinance at the July 13th City Council regular meeting.

- 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 there is nothing to report at this time.

c) Water Commission:

1. Receive recommendation regarding the amount of Transferable Water Rights for proposed Overman Development.

Chair Mueller spoke regarding the Application for Water and Wastewater Utility Service submitted by Mr. Overman and stated the Commission recommends that City Council require Mr. Overman to transfer a minimum of 18.99-acre feet of Edwards water rights to the City of Garden Ridge for the proposed Overman Development.

1.1. Discuss and take action on recommendation.

Mayor Erickson stated the City Attorney's Office is currently researching information regarding the availability of water rights and recommended this item be tabled in order to make an informed decision.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember McCaw, to table action on the Water Commission's recommendation regarding the amount of Transferable Water Rights for proposed Overman Development until additional information is received from the City Attorney's Office. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

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 March 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.

Mayor Erickson announced the City Council will recess for a quick break at 7:17 p.m. Mayor Erickson announced the City Council will recess the open meeting and reconvene in a closed session consultation with the City Attorney at 7:25 p.m. Mayor Erickson reconvened the open meeting at 8:09 p.m.

9. Approvals and Authorizations

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

a) 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 continue consideration from last month on the petition by Michael Domgard for a variance to Ordinance No. 13.

Rob Killen, Killen Griffin & Farrimond Attorneys at Law, presented a revised plan on behalf of Michael Domgard based on the public hearing and discussions held in March. He stated the revised plan reduces the impervious cover variance request from fifty-four percent (54%) to forty-five percent (45%). Brittany Chenoweth, Fossil Creek Pools, spoke regarding the design process and addressed questions from Councilmembers. Taylor Allen, WGI Engineering, spoke regarding the property located at 9620 Trophy Oaks Drive and presented the impervious cover analysis.

1. Discuss and take action on variance.

The City Council acting in the official capacity as the Zoning Board of Adjustment discussed the revised plan and the findings necessary to grant a variance to the Zoning Ordinance.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Valdez, to deny the petition by Michael Domgard for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.2.5.2. to allow a forty-five percent (45%) 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 City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

b) Petition by Ralph/Beola Bradley for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.7.2.4.2. Side Yards, Interior Lots, to allow an encroachment of an existing shed ten (10) feet into the fifteen (15) foot side yard setback along the southeast property line of their property at 19808 Regency Run further known as Lot 2, Block 1, Regency Oaks Subdivision, Unit 1.

Mayor Erickson stated the City Council acting in the official capacity as the Zoning Board of Adjustment will consider a petition by Ralph and Beola Bradley for a variance to Ordinance No. 13 as stated on the agenda.

Ralph and Beola Bradley presented the petition for a variance to allow an encroachment of an existing shed ten (10) feet into the fifteen (15) foot side yard setback.

1. Hold a public hearing.

Mayor Erickson opened the public hearing at 8:56 p.m.

No one wished to speak, and City Secretary Marisa Spencer stated no written comments were submitted.

Mayor Erickson closed the public hearing at 8:57 p.m.

2. Discuss and take action on variance.

The City Council acting in the official capacity as the Zoning Board of Adjustment discussed the petition and requested the petitioner obtain cost estimates from the builder or another contractor to correct the violation.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Arvidson, to table action on this item until the petitioner obtains at least one (1) cost estimate bid from a contractor to correct the issue. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

c) Resolution No. 439-042022 A Resolution of the City Council of the City of Garden Ridge, Texas, setting the day, time, and place of the regular meeting of the Planning and Zoning Commission.

Mayor Erickson spoke regarding amending Resolution No. 439, which changes the regular meeting of the Planning and Zoning Commission to the second Wednesday of each month.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Arvidson, to approve Resolution No. 439-042022 A Resolution of the City Council of the City of Garden Ridge, Texas, setting the day, time, and place of the regular meeting of the Planning and Zoning Commission. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

d) Ordinance No. 210-042022 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 amendments to Ordinance No. 210, which includes dissolution of commissions and at-will appointments.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember McCaw, to approve Ordinance No. 210-042022 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 five (5) for and none (0) opposed. The motion carried unanimously.

- e) **Ordinance No. 232-042022 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting City Council conduct policies and procedures; providing for a penalty; providing a cumulative and savings clause; providing for severability; and declaring an effective date.**

Motion: A motion was made by Councilmember Arvidson, seconded by Councilmember Valdez, moving that the City Council disclose certain information received in closed session as it relates to adoption of the proposed Ethics Ordinance. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Mayor Erickson provided background information related to this new Ordinance addressing and guiding the ethical behavior of elected officials.

Motion: A motion was made by Councilmember Arvidson, seconded by Councilmember Bower, to approve Ordinance No. 232-042022 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting City Council conduct policies and procedures; providing for a penalty; providing a cumulative and savings clause; providing for severability; and declaring an effective date. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- f) **City of Garden Ridge 50th Anniversary.**

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

- g) **Development of back entrance access to Paul Davis Park.**

City Administrator Nancy Cain spoke regarding the City developing and maintaining a back entrance access point to Paul Davis Park to be used during City events.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember McCaw, authorizing the development of back entrance access to Paul Davis Park. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

10. 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 and stated this item can be removed from the agenda.

11. Discussion of Future Agenda Items

Councilmember Bower requested to discuss traffic along FM 3009.

12. Citizen Comment Period

No one wished to speak.

13. 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.

Mayor Erickson spoke regarding Families of Garden Ridge Adopt-A-Highway Program, County/City Officials Luncheon, Northeast Partnership, Garden Ridge Elementary School, and Davenport High School.

14. Adjournment

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Bower, to adjourn. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, April 6, 2022, City Council regular meeting was adjourned at 9:36 p.m. by Mayor Erickson.

ATTEST



Marisa Spencer
City Secretary



Robb Erickson
Mayor