



City of Garden Ridge

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

AGENDA CITY COUNCIL REGULAR MEETING WEDNESDAY, SEPTEMBER 4, 2019, 6:00 P.M.

The Garden Ridge City Council will meet in a regular session on Wednesday, September 4, 2019, at 6:00 p.m. 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 by September 1, 2019, before 6:00 p.m. 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. City/Employee Recognitions/Employee Introductions

- a) Thank you note from Sergio Martinez to Officer Thoenke.
- b) Thank you note from Daniel-Rebecca Shive Plante to Officer McKay.
- c) Thank you note from Linda Potts to Public Works Department.
- d) Letter of appreciation from Joseph Haltaman regarding Chief Eberhardt.
- e) Thank you note from Councilmember Bower to Sgt. Osborn.
- f) Thank you note from Councilmember Bower to Duane Scognio.

5. Citizen Comment Period – limited to 30 minutes total

Rules for Citizens' Participation: The City Council welcomes citizen participation and comments at all City Council Meetings. The City Council 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 City Council, not to an individual member, nor to the audience.
 2. Show the City Council 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/business item 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.

6. Consent Agenda

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A MEMBER OF CITY COUNCIL. PUBLIC COMMENT ON CONSENT AGENDA ITEMS MAY BE HEARD DURING CITIZEN'S PARTICIPATION, BUT COMMENTS HEARD DURING CITIZEN'S PARTICIPATION DOES NOT MEAN THAT THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

- a) Approval of Minutes:
 - 1. August 7, 2019 City Council Regular Meeting
 - 2. August 20, 2019 City Council Special Meeting
 - 3. August 26, 2019 City Council Special Meeting
- b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – July 31, 2019.

7. Staff Reports

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

- a) City Administrator Monthly Activity Report
 - Community Center usage and financial report, Building Permits issued to date for residential, commercial and minor construction projects, City Council Idea/Suggestions, communication efforts, Citizen Concern/Input, and upcoming events.
- b) Police Department Monthly Activity Report
 - Traffic Enforcement, criminal activity within City, and Code Compliance Enforcement.
- c) Public Works Monthly Activity Report
 - Street and right-of-way maintenance, drainage facility and easement maintenance, City facility maintenance, Animal Services (domestic and wild), Oak Wilt, Public Works Projects, and City parking lots.
- d) Water Department Monthly Activity Report
 - Water pumping/usage from City wells, water system infrastructure maintenance, repairs and/or projects, Water and/or Drought Management (current Watering Stage).
- e) Library Monthly Activity Report
 - Upcoming events.

8. City Engineer Projects Status Reports

- a) FM 2252 TxDOT Project
- b) FM 2252 Wastewater and Water Project
- c) Drainage:
 - 1. Bindseil Lane
 - 2. Sumac Circle
- d) Naco Loop Waterline
- e) T. Blackwell Garden Ridge Office

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

- a) Planning and Zoning Commission Recommendations and Possible Action:
 - 1. Expiring terms (September 30, 2019) of Commissioners.
 - 1.1. Receive recommendation for the reappointment of Commissioner Miller, Commissioner Heier, Commissioner Valdez, and Commissioner Dauer to serve another term (term expiring September 30, 2021).
 - 1.2. Take action on recommendation.
 - 2. Receive monthly activity update as applicable.

- b) Quarry Commission Recommendations and Possible Action:
 - 1. Expiring terms (September 30, 2019) of Commissioners.
 - 1.1. Receive recommendation and take action on the reappointment of Commissioner Shands and Commissioner Haddad to serve another term (term expiring September 30, 2021).
 - 1.2. Receive recommendation and take action on the reappointment of Commissioner Mudge and Commissioner Holloway for another term of office as specified in Ordinance No. 210-022018, Section III. E. for the purpose of good cause.
 - 2. Request from Buckley Powder Co., for a Partial Exemption Permit to conduct blasting activities at the Hanson Quarry for the period of October 1, 2019-September 30, 2020.
 - 2.1. Receive recommendation from Quarry Commission.
 - 2.2. Take action on recommendation.
 - 2.3. Set fee for Partial Exemption Permit.
 - 3. Receive monthly activity update as applicable.
- c) Water Commission Recommendations and Possible Action:
 - 1. Expiring terms (September 30, 2019) of Commissioners.
 - 1.1. Receive recommendation for the reappointment of Commissioner Harshbarger to serve another term (term expiring September 30, 2021).
 - 1.2. Take action on recommendation.
 - 2. Water Commission Place 5.
 - 2.1. Receive recommendation for the appointment of James Mueller to the Water Commission Place 5 effective October 1, 2019, with term expiring September 30, 2021.
 - 2.2. Take action on recommendation.
 - 3. Ordinance No. 61-112017 An Ordinance establishing the drought management plan for the City of Garden Ridge; providing definitions, establishing trigger points for Stages 1 through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for Stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause, providing for severability and providing an effective date and amending Ordinance No. 61-012014 adopted January 9, 2014.
 - 3.1. Receive recommendation to amend Section 4.04 Water Rate Surcharge to unrestrict funds.
 - 4. Receive monthly activity update as applicable.
- d) Wildlife Management Advisory Commission Recommendations and Possible Action:
 - 1. Expiring terms (September 30, 2019) of Commissioners.
 - 1.1. Receive recommendation for the reappointment of Commissioner Segovia, Commissioner Krawczynski, Commissioner Kneupper, and Commissioner Sullivan to serve another term (term expiring September 30, 2021).
 - 1.2. Take action on recommendation.
 - 2. Wildlife Management Advisory Commission Place 7 Vacancy.
 - 2.1. Receive recommendation for the appointment of Shannon Drichta to fill the vacancy with term expiring September 30, 2020.
 - 2.2. Take action on recommendation.
 - 3. Wildlife Management Plan for the City of Garden Ridge.
 - 3.1. Receive recommendation from the Wildlife Management Advisory Commission.
 - 3.2. Take action on recommendation.
 - 4. Receive monthly activity update as applicable.
- e) Garden Ridge Parks Committee:
 - 1. Receive monthly activity update as applicable.
- f) *Volunteer Garden Ridge!*
 - 1. Receive monthly activity update as applicable.

10. Approvals/Authorizations

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

- a) 2019 Tax Rate.
 1. Review and discuss the 2019 Tax Rate Proposal of \$0.321106.
 2. Ratify the property tax increase of \$52,228.00 as reflected in the 2020 Budget for the City of Garden Ridge General Fund and Interest and Sinking Fund.
 3. Approve \$0.225158 as the 2019 Maintenance and Operation Rate for the City of Garden Ridge.
 4. Approve \$0.095948 as the 2019 Debt Service Rate for the City of Garden Ridge.
 5. Take action on Ordinance No. 221-092019 An Ordinance of the City Council of the City of Garden Ridge adopting a Tax Rate of \$0.321106 per one hundred dollars (\$100.00), consisting of the approved Maintenance and Operation Rate and Debt Service Rate of assessed valuation for the City of Garden Ridge, Texas to be effective for the Tax Year 2019 (Fiscal Year 2020).
- b) Take action on Ordinance No. 61-092019 An Ordinance establishing the drought management plan for the City of Garden Ridge; providing definitions, establishing trigger points for stages 1 through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause; providing for severability; and declaring an effective date.
- c) Take action on Ordinance No. 11-092019 An Ordinance establishing a comprehensive set of permit fees, service fees, and user fees designed for the health, safety and welfare of the residents of the City of Garden Ridge; providing a separate schedule of fees which outlines functions and activities which require a permit or have a service fee or have a user fee; providing for a penalty of a fine of not less than one hundred dollars (\$100.00), nor more than two thousand dollars (\$2000.00) for each violation involving safety, zoning or public health; providing for a penalty of a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each violation not involving safety, zoning, or health; providing for each day of continued violation of this ordinance being considered a separate violation; providing for a time limit for the validity of permits issued; providing a time limit for the validity of all licenses issued; and providing for severability.
- d) Garden Ridge Farmers' Market.
 1. Discuss and take action on sustainability and feasibility, budget, duration, name, vendor categories, and acceptable products.
- e) Resolution No. 455-092019 A Resolution by the City Council of the City of Garden Ridge, Texas, authorizing an agreement to contribute right of way funds (\$9,481.78) with the Texas Department of Transportation for the FM 2252 Improvement Project.
 1. Discuss and take action on Resolution No. 455-092019.
- f) Acquisition by TxDOT of 0.0960 acre of land being part of two 0.75-acre tracts out of the George M. Nolson Survey No. 96, Abstract 120, and owned by the City of Garden Ridge with acquisition being for right of way for the FM 2252 Improvement Project.
 1. Acceptance of property appraisal for purchase at \$28,386.00 and \$3,000.00 incentive.
 2. Authorize City Administrator to execute Agreement and Deed.

11. Updates

- a) City Administrator Reports.
 1. Update on CIP projects.
 2. Update on Oak Wilt in the City of Garden Ridge.
 3. Update on legislative changes in relation to City Ordinances.
 4. Update on implementation status of Ordinance No. 34-072019.

5. Update on City use of password management system.

b) Mayor's Projects.

1. Communication Report.
2. Citizen Contact Report.
3. City Facility Update.
 - 3.1. Audio/Visual Upgrades and Streaming.
4. Ordinance Revision Process.
5. TxDOT Coordination.
6. GRES Traffic Flow and FM 3009 Safety.

c) City Council Projects.

1. Volunteer Appreciation Day (McCaw and Swint).
2. New Resident Package (Swint and Bower).
3. Traffic Flow in the City of Garden Ridge (Lantzy).
4. Update on Vulcan Construction Materials, LLC Project (Arvidson).

12. Discussion of Future Agenda Items

13. Citizen Comment Period – limited to 20 minutes total

See "Rules for Citizen's Participation" under Item 5.

14. 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
Counties (Bexar, Comal and Guadalupe)
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

15. Executive Session

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

- a) Pursuant to Texas Government Code Section 551.071 – Consultation with Attorney
 1. To seek legal advice in connection with deliberating the purchase, lease, exchange, or value of real property and regarding related negotiations for City building projects, and utility projects.

16. 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.

17. 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 Council Authorized:

The Council may vote or act upon any item within this Agenda. The Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of the other city boards, 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 are 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, Kat Balbi, posted this Agenda at 11:30 a.m. on August 30, 2019, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.



Kat Balbi
Assistant City Secretary

City Secretary

From: Mayor
Sent: Friday, August 2, 2019 4:59 PM
To: City Secretary; City Administrator
Subject: FW: email

Received from Mr Sergio Martinez...

-----Original Message-----

From: Sergio Martinez <

Sent: Fri, Aug 2, 2019 4:19 pm
Subject: RE: email

Hello Larry As you know from our conversation last week I had the misfortune of having to call 911 for a medical emergency . The first of the personnel to respond was Off. Joe Thomke and the guys from the Fire department. As soon as they arrived they took complete control of the situation and started to make sure that I was stabilized. Off Joe was there and he was very much in control of much of the situation, he asked Elizabeth for my id and other information he need all the time being attentive to her.

Thankfully all has gone well and I am in my normal well being shape. I can't tell you how grateful I am for the performance of all the first responders. Thank you OFFICER JOE AND the Bracken Fire Dept.

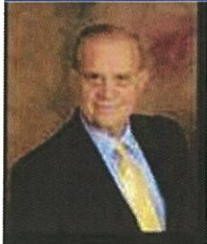
[Texas law requires all license holders to provide the Information About Brokerage Services form to prospective clients](#)

TEXAS PREMIER FIXED LOW SET FEE FULL SERVICE REALTOR

Sergio M. Martinez
Broker/Realtor, GRI,BROR,ABR,NARPM, EPRO
Certified Military Residential Specialist
V A MORTGAGE SPECIALIST
Military Relocation Professional
210 693 0305 Off. 210 896 0193 Cell
210 319 5959 Fax. 830-214-7880



San Antonios Premier Low Set Fee Realtor
www.sanantoniomyhome.com





Garden Ridge Police Department is 😊 feeling thankful. ...

Published by Jill Acha (?) · 1 hr · 🌐

Getting a note that we've done well is AWESOME! Here's one we recently received from Daniel-Rebecca Shive Plante:

"Happy Birthday to our sweet Emma who turned 9 this past Sunday. She is beautiful, smart, funny, has the sweetest of hearts, loves her family and friends, and has the memory of an elephant. Emma, I thank God everyday for you. Oh, she fell pretty hard on the ice and scraped her nose and had a bloody lip. Daniel ran into Officer Holly (McKay) with Garden Ridge PD and told her about what happened and she was so sweet to stop by and encourage Emma. That made her day! It truly meant a lot that she did that. It truly does take a village."



City Administrator

From: Garden Ridge <grparkscmt@ci.garden-ridge.tx.us>
Sent: Saturday, August 17, 2019 8:35 AM
To: Public Works
Cc: City Administrator; Dr. Jim Miller
Subject: Fwd: Park Lane Park

Steven,

This was a very good comment from Linda. I hope you share her comments with the person or persons who made this happen.

Keep up the good work!

Thanks,

Shelby

----- Forwarded message -----

From: Linda Potts
Date: Fri, Aug 16, 2019 at 12:49 PM
Subject: Park Lane Park
To: <publicworks@ci.garden-ridge.tx.us>
Cc: Garden Ridge <grparkscmt@ci.garden-ridge.tx.us>

Steven,

Just a note to thank Public Works for getting all the items in Park Lane pressure washed. It looks fabulous.

They got what grass we have left mowed, and look forward to getting the trees professionally trimmed.

Also, the Water Department got the water fountain fixed.

Thank you and your employees for a great job!

Linda Potts

Adm Liaison

From: Report It <do_not_reply@civicplus.com>
Sent: Monday, July 8, 2019 9:23 AM
To: Adm Liaison
Subject: New request received
Attachments: ATT00001.bin

Category Report It has received a new request.

Here is what we have on file:

Report It

#1024

Category:	Report It	SUBMITTER
Priority:	1	
Assigned To:	Unassigned	
Submitted:	7/8/2019 9:22 AM	CONTACT
Source:	Website 137.161.255.31	

[View Request](#)

REQUEST DETAILS

Description

City of Garden Ridge

The City of Garden Ridge **Report It** will help us identify a problem in your area so we can address the issue quickly. Should a problem arise after hours or on holidays that is an emergency or of an urgent nature, please call (210)651-6831 immediately.

City Hall (210) 651-6632

Garden Ridge Police Department general information (210) 651-6441

Police emergencies/assistance 911 or (830) 609-3921

Water, Animal Control-(including after hours/holidays) (210) 651-6831

Got a problem?

Here's the way to get it fixed -- fast

Help us to help you -- use "Report It"

Fill it in -- Send it in

We will do the rest!

Thank you for your assistance!

Contact Information

* Your Name

Joseph Haltaman

Your Address

9319 Blazing Star Trail

Please answer the question

* Email Address

Location of Problem

No Problem at all. I just wanted to point out how lucky we are to have a man such as Chief Eberhardt as the Police Chief of Garden Ridge. We are extremely grateful for his kindness and his service.

Brief Description (or other problem not listed)

I had knee surgery three days before the big storm blew through and made an absolute mess of our trees/yard. We had large limbs blocking our driveway access and a huge mess in our front yard. Before the chief even started clearing his own limbs, he was in our driveway with a chainsaw to ensure we could get in and out. Not only that! Chief Eberhardt and his daughter loaded up a massive pile of huge limbs and debris from our front yard and hauled it off. I hope everyone knows what an awesome Chief we have! - I could go on about how much my wife and I enjoyed the citizen's police academy, but I'll save that for the next time. I highly recommend that class! Here is a big salute to Chief Eberhardt and the entire Garden Ridge Police Force.

* Indicates required fields.

Thank you for taking the time to complete this form. You are not required to complete the below section; however completing this section will allow for your concern to be quickly addressed. Please check all boxes that apply.

**Please see examples for departments responsibilities.

not checked

** Animal Services/Wildlife - animals running at large, animal in trap, dead wildlife, live trap loans, report a dog/cat bite, and other wildlife issues.

** Community Center - Community Center needs cleaning, damage to Community Center, and other Community Center issues.

** Parks - Lights out, parks facilities and/or grounds need maintenance, and other park issues.

** Public Works - Blocked drainage channel, CIP project issues, damaged curb, overhanging trees/shrubs, pothole, report tree trimming violations, report possible Oak Wilt, traffic sign/signal, weeds/tall grass, and other Public Works issues.

** Water - CIP project issues, report watering violations, and other water issues.

City Secretary

From: Councilp15
Sent: Wednesday, August 28, 2019 10:28 AM
To: City Administrator; City Secretary
Subject: Thanks

Please include my "thanks" for the following:

Sgt. Keith Osborne for responding to a concern one recent evening about a solicitor in my neighborhood. He handled it smoothly and was very supportive of my concern when we spoke afterwards.

Kay Bower

Sent from kPhone

City Secretary

From: Councilpl5
Sent: Wednesday, August 28, 2019 10:36 AM
To: City Administrator; City Secretary; Mayor
Subject: Thanks

Please express my "thanks" and praise for Duane Scognio for stepping in on call this past weekend for a dog-on-the-loose call in Paul Davis Park early Sunday morning August 25.

When the rescue methods failed after considerable time for the officers and Mr. Scognio, Mr. Scognio generously offered to walk the dog home - probably more than a mile - to resolve the issue. He was very conscientious about the well-being of the dog, and he delivered the dog to its home.

Thanks.

Kay Bower

Sent from kPhone



City of Garden Ridge

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

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, AUGUST 7, 2019, 6:00 P.M.

Councilmembers Present:

Mayor Larry Thompson
Mayor Pro-Tem John McCaw
Councilmember Lisa Swint
Councilmember Todd Arvidson
Councilmember Kay Bower

Councilmembers Absent:

Councilmember Bryan Lantzy

City Staff Present:

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

City Commission Representatives Present:

Dr. Jim Miller, Chair, Planning and Zoning Commission
Jesse Valdez, Water Commissioner
David Krawczynski, Vice-Chair, Wildlife Management Advisory Commission
Mike Shands, Chair, Quarry Commission

Other City Commissioners in Attendance:

Karen Diaz, Vice-Chair, Planning and Zoning Commission
Paul Sullivan, Wildlife Management Advisory Commissioner
Keven Harshbarger, Water Commissioner

1. Call to Order

With a quorum of the City Councilmembers present, Mayor Thompson called the regular meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, August 7, 2019, 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 Thompson led the Pledge of Allegiance and the Texas Pledge.

4. City/Employee Recognitions/Employee Introductions

a) Thank you note from Barbara Davis to Sgt. Osborn and Citizen's Patrol.

Nancy Cain, City Administrator, stated a thank you note was received from Barbara Davis to Sgt. Osborn and Citizen's Patrol for notifying and assisting them with a water line break at her residence while out of town.

b) Thank you note from Susan Wright to Linda Crosland, Garden Ridge Library.

Nancy Cain, City Administrator, stated a thank you note was received from Susan Wright to Garden Ridge Librarian Linda Crosland for the many activities and events offered by the Library.

5. Citizen Comment Period

Mayor Thompson reviewed the rules for Citizen Comment Period.

Mary Rethman, 9450 Cinchona Trail, spoke regarding the Humane Society and wildlife in the City of Garden Ridge.

Shannon Drichta, 9380 Cinchona Trail, spoke regarding the speed limit and traffic on FM 3009.

6. Consent Agenda

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A MEMBER OF CITY COUNCIL. PUBLIC COMMENT ON CONSENT AGENDA ITEMS MAY BE HEARD DURING CITIZEN'S PARTICIPATION, BUT COMMENTS HEARD DURING CITIZEN'S PARTICIPATION DOES NOT MEAN THAT THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

a) Approval of Minutes:

- 1. June 24, 2019 City Council Special Meeting**
- 2. July 2, 2019 City Council Regular Meeting**
- 3. July 11, 2019 City Council Special Meeting**

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – June 30, 2019.

Motion: A motion was made by Councilmember Swint, seconded by Councilmember Arvidson, to approve the Consent Agenda items 6. a) – b). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

7. Staff Reports

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

a) City Administrator Monthly Activity Report

- Community Center usage and financial report, Building Permits issued to date for residential, commercial and minor construction projects, City Council Idea/Suggestions, communication efforts, Citizen Concern/Input, and upcoming events.**

Nancy Cain, City Administrator, stated she had nothing to add to her monthly activity report.

b) Police Department Monthly Activity Report

- Traffic Enforcement, criminal activity within City, and Code Compliance Enforcement.**

Ron Eberhardt, Police Chief, reviewed the police department monthly activity report and stated the next Pizza with the Police is scheduled for Tuesday, September 17th in the City Council Chambers.

c) Public Works Monthly Activity Report

- Street and right-of-way maintenance, drainage facility and easement maintenance, City facility maintenance, Animal Services (domestic and wild), Oak Wilt, Public Works Projects, and City parking lots.**

Steven Steinmetz, Public Works Director, reviewed the public works monthly activity report.

d) Water Department Monthly Activity Report

- Water pumping/usage from City wells, water system infrastructure maintenance, repairs and/or projects, Water and/or Drought Management (current Watering Stage).**

Jacob Parsons, Water Manager, reviewed the water department monthly activity report.

e) Library Monthly Activity Report

- Upcoming events.**

Linda Crosland, Librarian, reviewed upcoming events at the Garden Ridge Library.

8. City Engineer Projects Status Reports

- a) **FM 2252 TxDOT Project**
- b) **FM 2252 Sewer and Water Project**
- c) **Drainage:**
 - 1. **Bindseil Lane**
 - 2. **Sumac Circle**
- d) **Naco Loop Waterline**

Dan Mummert, City Engineer, reviewed the Trihydro Corporation – Engineering Report for August 2019 and addressed questions from Councilmembers. He introduced Steven Young, Trihydro Corporation, and stated Mr. Young brings over thirty years of experience working in water, wastewater, and municipal government.

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

a) Planning and Zoning Commission Recommendations and Possible Action:

- 1. **Receive recommendation to waive the requirement in Ordinance No. 210-022018, Section V. Termination A. Three (3) consecutive absences or four (4) total absences in a twelve (12) month period for Commissioner Diaz.**

Chair Dr. Miller stated the Commission discussed how Commissioner Diaz has all voluntary announced absences with a majority of them being on the additional Thursday meeting; therefore, the Commission recommends City Council waive the requirement in Ordinance No. 210, Section V. Termination, Subsection A. to allow for five (5) total absences in a twelve (12) month period for Commissioner Diaz.

1.1. Take action on recommendation.

Motion: A motion was made by Mayor Pro-Tem McCaw, seconded by Councilmember Swint, to approve the Planning and Zoning Commission's recommendation and waive the requirement in Ordinance No. 210-022018, Section V. Termination, Subsection A. to allow for five (5) total absences in a twelve (12) month period for Commissioner Diaz. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

2. Receive monthly activity update as applicable.

Chair Dr. Miller provided City Council with an update on the topics discussed at the Commission's July meetings. Chair Dr. Miller spoke regarding the Draft Zoning Ordinance and stated the Commission chose Vice-Chair Diaz and Commissioner Heier to serve as the two representatives from the Commission on the strategic steering committee with Mayor Pro-Tem McCaw and Councilmember Lantzy. Chair Dr. Miller also spoke regarding a variance request related to the time restriction on temporary signs that did not meet the standards for approval as stated in Ordinance No. 55.

b) Quarry Commission Recommendations and Possible Action:

1. Receive monthly activity update as applicable.

Mayor Thompson spoke regarding the Quarry Commission's special meeting scheduled for Monday, August 12th in order to review the partial exemption permit submitted by Buckley Powder Co. since it was submitted after the Commission's regular meeting in July. Mayor Thompson stated he communicated with the manager of the Hanson Quarry regarding the delay in submitting documentation to make him aware that the City will not schedule an additional special meeting in the future to accommodate untimely submission.

c) Water Commission Recommendations and Possible Action:

1. Receive recommendation from Water Commission regarding Water Leak Adjustments Policy and Procedures.

Jesse Valdez, Water Commissioner, stated the Water Commission recommends City Council approve the Water Leak Adjustment Policy and Procedures prepared by the Commission with assistance from Water Manager Jacob Parsons, City Administrator Nancy Cain, Mayor Thompson, and City Attorney Cynthia Trevino.

Mayor Thompson thanked the Water Commission, City staff, and City Attorney Cynthia Trevino for the work put into completing this policy and procedures.

1.1. Take action on recommendation.

Mayor Thompson stated City Council would take action on the Water Commission's recommendation later on the agenda when City Council takes action on Ordinance No. 54-082019.

2. Receive monthly activity update as applicable.

Commissioner Valdez provided City Council with an update on the topics discussed at the Water Commission's July meeting. He spoke regarding Ordinance No. 54, water leases, and educational opportunities.

d) Wildlife Management Advisory Commission Recommendations and Possible Action:

1. Receive monthly activity update as applicable.

Vice-Chair Krawczynski provided City Council with an update on the topics discussed at the Commission's July meeting. He spoke regarding the Commission conducting deer counts, the Wildlife Management Plan, and upcoming educational sessions.

e) Garden Ridge Parks Committee:

1. Status of new park areas.

2. Receive monthly activity update as applicable.

A slideshow of pictures from the 4th of July Event that was created by Parks Committee Member Shelby Trial was shown, and Mayor Thompson read the monthly activity update provided by Parks Committee Member Shelby Trial.

f) Volunteer Garden Ridge!

1. Receive monthly activity update as applicable.

Nancy Cain, City Administrator, stated *Volunteer Garden Ridge!* reported 346 hours for July.

Mayor Thompson spoke regarding volunteers bettering the community with great events and the need for more volunteers including someone to administer and expand the *Volunteer Garden Ridge!* program.

10. Approvals/Authorizations

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

a) Take action on Ordinance No. 54-082019 An Ordinance adopting a Comprehensive Water Company for the City of Garden Ridge; providing definitions; statement of organization; establishing a Water Commission; general policies; regulations and rules; rates and billing cycles; providing for a penalty; providing for severability; and declaring an effective date.

Mayor Thompson stated this revised Ordinance No. 54 incorporates the water leak adjustments policy, procedures, and form based on the Water Commission's recommendation and has been reformatted for consistency among Ordinances.

Motion: A motion was made by Councilmember Arvidson, seconded by Councilmember Bower, to approve Ordinance No. 54-082019 An Ordinance adopting a Comprehensive Water Company for the City of Garden Ridge; providing definitions; statement of organization; establishing a Water Commission; general policies; regulations and rules; rates and billing cycles; providing for a penalty; providing for severability; and declaring an effective date. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Take action on Ordinance No. 220-082019 An Ordinance of the City Council of the City of Garden Ridge, Texas, repealing Ordinance No. 189-022016, passed and approved February 3, 2016, continuing the suspension of the authority granted to the water department, water operations manager and the water commission to grant an adjustment to a water bill for a leak or other excess water usage; providing for severability; providing for an effective date.

Mayor Thompson stated with approval of Ordinance No. 54-082019, Ordinance No. 189-022016 must be repealed since it continued the suspension of the authority granted to the Water Department and Water Commission to grant an adjustment to a water bill for a leak or other excess water usage.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Swint, to approve Ordinance No. 220-082019 An Ordinance of the City Council of the City of Garden Ridge, Texas, repealing

Ordinance No. 189-022016, passed and approved February 3, 2016, continuing the suspension of the authority granted to the water department, water operations manager and the water commission to grant an adjustment to a water bill for a leak or other excess water usage; providing for severability; providing for an effective date.. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

c) Proposed Fiscal Year 2020 Budgets for the City of Garden Ridge General Fund, Water Company and Maintenance Fund, Interest and Sinking Fund, and Capital Improvement Fund.

1. Presentation of budgets.

Mayor Thompson reviewed the attached presentation and the proposed fiscal year 2020 budgets for the City of Garden Ridge General Fund, Water Company and Maintenance Fund, Interest and Sinking Fund, and Capital Improvement Fund.

2. Hold a public hearing to receive comments.

Mayor Thompson opened the public hearing at 8:17 p.m.

No one wished to speak.

Mayor Thompson closed the public hearing at 8:18 p.m.

3. Adoption of Fiscal Year 2020 Budgets:

3.1. Resolution 451-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge General Fund for the period of October 1, 2019, through September 30, 2020.

Motion: A motion was made by Councilmember Swint, seconded by Mayor Pro-Tem McCaw, to approve Resolution 451-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge General Fund for the period of October 1, 2019, through September 30, 2020. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

3.2. Resolution 452-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Water Company and Maintenance Fund for the period of October 1, 2019, through September 30, 2020.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Arvidson, to approve Resolution 452-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Water Company and Maintenance Fund for the period of October 1, 2019, through September 30, 2020. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

3.3. Resolution 453-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Interest and Sinking Fund for the period of October 1, 2019, through September 30, 2020.

Motion: A motion was made by Councilmember Arvidson, seconded by Councilmember Swint, to approve Resolution 453-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Interest and Sinking Fund for the period of October 1, 2019, through September 30, 2020. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

3.4. Resolution 454-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Capital Improvement Fund for the period of October 1, 2019, through September 30, 2020.

Motion: A motion was made by Mayor Pro-Tem McCaw, seconded by Councilmember Bower, to approve Resolution 454-082019 A Resolution of the City of Garden Ridge, Texas, approving Fiscal Year 2020 Budget for the City of Garden Ridge Capital Improvement Fund for the period of October 1, 2019, through September 30, 2020. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

d) 2019 Tax Rate.

1. Review the 2019 Effective and Rollback Tax Rate Calculations and Tax Rate adoption process.

Mayor Thompson reviewed the 2019 Effective and Rollback Tax Rate Calculations, comparisons to the 2018 Tax Rate, and the Tax Rate adoption process.

2. Propose to adopt a tax rate of \$0.321106 for the 2019 tax year after compliance with all requirements related to the adoption of the proposed tax rate.

Motion: A motion was made by Mayor Pro-Tem McCaw, seconded by Councilmember Bower, to propose to adopt a tax rate of \$0.321106 for the 2019 tax year after compliance with all requirements related to the adoption of the proposed tax rate. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

3. Announce date, time, and place of:

- 3.1. First public hearing on proposed 2019 Property Tax Rate (Tuesday, August 20, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).**
- 3.2. Second public hearing on proposed 2019 Property Tax Rate (Monday, August 26, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).**
- 3.3. Adoption of the 2019 Property Tax Rate (Wednesday, September 4, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).**

Mayor Thompson announced the date, time, and place of the two (2) public hearings and adoption of the 2019 Property Tax Rate as stated on the agenda.

e) Comal Appraisal District Board of Directors Election.

Mayor Thompson stated the City of Garden Ridge is entitled to vote in the Comal Appraisal District Board of Directors Election and may nominate a candidate for said election; however, the City is only entitled to cast 35 total votes in the election, which are not many votes in comparison to the votes other entities are entitled to cast in the election (for example, 2667 votes for Comal I.S.D.).

Motion: A motion was made by Councilmember Swint, seconded by Mayor Pro-Tem McCaw, to not nominate a candidate for the Comal Appraisal District Board of Directors. The City Council voted three (3) for and one (1) opposed (Councilmember Bower). The motion passed by a vote of 3-1.

f) Comal County Emergency Services District #6 Strategic Planning Committee.

Mayor Thompson spoke regarding appointing Jim Bower as the representative for the City of Garden Ridge to the Comal County Emergency Services District #6 Strategic Planning Committee. Mayor Thompson spoke regarding Jim Bower's qualifications and experience.

1. Take action on appointing Jim Bower to the Comal County Emergency Services District #6 Strategic Planning Committee as the representative for the City of Garden Ridge.

Motion: A motion was made by Mayor Pro-Tem McCaw, seconded by Councilmember Arvidson, to appoint Jim Bower to the Comal County Emergency Services District #6 Strategic Planning Committee as the representative for the City of Garden Ridge. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

11. Updates

a) City Administrator Reports.

1. Update on CIP projects.

Nancy Cain, City Administrator, spoke regarding the remaining 2015 CIP funds.

2. Update on Oak Wilt in the City of Garden Ridge.

Nancy Cain, City Administrator, announced there will be an Oak Wilt Public Education Session on Thursday, August 29th at 6 p.m. in the City Council Chambers where the presenter will be Robert Edmonson with the Texas A&M Forest Service. Nancy Cain, City Administrator, stated mitigation and prevention efforts have been effective and there are no new cases of Oak Wilt in the City of Garden Ridge.

3. Update on implementation status of Ordinance No. 34-072019.

Nancy Cain, City Administrator, requested City Attorney Cynthia Trevino to provide City Council with an update on the implementation status of Ordinance No. 34.

Cynthia Trevino, City Attorney, spoke regarding the implementation status of the changes to Ordinance No. 34, including the educational programs, blasting permit fee, citizen blast impact reports, and third-party monitoring service. She stated she will continue to provide City Council with an update on these topics until they are fully implemented.

4. Update on MS4 Stormwater Management Program and Notice of Intent.

Nancy Cain, City Administrator, thanked Public Works Director Steven Steinmetz for the hard work and time spent on completing and submitting the MS4 Stormwater Management Program. She stated the document is available for viewing in City Hall or on the City's website.

5. Update on TML Training for Supervisors.

Nancy Cain, City Administrator, requested Human Resources Director Karen Ford to provide City Council with an update on the TML Training that all Department Heads attended on Thursday, August 1st.

Karen Ford, Finance/HR, spoke regarding the topics covered during the Basic HR for Supervisors Training including recruitment, onboarding, 30-day/60-day/90-day questionnaires with new employees, performance management, progressive discipline, and disciplinary actions.

6. 16th Annual Hog Wild Local Government Seminar Debrief.

Karen Ford, Finance/HR, stated the 16th Annual Hog Wild Local Government Seminar was attended by herself, City Administrator Nancy Cain, City Secretary Marisa Spencer, Mayor Thompson, and Councilmember Bower on Friday, July 26th. She provided City Council with a debrief on topics covered during this seminar including progressive discipline, economic development, and legislative updates.

b) Mayor's Projects.

1. Communication Report.

Mayor Thompson spoke regarding the City sign containing information that relates to education and outreach efforts in the MS4 Stormwater Management Program. Mayor Thompson also stated that Eric Lowman, Animal Services, managed to find a home for all cats that were at our animal shelter.

2. Citizen Contact Report.

Mayor Thompson spoke regarding an email he received from a citizen that indicated they did not receive a response after submitting a form through the City's website, CivicPlus. Mayor Thompson stated he requested City staff to look into this and found that a Report It Form was submitted on the website; however, it was not forwarded to any staff due to the citizen not checking any of the boxes to direct the form to.

Mayor Thompson spoke regarding receiving a concern from a citizen regarding people being able to carry firearms in the City, in which Mayor Thompson explained that the City cannot infringe on those rights.

Mayor Thompson spoke regarding a citizen contacting him about a no outlet sign on Goldenrod Circle being twisted and not visible. He thanked Steven Steinmetz, Public Works Director, for meeting with the citizen and surrounding neighbors and fixing the sign.

3. New Resident Package.

Mayor Thompson spoke regarding a Councilmember volunteering to complete the project of creating a new resident package. Councilmember Bower and Councilmember Swint volunteered to work together on this project.

4. Volunteer Appreciation Day.

Mayor Thompson spoke regarding a Councilmember volunteering to work with City staff to plan and coordinate the Volunteer Appreciation Day and Event scheduled for September 28th, 2019. Mayor Pro-Tem McCaw and Councilmember Swint volunteered to work together on this project.

5. City Facility Update.

5.1. Audio/Visual Upgrades and Streaming.

Marisa Spencer, City Secretary, spoke regarding set up of the new encoder and the timeline for implementing the online portal for streaming and indexing City Council meetings, adding that Commission agenda templates and streaming will follow.

6. Ordinance Revision Process.

Mayor Thompson stated the Zoning and Subdivision Ordinance is currently in the revision process by the Planning and Zoning Commission, the Water Commission is currently reviewing the Water Ordinance, and the Parks Committee provided recommendations for revisions to Ordinance No. 24 to include the new pavilion.

7. TxDOT Coordination.

Mayor Thompson stated he has been working with Senator Campbell's office and they have contacted TxDOT about conducting a traffic study on FM 3009.

8. GRES Traffic Flow and FM 3009 Safety.

Mayor Thompson stated he does not have new updates at this time, but these items are still pending.

c) City Council Projects.

1. Design on Water Tanks at Well Site 9 and 10 (McCaw).

2. Design on Retainer Wall of City Hall (McCaw).

Mayor Pro-Tem McCaw stated he recently met with a designer and has additional meetings scheduled to discuss various options, adding these items could be removed from the agenda at this time.

3. Garden Ridge Farmers Market (Swint).

Councilmember Swint spoke regarding the June and July Garden Ridge Farmers' Markets. She stated a formal proposal will be presented to City Council in September for action regarding the Farmers' Market.

4. Traffic Flow in the City of Garden Ridge (Lantzy).

Mayor Thompson stated this item will be carried to the next agenda.

5. Update on Vulcan Construction Materials, LLC Project (Arvidson).

Councilmember Arvidson stated he does not have new updates at this time, but this item is still pending.

6. Monitoring Wells in the City of Garden Ridge (Arvidson).

Councilmember Arvidson stated he would like to meet with Jacob Parsons, Water Manager, to discuss and analyze data, adding this item could be removed from the agenda at this time.

12. Discussion of Future Agenda Items

Councilmember Bower requested to add the park monument back to the agenda.

13. Citizen Comment Period – limited to 20 minutes total

No one wished to speak.

14. 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
Counties (Bexar, Comal and Guadalupe)
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 Thompson announced The Garden Ridge Lions Club Annual Fish Fry, Barbeque, and Auction is scheduled for the first Saturday in October.

15. Executive Session

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

a) Pursuant to Texas Government Code Section 551.071 – Consultation with Attorney

- 1. To seek legal advice in connection with deliberating the purchase, lease, exchange, or value of real property and regarding related negotiations for City building projects, and utility projects.**
- 2. To seek legal advice regarding requirements for Comal County Emergency Services and authority to contract for such services through an interlocal agreement.**

Mayor Thompson announced the City Council will recess at 9:56 p.m. and reconvene into Executive Session at 10:01 p.m., in accordance with Texas Government Code Section 551.071, to consult with the attorney on the two (2) items stated above.

Mayor Thompson adjourned the Executive Session and reconvened back into Regular Session at 10:52 p.m.

16. 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.

Mayor Thompson asked if any Councilmembers wanted to recall any items posted for Executive Session to allow for any action they wanted to take. Receiving no responses from Councilmembers, Mayor Thompson closed Business Items.

17. Adjournment

Motion: A motion was made by Councilmember Bower, seconded by Councilmember 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, August 7, 2019, City Council regular meeting was adjourned at 10:52 p.m. by Mayor Thompson.

ATTEST

Larry Thompson
Mayor

Marisa Spencer
City Secretary

**SIGN IN TO SPEAK AT THE AUGUST 7, 2019
CITY COUNCIL REGULAR MEETING
CITIZEN COMMENT PERIOD**

①

Rules for Citizens' Participation:

The City Council welcomes citizen participation and comments at all City Council Meetings. The City Council offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you follow these guidelines:

- a) Respect and courtesy:
 - i. Direct your comments to the entire City Council, not to an individual member, nor to the audience.
 - ii. Show the City Council the same respect that you would like to be shown.
 - iii. End your speaking at the time allotted below.
- b) Speaking:
 - i. First citizen comment period
 - 1. You are required to sign up to speak.
 - 2. You are limited to one 3 minute period.
 - ii. Business item period
 - 1. You are required to sign up to speak.
 - 2. You are limited to one 3 minute period.
 - iii. Second citizen comment period
 - 1. You are not required to sign up.
 - 2. You are limited to one 2 minute period.
 - iv. State your name and address before your comments begin.
 - v. 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*

NAME	ADDRESS	SUBJECT
1. Mary Rethman	9450 Cinchona	deer
2. Shannon Drichta	9380 Cinchona Trail	3009 speed
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



City of Garden Ridge

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

MINUTES CITY COUNCIL SPECIAL MEETING TUESDAY, AUGUST 20, 2019, 6:00 P.M.

Councilmembers Present:

Mayor Larry Thompson
Mayor Pro-Tem John McCaw
Councilmember Lisa Swint
Councilmember Bryan Lantzy
Councilmember Kay Bower
Councilmember Todd Arvidson

Councilmembers Absent:

None

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Kat Balbi, Assistant City Secretary
Ron Eberhardt, Police Chief

City Commissioners in Attendance:

None

1. Call to Order

With a quorum of the City Council members present, Mayor Thompson called the special meeting of the Garden Ridge City Council to order at 6:00 p.m. on Tuesday, August 20, 2019, 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 Thompson led the Pledge of Allegiance and the Texas Pledge.

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

5. Business Items

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

a) 2019 Tax Rate.

1. Review and discuss the proposed 2019 Tax Rate of \$0.321106.

Mayor Thompson reviewed the proposed 2019 Tax Rate and detailed the comparisons to the 2018 Tax Rate.

2. Hold a public hearing to receive comments.

Mayor Thompson opened the public hearing at 6:06 p.m.

No one wished to speak.

Mayor Thompson closed the public hearing at 6:07 p.m.

3. Announce date, time, and place of:

3.1. Second public hearing on proposed 2019 Property Tax Rate (Monday, August 26, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).

3.2. Adoption of the 2019 Property Tax Rate (Wednesday, September 4, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).

Mayor Thompson announced the date, time, and place of the second public hearing on the proposed 2019 Property Tax Rate and adoption of the 2019 Property Tax Rate as detailed on the agenda.

b) **Ordinance No. 22-072019** An Ordinance regulating traffic on streets, roads, and highways within the City of Garden Ridge by establishing stop sign locations and placement of traffic control devices; establishing prima facie speed limits and placement of traffic control devices; establishing through truck traffic regulations and placement of traffic control devices; establishing no parking zones; and regulating and requiring permits for certain assemblages and processions, providing for a fine not to exceed five hundred dollars (\$500.00) for each violation concerning assemblages and processions.

1. **Review and discuss request submitted by Garden Ridge Elementary School for an exception to Section 6. Pedestrian Traffic. to allow pedestrian traffic to cross Municipal Parkway between the hours of 7:00am and 8:00am on the following dates:**

- 1.1. **Tuesday, August 27, 2019 – First Day of School.**
- 1.2. **Wednesday, August 28, 2019.**
- 1.3. **Thursday, August 29, 2019.**
- 1.4. **Friday, August 30, 2019.**
- 1.5. **Friday, November 8, 2019 – Veterans Day Ceremony.**

Mayor Thompson stated Garden Ridge Elementary School submitted this request on August 4, 2019, which did not allow enough time to be added to the City Council regular meeting agenda. He stated if City Council did not have this special meeting then the request could not be considered until September. Mayor Thompson stated City Council has the option of approving all, some, or none of the dates as well as the option of imposing any reasonable restrictions that they deem necessary. Mayor Thompson stated the action taken by the City Council on this item will be detailed in a letter, signed by Mayor Thompson on behalf of City Council, and the letter will also contain notice that routine requests for exception to Garden Ridge City Ordinances need to be submitted no later than forty-five days in advance.

Mayor Pro-Tem McCaw stated he does not mind showing cooperation and granting these exceptions; however, due to safety concerns he would like to see two (2) crossing guards equipped with safety vests present on these days. Councilmembers agreed with this condition.

2. Take action on request.

Motion: A motion was made by Councilmember Bower, seconded by Mayor Pro-Tem McCaw to approve the request submitted by Garden Ridge Elementary School and grant specific exceptions to Ordinance No. 22-072019, Section 6. Pedestrian Traffic. to allow pedestrian traffic to cross Municipal Parkway between the hours of 7:00am and 8:00am on the following five (5) dates: August 27, 2019, August 28, 2019, August 29, 2019, August 30, 2019, and November 8, 2019. Furthermore, City Council stipulated these exceptions are conditional on Garden Ridge Elementary School providing a minimum of two (2) GRES Staff crossing guards, equipped with safety vests, who will supervise safe pedestrian crossings at Municipal Parkway. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

6. Citizen Comment Period – limited to 20 minutes total

Sharon Morrissey, 9030 Sumac Cove, spoke regarding the first week of school and the Garden Ridge Citizens Police Academy Alumni Association.

7. Adjournment

Motion: A motion was made by Councilmember Arvidson, 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 Tuesday, August 20, 2019, City Council special meeting was adjourned at 6:27 p.m. by Mayor Thompson.

ATTEST:

Larry Thompson
Mayor

Marisa Spencer
City Secretary



City of Garden Ridge

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

MINUTES CITY COUNCIL SPECIAL MEETING MONDAY, AUGUST 26, 2019, 6:00 P.M.

Councilmembers Present:

Mayor Larry Thompson
Mayor Pro-Tem John McCaw
Councilmember Lisa Swint
Councilmember Bryan Lantzy
Councilmember Kay Bower
Councilmember Todd Arvidson

Councilmembers Absent:

None

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Kat Balbi, Assistant City Secretary
Ron Eberhardt, Police Chief

City Commissioners in Attendance:

Ken Kneupper, Wildlife Management Advisory Commissioner

1. Call to Order

With a quorum of the City Council members present, Mayor Thompson called the special meeting of the Garden Ridge City Council to order at 6:00 p.m. on Monday, August 26, 2019, 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 Thompson led the Pledge of Allegiance and the Texas Pledge.

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

5. Business Items

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

a) 2019 Tax Rate.

1. Review and discuss the proposed 2019 Tax Rate of \$0.321106.

Mayor Thompson reviewed the proposed 2019 Tax Rate and detailed the comparisons to the 2018 Tax Rate.

2. Hold a public hearing to receive comments.

Mayor Thompson opened the public hearing at 6:02 p.m.

No one wished to speak.

Mayor Thompson closed the public hearing at 6:04 p.m.

3. Announce date, time, and place of adoption of the 2019 Property Tax Rate (Wednesday, September 4, 2019, 6:00 p.m., City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas).

Mayor Thompson announced the adoption of the 2019 Property Tax Rate will be on Wednesday, September 4, 2019, at 6:00 p.m. in the City Council Chambers.

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

7. 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 Monday, August 26, 2019, City Council special meeting was adjourned at 6:05 p.m. by Mayor Thompson.

Larry Thompson
Mayor

ATTEST

Marisa Spencer
City Secretary

CITY OF GARDEN RIDGE
MONTHLY ACCOUNT BALANCES & INTEREST RATES
PERIOD ENDED AS OF 07/31/2019

CITY FUNDS	BALANCE	CURRENT INTEREST RATE
GF OPERATING ACCOUNT	\$ 128,445.13	0.00%
GF MONEY MARKET	268,013.93	1.87%
PEG CAPITAL FEES	22,663.15	1.87%
TEXPOOL INVESTMENTS	2,318,314.56	2.3876%
2009 I&S	2,520.71	1.87%
2012 I&S	50,221.89	1.87%
2012 REFI	22,320.18	1.87%
2015 I&S	63,077.96	1.87%
TEXPOOL WATER IMPACT FEES	168,349.00	2.3876%
TEXPOOL STREET IMPACT FEES	58,262.45	2.3876%
CONSTRUCTION BOND	137,325.94	1.87%
TEXPOOL WATER RIGHTS	5,131.20	2.3876%
TEXPOOL 2015 CIP PROJECT	39,322.68	2.3876%
2015 CIP PROJECT	14,735.15	1.87%
ASSET/FORFEITURE - STATE	97.95	0.18%
ASSET/FORFEITURE - FED	239,718.95	1.87%
TOTAL CITY FUNDS	\$ 3,538,520.83	

WATER FUNDS	BALANCE	CURRENT INTEREST RATE
TEXPOOL WATER INVEST	\$ 1,080,455.41	2.3876%
WATER SURCHARGE	145,858.37	1.87%
OPERATING ACCOUNT	361,584.92	1.87%
TOTAL WATER FUNDS	\$ 1,587,898.70	
 TOTAL ALL ACCOUNTS	 \$ 5,126,419.53	

CITY OF GARDEN RIDGE
CASH & INVESTMENTS STATEMENT
PERIOD ENDED AS OF 07/31/2019

GENERAL FUND	BALANCE
GF Operational Checking	\$ 128,445.13
GF Money Market	268,013.93
TexPool Investments	2,318,314.56
Restricted Amounts	(197,739.20)
TOTAL General Fund Balance	\$ 2,517,034.42

WATER FUND	BALANCE
Operational Checking	\$ 361,584.92
TexPool Water Invest	1,080,455.41
Restricted Amounts	(121,852.40)
TOTAL Water Fund Balance	\$ 1,320,187.93

CITY OF GARDEN RIDGE
 STATEMENT OF ACTIVITIES
 CURRENT AND YEAR TO DATE AS OF 07/31/2019

GENERAL FUND	Jul-19	YTD	FY 2019 AMENDED BUDGET	% OF BUDGET	BUDGET BALANCE
REVENUES	\$ 106,577.59	\$ 2,631,543.43	\$ 2,943,609.00	89.4%	\$ 312,065.57
EXPENDITURES					
ADMINISTRATION	64,692.06	623,005.28	856,624.00	72.7%	233,618.72
COURT	4,885.63	62,182.85	85,324.00	72.9%	23,141.15
POLICE	87,882.37	960,847.21	1,250,936.00	76.8%	290,088.79
PUBLIC FACILITIES	59,185.93	409,386.70	666,493.00	61.4%	257,106.30
COMMUNITY CENTER	6,285.96	51,260.92	61,050.00	84.0%	9,789.08
LIBRARY	7,652.41	71,384.35	100,315.00	71.2%	28,930.65
FUND CHANGES/XFER	-	-	-	0.0%	-
TOTAL EXPENDITURES	230,584.36	2,178,067.31	3,020,742.00	72.1%	842,674.69
REVENUE +/- EXPENDITURES	\$ (124,006.77)	\$ 453,476.12	\$ (77,133.00)		\$ (530,609.12)

WATER FUND	Jul-19	YTD	FY 2019 AMENDED BUDGET	% OF BUDGET	BUDGET BALANCE
REVENUES	\$ 154,777.98	\$ 987,480.17	\$ 1,670,244.00	59.1%	\$ 682,763.83
EXPENDITURES	72,799.11	758,697.15	1,191,782.00	63.7%	433,084.85
REVENUE +/- EXPENDITURES	81,978.87	228,783.02	478,462.00		249,678.98
BALANCE SHEET PMTS					
BOND PRINCIPLE PMTS	-	370,219.01	419,700.00		49,480.99
AUTO LEASE PMT	-	22,618.94	22,620.00		1.06
NET POSITION	\$ -	\$ 392,837.95	\$ 442,320.00		\$ 49,482.05

CITY OF GARDEN RIDGE
STATEMENT OF ACTIVITIES - COMMUNITY CENTER
PERIOD ENDED AS OF 07/31/2019

REVENUES

	YTD
RENTALS	\$ 39,875.00
DEPOSITS	14,875.00
CLEAN-UP FEES	1,950.00
DEPOSITS REFUNDED	(14,075.00)
DONATIONS	-
TOTAL REVENUES	<u>42,625.00</u>

EXPENDITURES

PAYROLL/TAXES/RETIREMENT	1,769.82
MANAGER FEES	14,238.00
COMPUTER/INTERNET	1,074.81
TELEPHONE	470.00
UTILITIES	7,909.19
MAINTENANCE	5,819.06
SUPPLIES	952.02
CLEANING	4,505.15
EQUIPMENT	447.87
MARKETING	-
DONATION EXPENDITURES	-
FACILITY ENHANCEMENTS	-
TOTAL EXPENDITURES	<u>37,185.92</u>

NET POSITION

\$ 5,439.08

Management's Discussion and Analysis of Results of Operations – July 2019

GENERAL FUND

Cash

The July 30th Unrestricted Fund Balance is \$2,517.0k.

Revenue

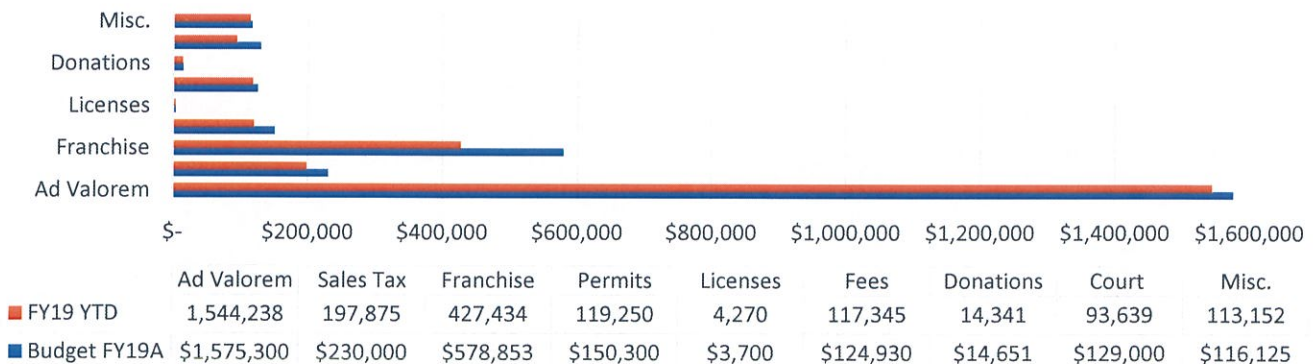
Ad Valorem Tax collections for July total \$13k bringing the YTD collections to \$1,521.4k or 96.6% of the \$1,575.3k budgeted. Collections for Delinquent Ad Valorem Tax totals \$15.3k, exceeding the FY19A budget by \$0.3k.

YTD Sales Tax collections total \$197.9k or 86% of the budgeted \$230k. Comparatively, FY18 YTD collections were \$161.2k.

Building Permits YTD are currently at 78.8% or \$116.7k of the \$148k budgeted. That's a decrease of 8.5% over the same period last year.

YTD revenue for Trash Collections exceed the previous year by 11.4%. Collections total \$67.3k vs \$60.4k for the same period of the prior year.

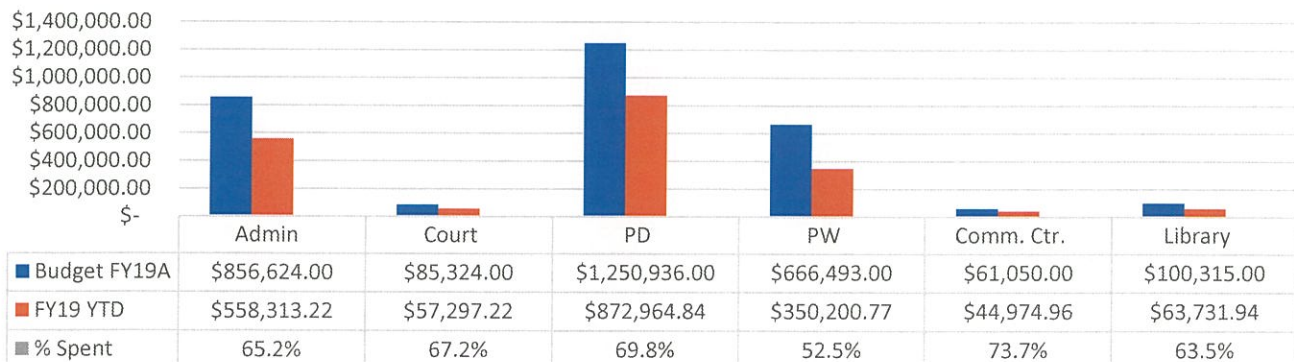
General Fund Revenue - Actual YTD to FY19A Budget



Expenditures

All departments are operating within the FY19A budget.

General Fund Expenditures - Actual YTD to FY19A Budget



WATER FUND

Meters

Current meters for July 2019 total 1636 vs 1619 for July 2018.

Cash

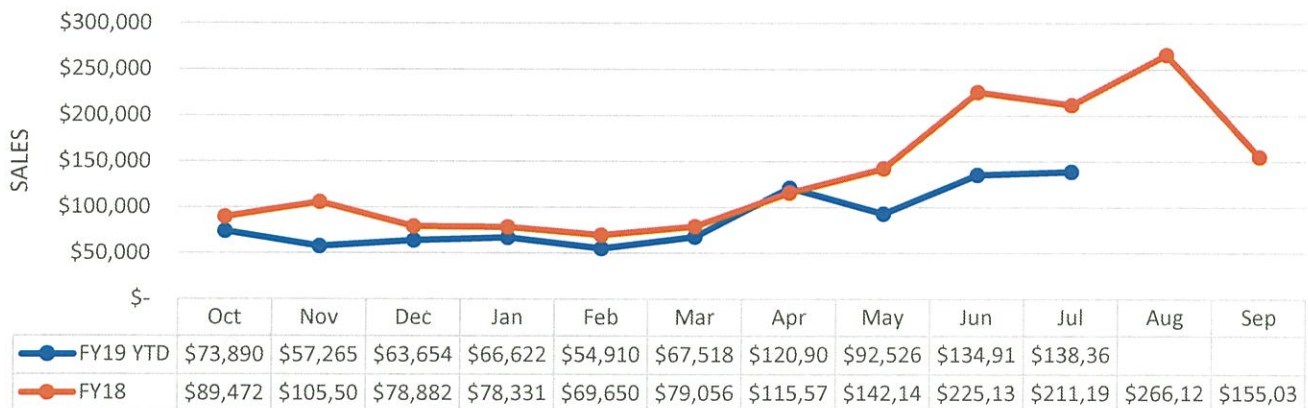
The July 30th Unrestricted Fund Balance is \$1,320.2k.

Revenue

YTD Total Revenue was \$987.5k vs the previous year at \$1,299.2k, that's a 24% decrease YOY. Total Revenue is at 59.1% of the FY19A budget.

Water sales YTD total \$870.6k or 56.9% of the \$1,530k FY19A budget, compared to \$1,195k or 87.8% of the FY18 budget. Water Sales are currently 27.1% lower than the previous year. YTD gallons sold total 182,148k for FY19 vs 256,298k for FY18. Lower sales are attributed to weather.

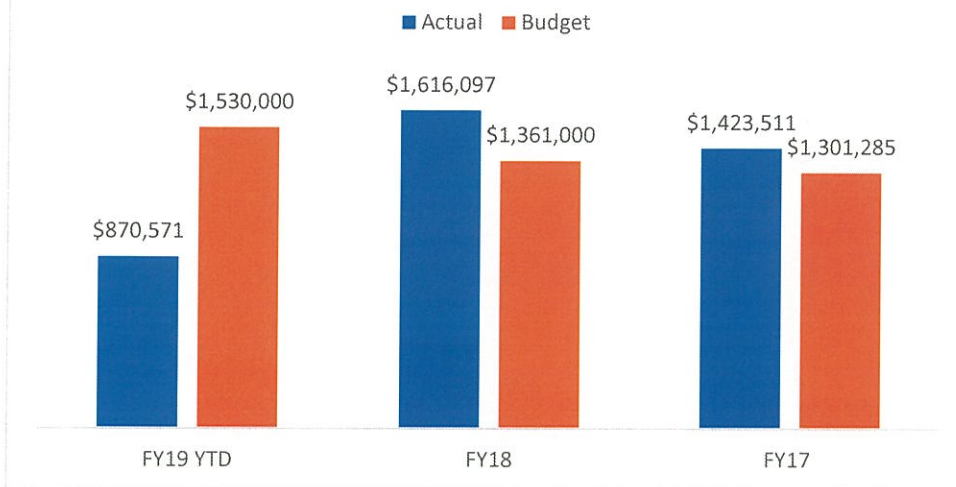
WATER SALES - FY19 VS FY18 VARIANCE \$



WATER SALES - FY19 VS FY18 MONTH TO MONTH VARIANCE %



Water Sales Actual vs Budget

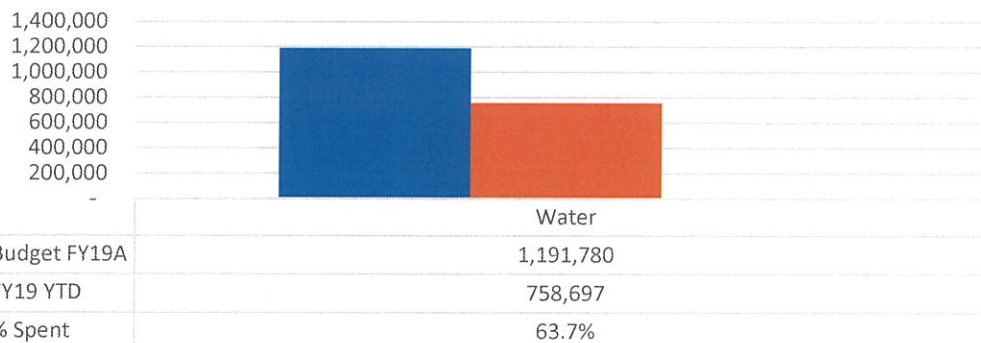


Meter Installations to date total \$25.4k vs \$25.2k for the same period of FY18.

Expenditures

The Water department is operating within the FY19A budget.

Water Expenditures- Actual YTD vs FY19A Budget



Interest & Sinking Fund

Revenue

Ad Valorem Tax collections YTD total \$715.7k or 99.5% of the \$719.1k budget for FY19A.

Expenditures

Next bond payment due in August 2019.

Capital Improvements Fund

Cash Balance

The 2015 CIP Project Balance is \$54.1k. (Balance reflects only items that have been presented for payment.)

Water Impact Fee Balance is \$173.5K.
Street Impact Balance is \$58.3k.

Revenue

Total YTD Interest earned for all CIF accounts is \$7k.

Asset Seizure Fund

Cash Balance

The Restricted Fund Balance is \$239.8k.

Revenue

Seizure Revenue of \$1k was reported for July.

Expenditures

No Expenditures were made in July.

Summary

The City of Garden Ridge is financially sound and operating within the Budget set forth by the City Council.

Garden Ridge Community and Event Center
Monthly Report
August 1st thru August 31st, 2019

Utilization (by Days)

FY 18-19 (Current Month)	FY 17-18 (Current Month)	FY 18-19 (Year to Date)	FY 17-18 (Year to Date)
20	14	236	241

Wildflower (Booked Current Month)
6

Bluebonnet (Booked Current Month)
14

Category Count (by Events)	(Current Month)	(Year to Date)
1. Resident / Non-Resident	3	38
2. City Chartered Non-Profit Organizations	0	27
3. Non-Residents Service Organizations	7	79
4. Non-Profit Associations	8	56
5. City Use	2	15

Marketing Activity:

Advertisement on The City Sign!

Facility Improvements:

Replaced all Skylights in the Wildflower Room!

CITY OF GARDEN RIDGE BUILDING REPORT

August-19

Major Permits

<u>Permit #</u>	<u>Address</u>	<u>Builder</u>	<u>Sq. Ft.</u>	<u>Value \$</u>	<u>Peermitt Fees</u>
1630 -19	8211 Garden Arbor	Chesmar Homes	4,045	\$ 525,850.00	\$ 3,302.00
1632 -19	8259 Apache Forest	Chesmar Homes	3,607	\$ 468,910.00	\$ 3,039.20
1633 -19	8299 Apache Forest	Chesmar Homes	4,587	\$ 596,310.00	\$ 3,627.20
1637 -19	8311 Apache Forest	Chesmar Homes	5,260	\$ 683,800.00	\$ 4,031.00
1638 -19	8303 Apache Forest	Chesmar Homes	5,309	\$ 690,170.00	\$ 4,060.40
1639 -19	8203 Garden Arbor	Chesmar Homes	4,673	\$ 607,490.00	\$ 3,678.80
1640 -19	8290 Apache Forest	Chesmar Homes	4,523	\$ 587,990.00	\$ 3,588.80
1641 -19	8310 Apache Forest	Chesmar Homes	4,663	\$ 606,190.00	\$ 3,672.80
1642 -19	8215 Garden Arbor	Chesmar Homes	4,031	\$ 524,030.00	\$ 3,293.60
1643 -19	8282 Apache Forest	Chesmar Homes	5,309	\$ 690,170.00	\$ 4,060.40
1644 -19	8282 Apache Forest	Chesmar Homes	4,730	\$ 614,900.00	\$ 3,713.00
1650 -19	8286 Apache Forest	Chesmar Homes	4,673	\$ 607,490.00	\$ 3,678.80
1651 -19	8411 Wild Wind Park	Integrity Homes Inc.	5,638	\$ 732,940.00	\$ 4,257.80
1657 -19	8255 Apache Forest	Chesmar Homes	5,309	\$ 690,170.00	\$ 4,060.40
1658 -19	8207 Garden Arbor	Chesmar Homes	5,454	\$ 709,020.00	\$ 4,147.40
TOTAL			71,811	\$ 9,335,430.00	\$ 56,211.60

Minor Permits

<u>Permit #</u>	<u>Address</u>	<u>Builder</u>	<u>Project</u>	<u>Peermitt Fees</u>
1051 -19	22110 Cristobal Dr.	Schmidt Mechanical	Minor HVAC	\$ 100.00
1631 -19	9401 Municipal Pkwy	C.T. Plumbing	Minor Plumbing	\$ 100.00
1634 -19	19410 Arrowood Pl	Keith Zars Pools	Pool, Spa, Deck	\$ 588.28
1635 -19	8422 Orchard Glen	Superior Fence	Fence	\$ 125.00
1636 -19	20350 Bat Cave Rd.	Vale Construction	Pergola	\$ 100.00
1645 -19	8215 Shining Elk	Keith Zars Pools	Pool, Deck	\$ 475.00
1646 -19	9408 Bluebell Dr.	Daniel Villanueva	Patio	\$ 126.72
1647 -19	8502 Tuscan Hills	Paradise Decks & Spa	Arbor	\$ 115.20
1648 -19	8304 Eskimo Forest	Doug Meiske	Fence	\$ 125.00
1649 -19	8322 Shining Elk	Lonestar Fiberglass Pools	Pool, Deck	\$ 475.00
1652 -19	8203 Shining Elk	Larichard Brown	Outbuilding	\$ 100.00
1653 -19	8300 Eskimo Forest	Doug Meiske	Fence	\$ 125.00
1067 -19	21110 Klein Circle	Air Today	Minor HVAC	\$ 100.00
1654 -19	21936 Park View	Blue Haven Pools	Pool, Deck	\$ 475.00
1655 -19	9352 Osage Circle	Camilo Henriquez	Patio	\$ 103.68
1656 -19	8296 Eskimo Forest	Doug Meiske	Fence	\$ 125.00
1659 -19	8303 Shining Elk	Home Improvements Bros	Pavilion	\$ 128.00
1660 -19	9030 Sumac Cove	Will Fix It	Minor Plumbing	\$ 100.00
1661 -19	20592 Timber Rose	Good Electric	Minor Electric	\$ 125.00
				\$ 3,711.88

Total Major Fees for the month	\$ 56,211.60
Total Minor Fees for the month	\$ 3,711.88
TOTAL	\$ 59,923.48

Fiscal Year 2019

Total Major Projects value	\$ 19,985,334.20
Total Major Projects Sq. Ft.	153,733
Total Major permit fees	\$ 119,362.00
Total Minor permit fees	\$ 44,818.48
Total Permit Fees	\$ 164,180.48

Council Ideas/Suggestions List by Category

Updated: August 28, 2019

Ongoing Items	Status	Completed / Council Approval
Personnel Policy (Mayor Thompson) Incentive Pay (Mayor Thompson)	2016: Meeting scheduled for May 18, 2016 with City Council, staff, City Attorney to begin review of draft document Incentive Pay will be discussed during Personnel Policy draft document discussions. 6/15/16 - City Attorney looking at another possible policy for Council. Consideration and to bring back to Council upon completion of review. City Attorney continues work on revising policy with proposed revised chapters to Council for comment City staff working on plan to complete policy for presentation to Council 2017: Presenting City Council {4/5/17} with proposal from Seeking to complete Employee Handbook and Policy Further discussion and direction on proposal to be provided by City Council on May 3, 2017. Staff reviewing a policy reviewed by an attorney at Hogwild for possible presentation to City Council Staff working on a draft policy for Council consideration prior to beginning of new fiscal year 2018: Staff continues to work on draft policy for City Council consideration 2019: Draft Policy completed. Mayor and Department Heads in process of reviewing document prior to submission to City Council. Mayor and Staff have a schedule of meetings beginning 3/7-5/16 to review the proposed policy Mayor and Staff continued to discuss and review proposed policy. Review sessions have been extended to 5/30. Mayor and Staff continue discussion and review of proposed policy. Discussion on and review of proposed policy continue with recent focus on developing a merit/incentive/step program. Staff continues work on proposed policy Possible special City Council meeting will be conducted in October/November for Council review of proposed policy Final review of proposed policy by staff is occurring in preparation of presentation of proposed policy to City Council	Approved March 6, 2019 Implemented March 17, 2019

Personnel Policy (Mayor Thompson) Incentive Pay (Mayor Thompson)	2019 (cont): City staff and Mayor Thompson continue work on the policy Work continues on the proposed policy with additional meetings with staff and Mayor Thompson scheduled for January Goal for presentation of proposed policy to City Council in February Proposed Personnel Policy being reviewed by the City Attorney Presentation to City Council after review City Council consideration and possible action at Special Meeting on February 11 at 2 p.m. City Council approved the Personnel Policy on February 11, 2019 with changes recommended at the meeting Additional changes and approval of expenditure for Short and Long Term Disability insurance will be presented to City Council for consideration on March 6, 2019 City Council approved new policy 3/6/19, Policy implemented 3/17/19, Meetings held with all employees attending for review of policy. Employee evaluations are underway in accordance with new Personnel Policy. Employee evaluations were completed on August 15, 2019.	Approved March 6, 2019 Implemented March 17, 2019
Electronic Water Billing (Mayor Thompson)	Software upgrade on May 19 Include in FY 2017 Budget Begin implementation FY 2017 Full implementation TBD Online water bill payments active September 14, 2016 Online Court payments active October 2016 Electronic utility billing being researched for implementation during 2018 Fiscal Year Software purchase with Incode placed in the proposed FY2018 Budget Utility billing staff will begin work towards. Software will be installed first week in September. Training in late October. Implementation in November.	Software upgrade completed for online utility and court payments

Community Center (Councilman Lantzy)	Comparing pricing of similar venues Developing fully loaded cost for facility Acquiring estimates for removal of overhead doors, sound system, commercial stove, AC system Developing list of aesthetical improvements to center that may affect lighting, energy and electrical improvements Staff working on maintenance items Comparing contracts from other venues for revisions to current contract Bring information at hand to Council in June for discussion and direction Councilman Lantzy discussed Community Center with Council on 6/6/16 Proposals for door removal, new air conditioning and ducting received and to be presented to City Council with funding through CIP Council approved funding on August 3, 2016 through CIP. Doors removed; new air conditioning installed. Awaiting install of duct work on September 12, 2016 Duct work installation completed September 12/13, 2016 City Attorney revising Community Center Contract per Council direction 10/5/16 - Marketing and future projects being discussed by Council Work continues revising Community Center Contract Council to consider revised agreement in Feb. Council meeting Revised agreement approved Feb. 13, 2017 and being utilized Interior door/window frames and doors painted a neutral color to enhance appearance Rate structure for Community Center and presence on the City's webpage are being worked on Additional renovations to the Community Center being discussed and evaluated	New A/C installed, inside doors replaced with windows, interior door frames and doors painted
--	--	--

Community Center (Councilman Lantzy)	(cont): Overhead storage area under construction, window tinting completed and drainage being evaluated New stairway for overhead storage to be constructed, Wi-Fi installed in April, and enhancement of sound system under evaluation Enhancement of the Community Center sound system is underway and additional enhancements to the Community Center continue to be evaluated Concrete of outdoor pavilion areas was stained by City staff Possible future facility enhancements continue being researched Lighting and electrical work at the Center has been the focus during August. A new brochure for the Center is being worked on. In August Council approved adding Event to the Center's name New brochure for the Center is completed and will be utilized to market facility Evaluation and prioritization of enhancement projects for the Center is underway for possible future funding Public Works and the Community Center Manager are proceeding with the additional work on the Community Center approved by Council in November Bids being obtained and work proceeding along in the Community Center Bids being obtained for work in Paul Davis Park Upgrades continue with completion of upgrades in near future Status of upgrades to the Community Center will be reviewed with City Council on March 6, 2019 Improvements to the Community and Event Center are near completion Work on the Clearstory in the Community and Event Center needs to be performed Clearstory work is expected to be completed by September 30, 2019.	New A/C installed, inside doors replaced with windows, interior door frames and doors painted
Community Center (Councilman Lantzy)	Clearstory work has been completed.	
Rental Agreement and Pricing Structures (Mayor Thompson)	Proposed changes to the Community Center Rental Agreement related to event security being discussed and prepared Pricing structure for the Center is in the process of being reviewed for future adjustment Revised rate schedule to be presented to City Council in February	Council approved revised rate schedule on 2/7/18 and it is being utilized

Video stream Council Meetings (Mayor Thompson)	Discuss with legal pros/cons Sound system in Council room can be planned for future streaming capabilities Requires additional technology upgrades and equipment Budget impact Video streaming of Council meetings will be studied during the fiscal year Mayor and City Staff researching process and equipment for video streaming Council and Commission meetings Audio and video equipment in the City Council Chambers is being evaluated for video streaming capabilities and sound improvement City is awaiting proposals for audio and video upgrades for Council room and large conference room from 3 vendors Proposals received being reviewed Proposals are being reviewed with vendors The evaluation of proposals with vendors continues City Council will receive an update on the status of the project in November Evaluation of proposals for the project and evaluation of third-party vendors for streaming of meetings are in the final processes Project pricing is being negotiated and finalized with vendors Project contracts being reviewed and adjusted with City Attorney recommendations Scheduling of work for the project being coordinated Finalizing project work schedule for possible completion of project in February 2019 Installation of audio and video equipment other than the encoder for streaming of meeting are expected to be completed for the March 6, 2019 City Council meeting	
--	--	--

Video stream Council Meetings (Mayor Thompson)	Upgrades to the audio and video equipment are near completion Awaiting shipment and installation of encoder for streaming Awaiting installation of encoder for streaming and a few minor adjustments to the new audio/visual system Awaiting training on the BrightSign software for the Lobby monitor Additional cabling run to connect streaming equipment and lobby monitor to network server Awaiting coordinated onsite work by CIT and DDS-AV to complete connection to network server Lobby monitor is projecting information about the City Streaming equipment is connected to the City network Council meetings are being streamed on the City's YouTube channel. Vendor for software has changed from lcompass to CivicClerk. Training on agenda indexing and template development to be completed in September	
Videos for website (Mayor Thompson)	Maybe prepared by GRES or students to increase civic involvement Volunteer Garden Ridge! Coordinator Shelby Trial has been filming videos that have been placed on City Website and NextDoor. City Secretary Goodwin is working on a YouTube channel for the City The City's YouTube channel is up and videos have been posted to it New videos have been added to the website	
Coffee with Mayor and Council (Mayor Thompson)	Discuss at future Council meeting and determine dates Mayor Thompson began conducting Coffee with the Mayor the first Monday in July	
Quarterly Issues Town Hall Meeting (Councilman Lantzy)	Determine dates for Meetings	

Pending Items	Status	Completed / Council Approval
Annual or semi-annual inspection of buildings and other City facilities (Mayor Thompson)	To be implemented semi-annually	Implemented Monthly
Disaster recovery plan for City (Mayor Thompson)	Discuss at future Council meeting to determine the scope of recovery plan To be incorporated into the Emergency Management Plan for the City	
Disaster recovery plan for Water Department (Mayor Thompson)	Discuss at future Council meeting to determine the scope of recovery plan To be incorporated into the Emergency Management Plan for the City	
Business outreach by Council - walk businesses (Mayor Thompson)	Discuss at future Council meeting	



City of Garden Ridge

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

POLICE DEPARTMENT MONTHLY BREAKDOWN

August 1 to August 31, 2019

Calls for Service

Dispatched: 153 City Ordinance: 17 Total: 170 False Alarms: 16

Arrests

- *3 – Poss Marijuana < 2oz
- *1 – Poss CS PG 2 >= 1G < 4G
- *1 – Poss CS PG 1 < 1G
- *1 – Driving While License Invalid with No Insurance
- *2 – Driving While License Invalid with Previous Convictions
- *1 – Driving While Intoxicated
- *4 – Traffic Arrest Warrant or Other
- *1 – Unauthorized Use Motor Vehicle
- *1 – Altered Registration Insignia

Traffic Enforcement

Crashes: 5 Citations: 206 Warnings: 131 Total: 337

Training / Certifications

- * All Officers completed "Concealed Carry for LEO" Range Training.
- * Sgt. Osborn completed "Special Investigative Topics" Training.
- * Lt. Bellinger & Chief Eberhardt completed "You've Got People, You've Got Problems" training.

Outreach Efforts

- * Some new faces and groups at Coffee with the Cops last month.
- * Reminder, National Night Out on (Tuesday) October 1st this year.
- * Our next Pizza with The Police is scheduled for 17 September 2019.

Administrative Comments

- * Completion of Department Evals for the year.

Challenges

- * Efforts continue to get residents to clean up debris from previous storms.
- * Getting information out to GRES parents and calming the traffic situation.



City of Garden Ridge

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

MONTHLY PUBLIC WORKS REPORT

August 2019

Activities for the month

Streets

- Potholes filled: 6.
- Signs installed: 3

Storm water Drainage Facility and Easement Maintenance

- Inspected 19 outfalls, 18 detention/retention ponds.
- Drainages mowed: 2.
- Sumac Circle drainage project: 100' of chain-link fence installed.
- Stormwater public outreach: 2 messages displayed on FM 2252 sign.

Parks Maintenance

- Paul Davis Park: Mowed 1 time.
Graded around basketball court.
Trimmed trees.
Added 5 new trash cans.
- Regency Run park. Mowed 1 time.
Added trash can.
- Harvey B. Bell park: Mowed 1 time.
- Park Lane Park: Mowed 1 time.
Pressure washed benches.
Repaired drinking fountain.
Pruned trees.

City Facility/Property Maintenance

- City Hall: Ongoing landscape work provided by the Comal Master Gardeners.
Replaced chilled water pump motor for the air conditioning system.
Cleaned the carpet and chairs in the council room.
- Community Center. Replaced 20 skylight panels
Cleaned the gutters.

Oak Wilt

- No new cases.
- Continue monitoring live oak trees at Paul Davis Park.
- Calls for oak tree inspections: 1.

Reports Submitted

- Wildlife Management Advisory Commission Report.

Education/Training for Staff

- None at this time.

Events/Conducted Education to residents

- None at this time.

Future Projects or Needs

- Upgrade to a bigger flammable material storage building.

Steven Steinmetz
Public Works
Director

Eric Lowman
Deputy Public
Works Director

Stanley Georg
Brian Horn
Manuel Troncoso

Ongoing Responsibilities

- Parks maintenance
- Facilities maintenance
- Streets
- All public facilities grass and right-of-way's
- Storm water Drainage
- Oak Wilt monitoring

Upcoming Events

Sep. 7th & 8th
Dumpster Weekend

Sep. 14th & 15th
Dumpster Weekend

Sep. 21st & 22nd
Dumpster Weekend

Sep. 28th & 29th
Dumpster Weekend

Animal Services Monthly Activities

- 9 deer carcasses were disposed of, which makes for the year 69.
- 0 wild hogs or deer were donated this month to Hunters for the Hungry, the year-to-date combined totals for wild hogs and deer donated are 0.
- 0 live traps loaned out this month, traps loaned out year-to-date 8.
- 320 registered/reregistered animals for the year.
- 0 nuisance complaints received.
- 0 animal reported bites.

Adoptions

- 0 dogs; 2 year-to-date.
- 0 cats; 2 year-to-date.

Returned to owners

- 3 dogs; 15 year-to-date.
- 7 cats; 7 year-to-date.

Transferred to other agencies

- 3 dogs for month; 4 year-to-date.
- 0 cats for month; 5 year-to-date.

Currently in City care

- 0 dogs; cats 0.

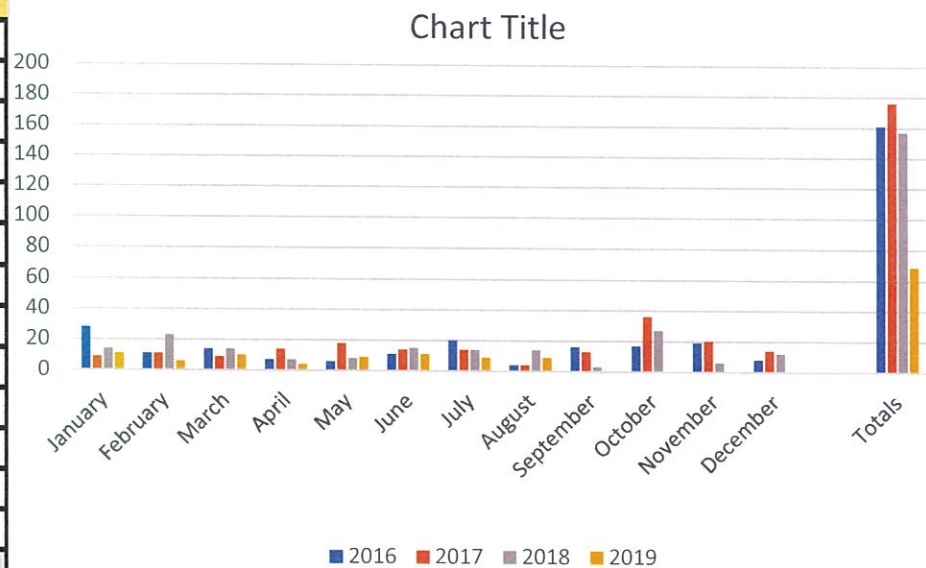


Year to Date Wildlife Report

	Jan	Feb.	Mar	Apr.	May	Jun	Jul	Aug.	Sep.	Oct	Nov	Dec.	Total
Deer	11	6	10	4	9	11	9	9					69
Raccoons	4	3	3	0	5	3	2	4					24
Opossums	5	1	1	4	2	4	4	0					21
Skunks	2	0	0	0	0	0	0	1					3
Wild hogs	0	0	0	0	0	0	0	0					0
Turtles	0	0	0	0	1	2	1	0					4
Squirrels	0	2	0	0	2	0	2	0					6
Foxes	5	1	0	0	0	3	0	0					9
Armadillos	0	1	0	1	1	0	0	2					5
Hawks	1	0	0	0	0	0	0	0					1
Bats	0	0	1	0	0	0	0	1					2
Coyotes	0	0	1	0	0	0	0	0					1
Buzzards	0	0	0	0	0	0	0	0					0
Ringtails	0	0	0	0	0	0	0	0					0
Snakes	0	0	0	1	0	4	1	1					7
Rabbit	0	1	0	0	0	0	0	0					1
													0
Total	28	15	16	10	20	27	19	18					153

Deer Carcass Removal totals for 2017-2018-2019

	2016	2017	2018	2019
January	28	9	14	11
February	11	11	23	6
March	14	9	14	10
April	7	14	7	4
May	6	18	8	9
June	11	14	15	11
July	20	14	14	9
August	4	4	14	9
September	16	13	3	0
October	17	36	27	0
November	19	20	6	0
December	8	14	12	0
Totals	161	176	157	69

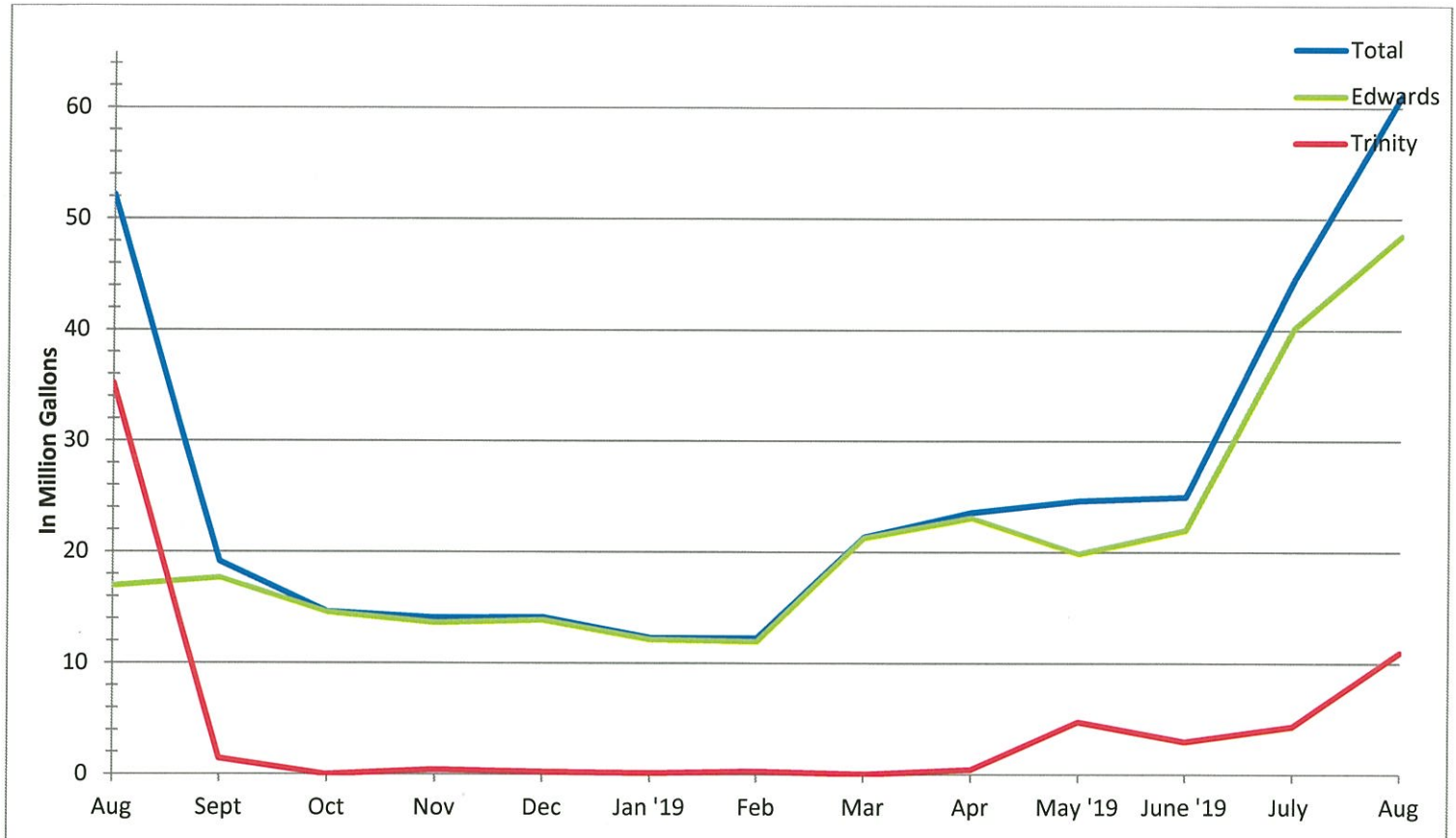




Water Department Report

As of August 31, 2019

City of Garden Ridge Well Usage

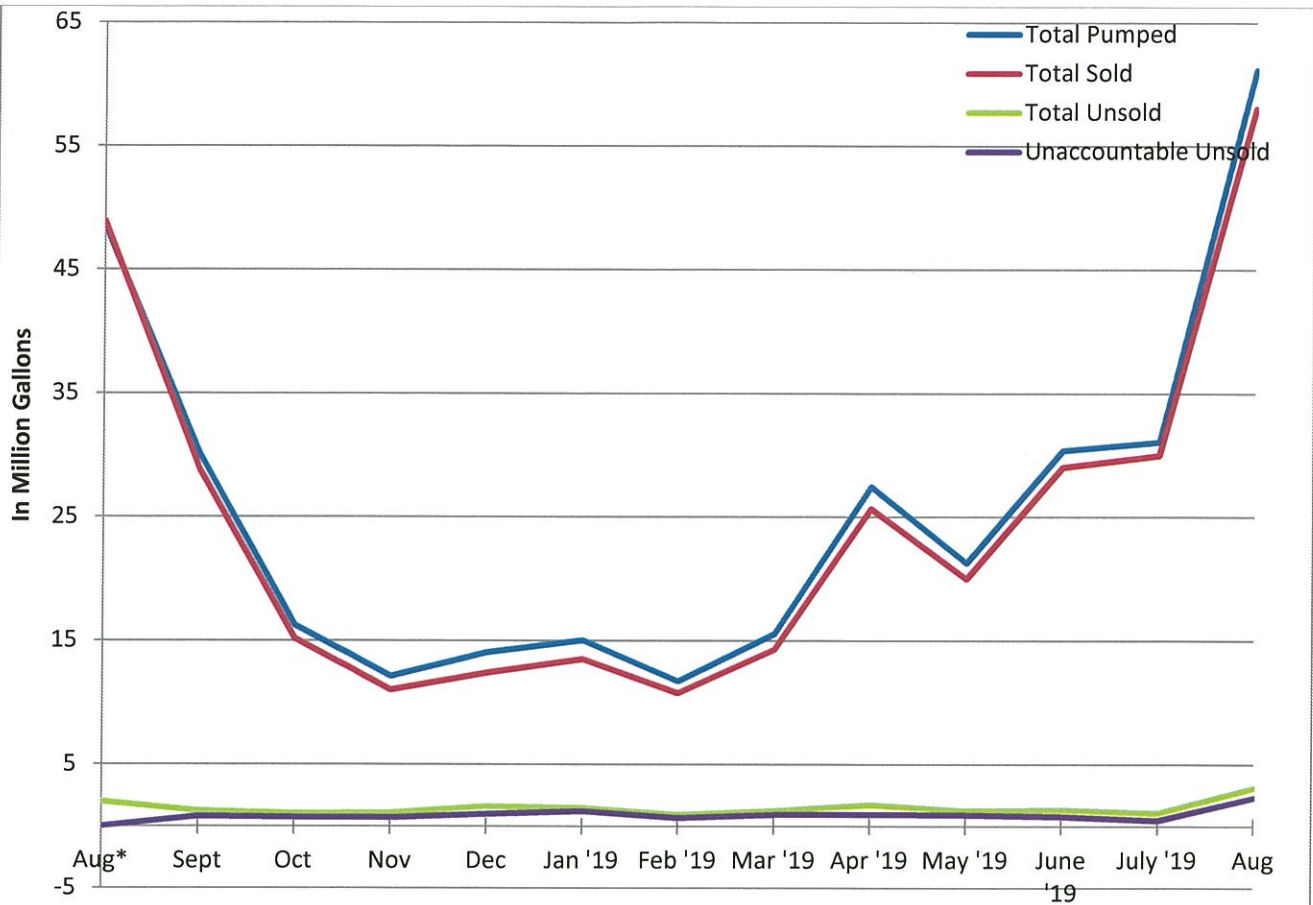


	Month:	Year:	Available:	Stage:
Edwards Well Usage AC/FT:	150.05	612.16	100.13	0
Trinity Well Usage AC/FT:	33.74	72.44	N/A	- 0%

Water Quality

Bacteriological:	6	0	6	0
Raw:	4	0	4	0
Chlorine Residual Test:	31	0	31	0

2018 – 2019 Pumping Report



	Total Pumped (Thousands)	Total Sold (Thousands)	Total Unsold (Thousands)	Unaccountable Unsold (Thousands)	Unaccountable Unsold %
Aug*	48,604	48,945	2,009	26	0.1%
Sept	30,118	28,871	1,247	820	2.7%
Oct	16,256	15,198	1,058	749	4.6%
Nov	12,153	11,057	1,096	703	5.8%
Dec	14,073	12,447	1,626	998	7.1%
Jan '19	15,035	13,556	1,479	1,228	8.2%
Feb '19	11,738	10,795	943	691	5.9%
Mar '19	15,572	14,324	1,248	937	6.0%
Apr '19	27,464	25,712	1,752	985	3.6%
May '19	21,278	20,016	1,262	899	4.2%
June '19	30,391	29,047	1,343	802	2.6%
July '19	31,078	29,996	1,082	475	1.5%
Aug'19	61,184	58,074	3,110	2,298	3.8%

* July and August inaccurate due to inaccuracy of new meters at 3009 wellsite at time.

Water Department Monthly Activities:

New Meter Installs	2	Work Orders	179
Meter Replacements	3	Locates	8
City Owned Leaks	0	Irrigations Permits Issued	3
Meters Read May 2019	1,648	Total Rebates	0

Projects:

- The Lead & Copper Sampling is Finished
- Whispering Oaks Project is Ongoing
- SCADA Training and Software Updates Completed
- 2252 Motor Installation Completed
- The Woods Subdivision Development Waiting for Final Inspection



Garden Ridge Library

Volume II, Issue 12
September 4, 2019

Monthly Library Update

By Linda Crosland, Library Director

For leisure, for learning, for life!

Upcoming Events in September

Children's Activities

Shiraz, Mondays, 3:15-4:15

Lego Robotics, Tuesdays, 3:30-4:30 or 6:00-7:00

Lego Club, Wednesdays, 3:30-5:00

Prenda Coding Club, Thursdays, 5:30-7:00

Storytime and Stay & Play, Fridays, 10:30

Teen Activities

Teen Game Day, Sept. 14

Adult Activities

Lunch-n-Learn, Instant Pot Italian Cooking,
Wednesday, Sept. 18; **Encore Presentation,** Saturday, Sept. 21

Northside Knitters, Every Tuesday, 10:00 am

Adult Coloring, Every Thursday, 1:00 pm

First Monday of each month except Sept, 9/9
due to Labor Day, Adult Games, 6-9 pm

Every Third Tuesday, (August 20), Card-making
class

Dedication of Gardens of Garden Ridge, Sept.
28, 2-4 pm

Department Statistics

Visits to the Library	1,237*
Items Checked Out	2,157*
New Patrons Added	61
New Items Added to the Collection	130
Volunteer Hours	189

*We have begun adding electronic checkouts to both visits and items checked out.

Activity Statistics

Preschool Story Time and Stay & Play	37*
Elementary-aged Children's Activities	327
Teen Water Day in Park	20
Adult Craft Classes	50
Summer Reading Wrap-up	126
Various Special Activities	140

Total Activity Attendance 681

Training, Linda attended a webinar called "The State of Nonprofit Donation Pages."

*Storytime only occurred twice in August

"Dear Humans, In case you forgot, I used to be the internet. Sincerely, The Library"



memorandum

To: Garden Ridge City Council
From: Trihydro Corporation
cc: Ms. Nancy Cain, City Administrator, City of Garden Ridge
Date: August 26, 2019
Re: Engineering Report for September 2019 Meeting

1. FM 2252 TxDOT Project
 - Trihydro has been in contact Christie Hill, Transportation Engineer with TxDOT.
 - TxDOT is continuing to identify existing utility conflicts along the alignment. A utility coordination meeting will be scheduled in late September for the impacted utilities.
 - Current schedule is design completed by 12/2020, utilities relocated by 04/2022.
2. FM 2252 Wastewater and Water Project
 - Trihydro is continuing to analyze existing utility lines to verify available capacity and possible improvements.
 - Conversations with service providers concerning possible coordination are continuing.
3. Woodlands of Garden Ridge / Bindseil lane Drainage Project
 - An inspection of the projects was conducted by the City of Garden Ridge and Trihydro personnel on August 13th and project punch lists were generated.
 - The Contractor is currently working to clear the punch list items.
4. Sumac Circle
 - The initial fencing contractor declined to complete the project after conflicts developed.
 - The City has retained the services of a second fence contractor to complete the installation.
5. Naco Loop Waterline
 - The one-year warranty walkthrough has been completed, there were no punch list items identified.
6. T. Blackwell Garden Ridge Office
 - The Site Plan for a proposed office building at 18875 FM 2252 was submitted to the City of Garden Ridge for review.
 - The Site plan is currently under review by Trihydro.



Buckley Powder Co.

A Dyno Nobel Distributor

P.O. Box 1358 Georgetown, TX 78628 USA Telephone 512-869-0287 Fax: 512-819-9906

DYNO
Dyno Nobel

July 17, 2019

City Administrator
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

To whom it may concern:

Buckley Powder Company would like to be considered for a Partial Exemption Permit with the City of Garden Ridge. We have four gentlemen that will be our representatives for the purpose of this application, Mr. Steven Davis, Mr. Riley Pumphrey, Mr. Darryl Borg, and Mr. Dustin Althoff. The complete contact information for these gentlemen is as follows:

Steven Davis, Health & Safety Manager (512) 818-7731

Riley Pumphrey, General Manager (512) 864-4185

Darryl Borg, Senior Technical Representative (830) 214-5635

Dustin Althoff, Technical Representative (512) 229-7894

Buckley Powder Company
6305 N. IH-35
New Braunfels, TX 78130

Buckley Powder will be blasting for the crushed stone operation of Lehigh Hanson Aggregates for the 2020 fiscal year. If you have any questions or concerns, please feel free to contact Mr. Davis, Mr. Borg or Mr. Althoff.

Sincerely,

Steven Davis
Health & Safety Manager

Hanson Aggregates
Servtex Quarry

July 9, 2019

Nancy Cain
City Administrator
City of Garden Ridge
9500 Municipal Parkway
Garden Ridge, Texas, 78266-2600

RE: Buckley Powder Application for a Partial Exemption Permit for Blasting in October 2019 through September 2020.

Nancy,

We have asked Buckley Powder to pursue obtaining a Partial Exemption Permit for Blasting within the City Limits of Garden Ridge per Ordinance 34 for the fiscal year of 2020. We will assist with any necessary documentation for the permit. If there is any questions or concerns, please contact me directly at _____ or my office phone (210) 658-7461.

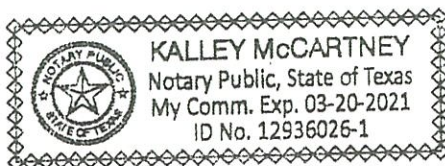
Best Regards

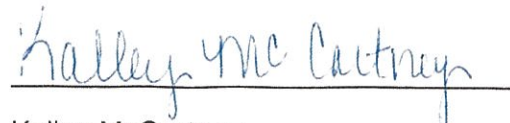


Hal Halamuda

CC: Pierre Levesque, Buckley Powder

Sworn to and subscribed before me by Hal Halamuda, on this the 13th day of July, 2018.




Kalley McCartney
Notary Public in and for
The State of Texas
My Commission expires: 3-20-2021



Buckley Powder Co.

A Dyno Nobel Distributor

P.O. Box 1358 Georgetown, TX 78628 USA Telephone 512-869-0287 Fax: 512-819-9906

DYNO
Dyno Nobel

TO: City of Garden Ridge

CC: Riley Pumphrey, Darryl Borg, Dustin Althoff

From: Steven Davis
Health & Safety Manager
Buckley Powder Company

Date: July 17, 2019

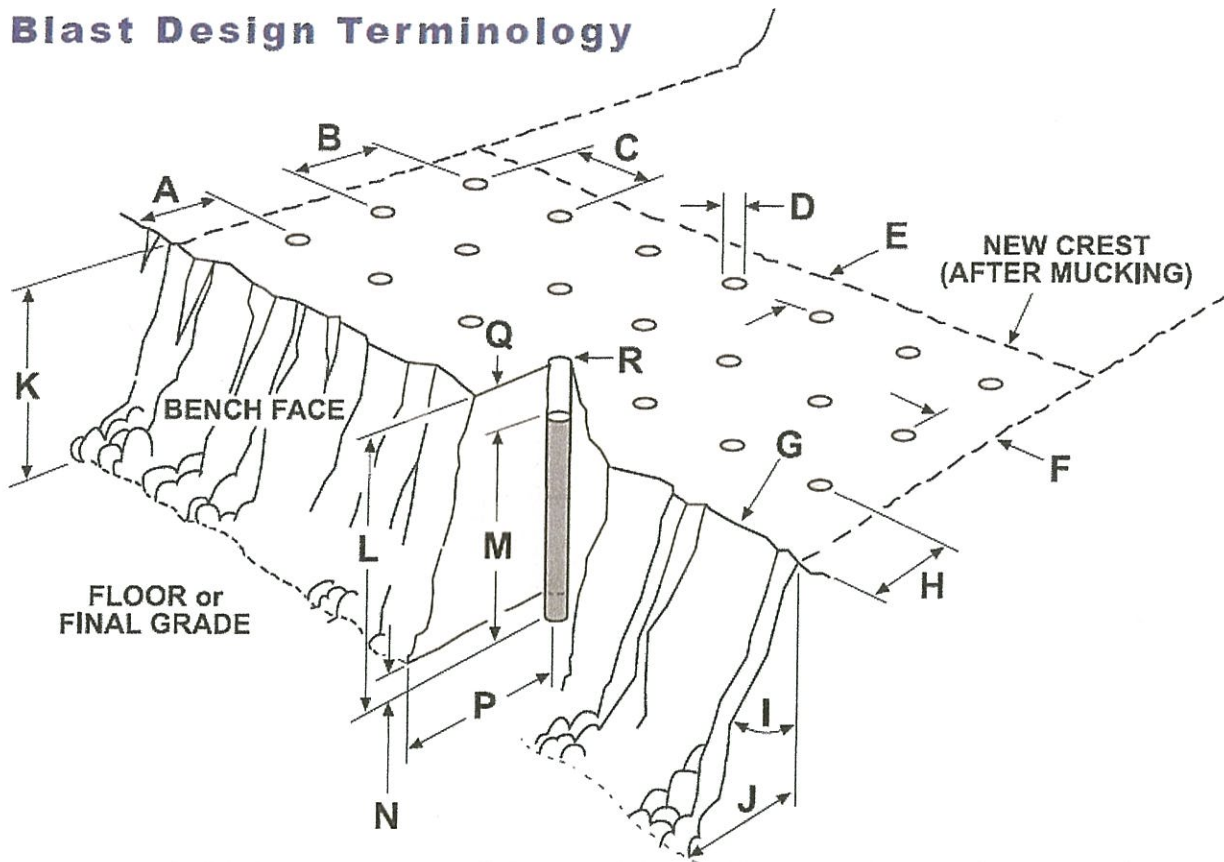
Included with this packet is a copy of the Buckley Powder Blasting Standard Operating Procedures. This document is very specific as to the proper procedures required to provide optimum results for our customer while also providing a safe environment for Buckley Powder employees, those employed by our customer, and the surrounding community. All Buckley Powder blasters are required to attend at least 40 hours of classroom training and testing to ensure they have a complete understanding of these procedures. Along with classroom training, they are provided extensive field training before ever actually being assigned duties as a lead blaster.

All Buckley Powder Blasters must successfully complete the Open Pit Blaster Training. This course provides a thorough understanding of the fragmentation process and how to minimize vibration and air over pressure which may affect the surrounding community. Blasters are taught all calculations necessary to safely obtain the production goals of the customer while minimizing the environmental effects. Once again they must pass written tests in the classroom and are audited in the field to ensure they are following these calculations and procedures. As new and improved techniques are introduced to the industry, blasters are brought in to be trained on the new information as well as refreshed on previous topics.

Buckley Powder now blasts approximately 30,000,000 tons of rock per year in the San Antonio – New Braunfels area. Our blasters and technical staff are very familiar with the geological abnormalities which must be addressed to keep environmental effects to a minimum. The included documents are quite lengthy – so we will list below the typical process involved for blasting in the Edwards Aquifer area.

Included on the next page is an illustration of a typical bench to be blasted and the terminology for many of the parameters considered in the design of the blast.

Blast Design Terminology



A	Hole - to - Crest	G	Crest	M	Explosive Column Height
B	Apparent Burden*	H	Crest Burden	N	Subdrilling
C	Apparent Spacing*	I	Bank Angle	P	Toe Burden
D	Hole Diameter	J	Toe	Q	Stemming Height
E	Back Break	K	Bench Height	R	Collar
F	Side Break	L	Hole Depth		

* True Burden and True Spacing may be different than Apparent Burden and Apparent Spacing due to delay pattern.

We teach our blasters that there are four things which occur when rock is blasted :

- The rock is broken or fragmented
- There is a heaving affect
- Vibration is created
- Air overpressure is created

If a blast is properly designed, the energy of the explosives will be used to do the first two in the list and there will be less energy left to create vibration and air overpressure. Thus the correct pattern to properly distribute the energy through the rock is the first important consideration. We know

from experience how many pounds of explosives per cubic yard or ton of rock (powder factor) will give satisfactory fragmentation. If we under load a blast, it may actually create higher vibration. Extensive research calculations have been developed which aids in predicting vibration at a given distance based on the pounds of explosives detonated at 8 millisecond intervals. Based on the two above factors a blast pattern can be determined.

Laying out the blast pattern

As illustrated in the diagram, previous blasting will create a face which many times will be irregular; depending on the local geology. A two dimensional laser profiler will be used to determine at what distance from the crest holes should be placed in order to have the proper burden (amount of rock in front of the hole). There will be times when geological abnormalities may be observed and require the holes to have additional burden placed on them in order to minimize any venting of energy through the various seams; which may increase air overpressure. If this is necessary the spacing between holes in this row will be reduced to maintain the proper powder factor. The location of each hole is marked by the blaster.

Drilling

The driller will be given documentation of the pattern. This will include a diagram of the hole locations. The required depth of the holes will be indicated. Depths are determined from the initial data from the laser profiler. In order to properly break the rock at the bottom of the hole, the holes will be drilled slightly deeper than the actual bench height. In areas of vibration concern, this subdrill should be kept to a minimum. Excessive subdrill tends to increase vibration due to the over confinement in this area of the blast. The driller will be asked to provide a log of each hole. These logs will provide information concerning variations in geology; with the depths of these variations noted. This is very important data which aids the blaster in making determinations on how the hole should be loaded.

Loading the blast pattern

Before the blast is loaded, a three dimensional auto scan laser profiler will be used. This unit allows the exact location of each hole to be surveyed. It then can be set up to scan the face and collect upwards of 100,000 data points. If there are any "divots" in the face that requires more refinement of resolution, additional points can be scanned in that area. Various reports will be generated from the data, which will aid the blaster in determining what must be done to eliminate problems (examples included at the end). The most important of these reports are the actual profiles of each front row borehole. These profiles show the exact burden in front of the hole. The software can also be set to look a predetermined distance on either side of the hole for any lesser burdens which might be influenced by this hole. With these reports in hand, the blaster will visually examine the face one more time and make notes on the print outs of any variations in the loading which should take place.

All holes will be checked for proper depth. If any have excessive subdrill which may increase vibration, they will be backfilled to the proper depth. Detonators and cast boosters will be placed in the holes as needed and the hole will be loaded with bulk explosives. The blaster will monitor the rise of the product in the hole. If there any abnormalities such as cracks and voids the powder will stop rising and the blaster will immediately stop to address the issue. In most cases an inert material such as crushed stone will be placed in this area of the borehole to avoid the accumulation of excess explosives. Trucks are equipped with meters as an added check to ensure the proper amount of explosives is being placed in each hole. In the cases where a full column may be too

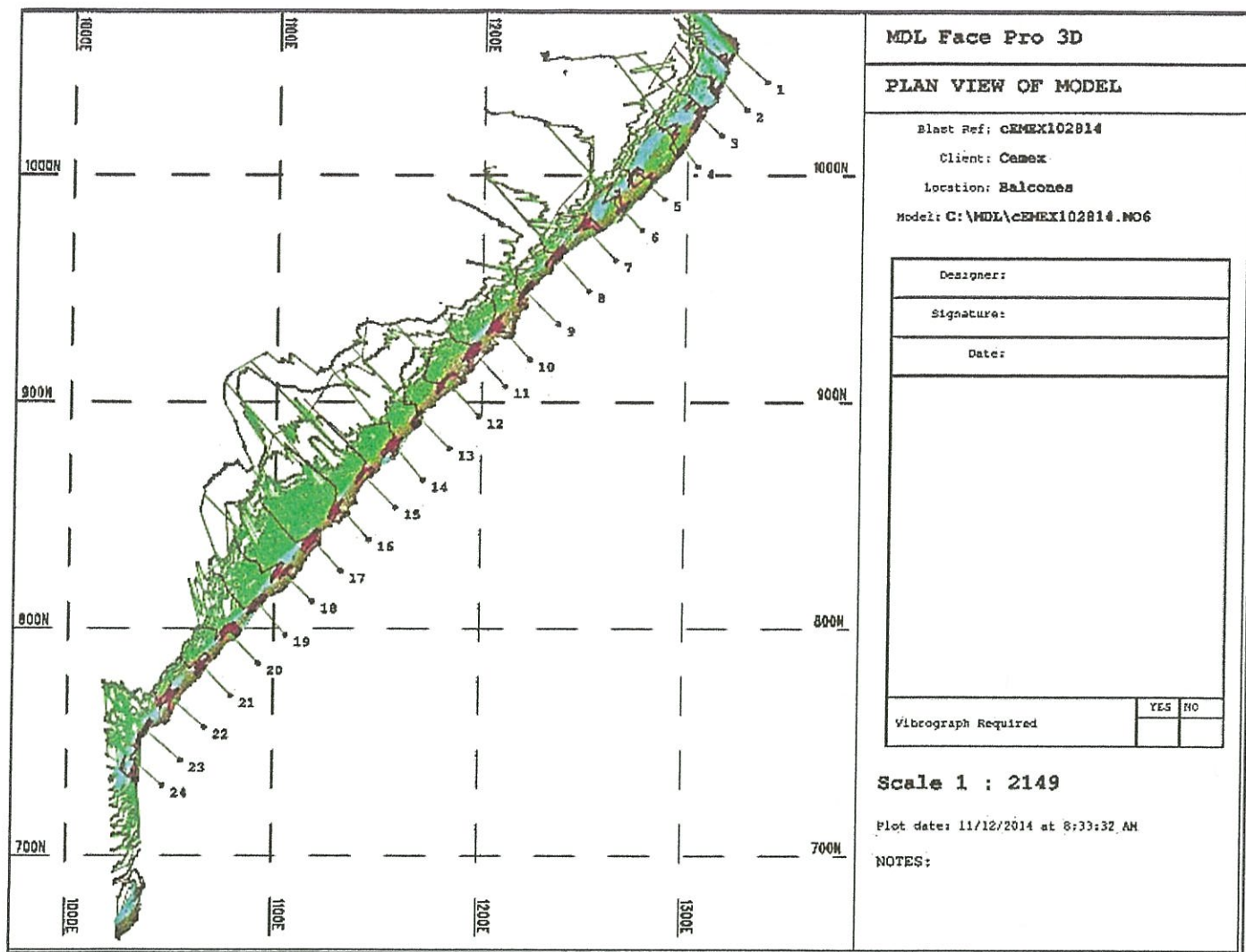
large to maintain the desired vibration level; the load in the hole may be divided into smaller charges separated by inert material. These smaller charges will be timed to detonate separately to reduce vibration. If seams of softer material or clay have been noted on drill logs or observed by the blaster as he inspects the face; inert material will be placed in that area of the column to prevent venting which may increase air overpressure and noise. The powder column will be stopped at a predetermined distance from the top of the hole. This is called the stemming area and will be filled with crushed stone to create confinement at the surface.

Electronic Detonators

The development of electronic detonators has greatly improved the ability of our industry to reduce vibration from blasting. The accuracy of these detonators has allowed us to be very predictive as to our end results. Software has been developed which allows us to blast one hole, collect the vibration data; apply that data to a multiple hole scenario; and with a fair amount of accuracy predict what the results will be from that blast. The software we have allows us to enter the exact parameters of a particular blast pattern, and see what the vibration should be based of various timing sequences. Though our vibration levels are never close to a level which will do damage to a structure, we can many times find a sequence which is less perceivable and acceptable to the community.

Conclusion

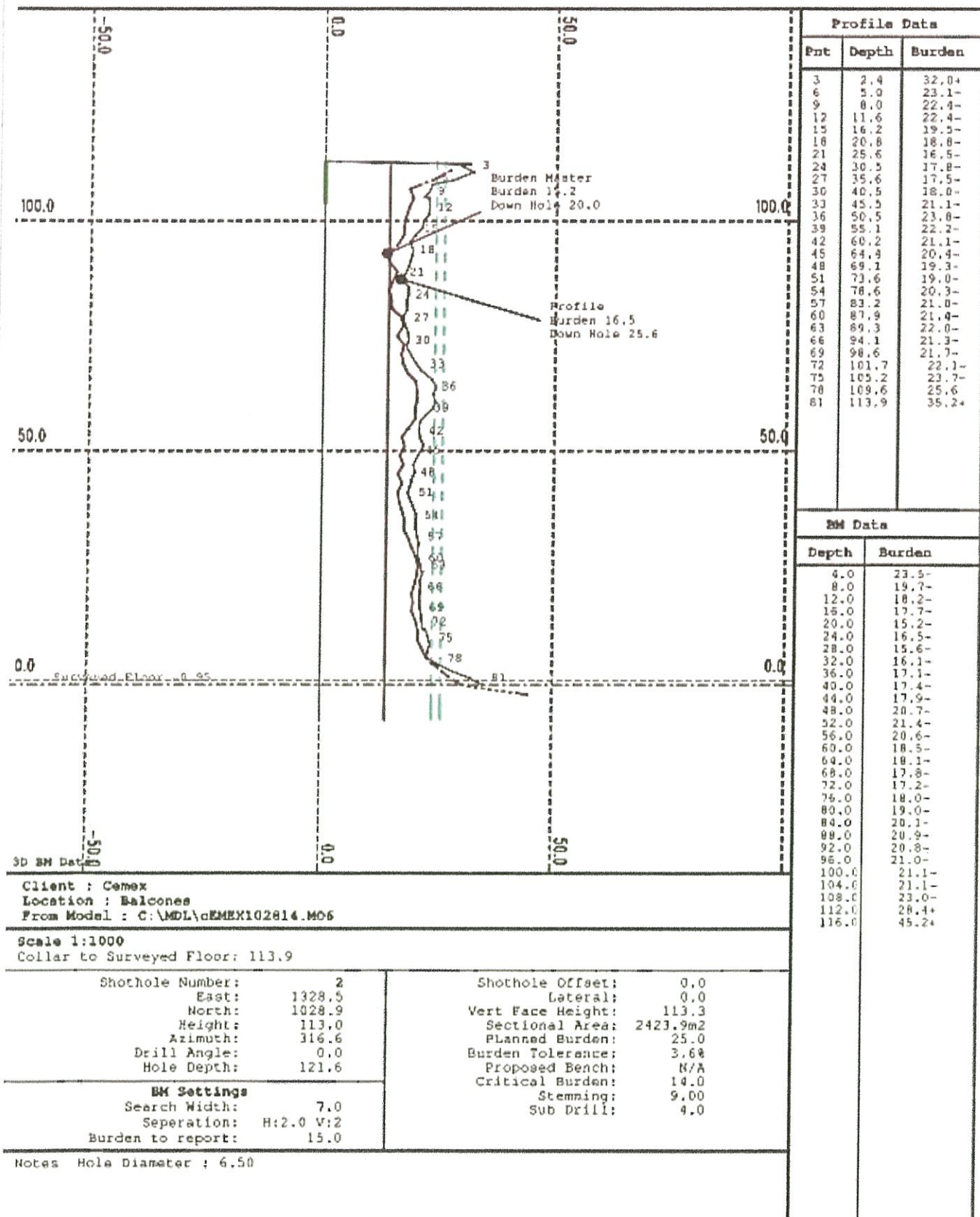
There are few places left where our customers have not had developments build around them. Buckley Powder has been very successful helping those customers deal with community concerns. We take great pride in our education program for our personnel concerning safety and technology. If you have further questions concerning our procedures, please contact us.



Aerial view of blast pattern created from 3D profile software

MDL Face Pro 3D

Shothole No: 2



Profile of a blasthole. Burden master data is from searching 7' on either side of hole



BUCKPOW-01

OMOHLE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER JLT Specialty Insurance Services Inc. 5847 San Felipe St. Suite 2800 Houston, TX 77057	CONTACT NAME: Olivia Mohle	
	PHONE (A/C, No, Ext): (713) 325-7633	FAX (A/C, No): (713) 789-0415
INSURED Buckley Powder Co. 42 Inverness Dr. East Englewood, CO 80112	E-MAIL ADDRESS: Olivia.Mohle@jltus.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Starr Indemnity & Liability Company	
	INSURER B: American Guarantee and Liability Insurance Company	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC #		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PRO-JECT ☒ LOC OTHER:			1000090348191	07/01/2019	07/01/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			1000198724191	07/01/2019	07/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			AUC 3793061-11	04/01/2019	04/01/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	1000002255	07/01/2019	07/01/2020	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Subject always to policy terms, conditions and exclusions, City of Garden Ridge is named as Additional Insured (excluding Workers' Compensation and Employers' Liability) but only to the extent of risks and liabilities assumed by the Named Insured in a signed written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, TX 78266

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

JLT Specialty Insurance Services Inc.

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number
5-TX-091-20-9J-01236

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date
September 1, 2019

Name
BUCKLEY POWDER CO

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

6305 1H 35 NORTH
NEW BRAUNFELS, TX 78130-

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

BUCKLEY POWDER CO
42 INVERNESS DRIVE EAST
ENGLEWOOD, CO 80112-

Licensee/Permittee Responsible Person Signature

Position Title

Printed Name

Date

Previous Edition is Obsolete BUCKLEY POWDER CO 6305 1H 35 NORTH 78130 5-TX 091-20-9J-01236 September 1, 2019 20 MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14, 5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: BUCKLEY POWDER CO

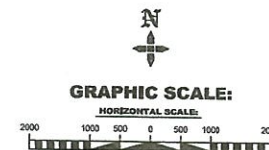
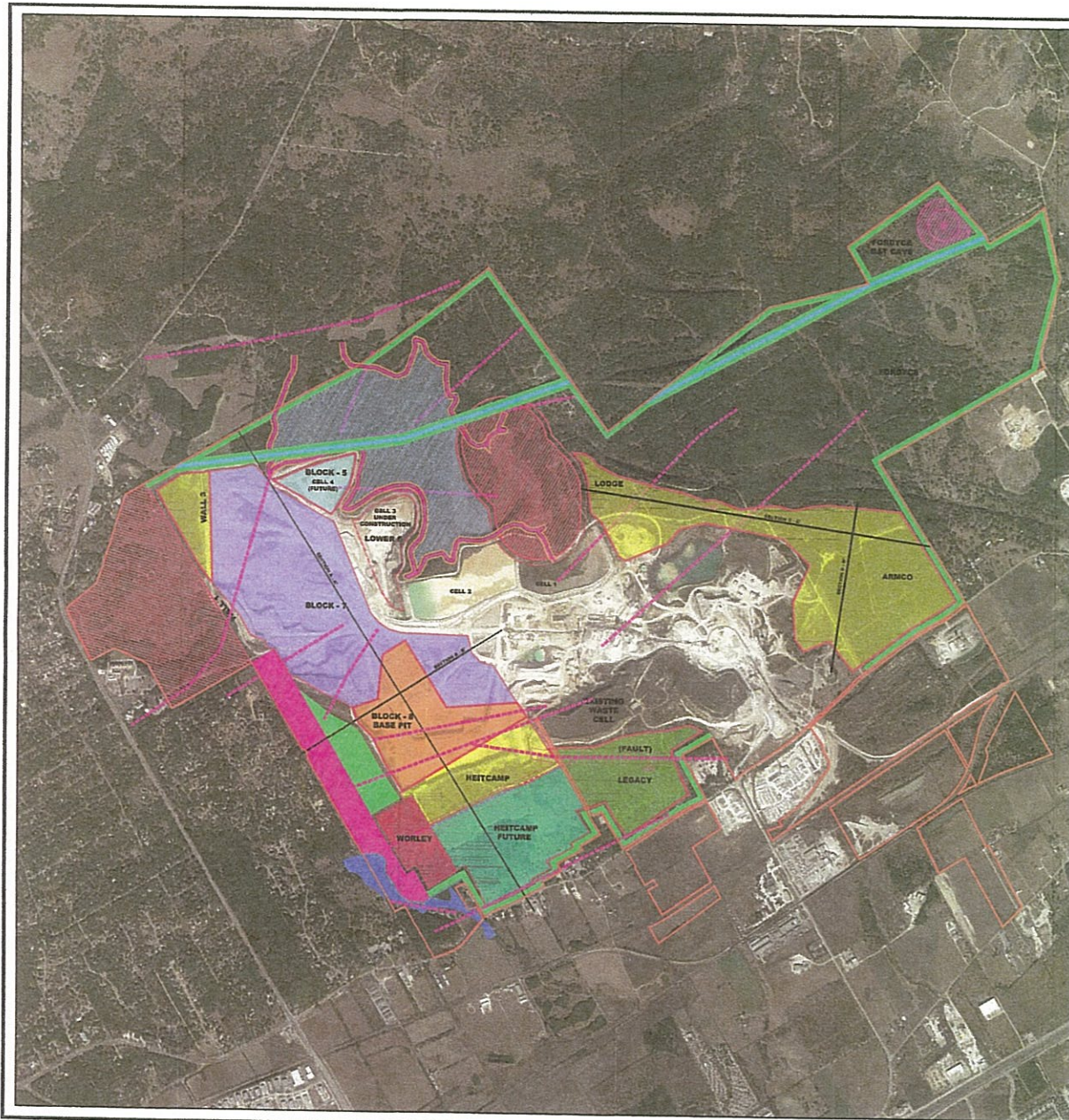
Business Name:

License/Permit Number: 5-TX-091-20-9J-01236

License/Permit Type: 20-MANUFACTURER OF EXPLOSIVES

Expiration: September 1, 2019

Please Note: Not Valid for the Sale or Other Disposition of Explosives.



PRELIMINARY
FOR REVIEW ONLY

TONNAGE FACTOR: 2 T/CY
WASTE FACTOR: 30 %

WEST OF COMAL CREEK

AREA	OVB (MCY)	A-B UNIT (MCY)	C UNIT (MCY)	MINEABLE AREA (ACRE)
WORLEY	0.63	4.4	0	26.7
BLOCK 5 (LOWER C-UNIT)	0	1.07	0.56	20.2
BLOCK 7 (LOWER C-UNIT)	0.39	14.7	7.01	247.1
BLOCK 8 (BASE PIT)	0.52	5.0	1.35	88.5
WALL 1 / WALL 3	0.20	5.64	0.47	26.4
HEITCAMP	0.59	8.39	0.03	26.4
HEITCAMP FUTURE	4.85	15.17	0	94.6
LEGACY	1.93	7.55	0.03	69.9
ARMCO - LODGE	2.83	24.31	4.48	220

TOTAL ESTIMATED VOLUME (MCY) 11.64 86.83 13.93

ESTIMATED SALEABLE TONS 121.68 19.60

ESTIMATED TOTAL SALEABLE TONS 141.06

EAST OF COMAL CREEK

AREA	OVB (MCY)	A-B UNIT (MCY)	C UNIT (MCY)	MINEABLE AREA (ACRE)
FORDYCE (MAIN)	1.81	57.8	9.1	402.6
FORDYCE (BAT CAVE)	0.03	5.5	1	21.2

TOTAL ESTIMATED VOLUME (MCY) 1.84 63.3 10.1

ESTIMATED SALEABLE TONS 88.62 20.20

ESTIMATED TOTAL SALEABLE TONS 108.82

NOTE:

1. THE AVAILABLE SITE TOPOGRAPHY HAS BEEN REVISED TO REFLECT THE SITE CONDITIONS WHICH CAN BE VIEWED ON THE AERIAL PHOTOGRAPH DATED 1/12/2018

2. A MODEL WHICH DETAILS THE GEOLOGICAL STRATA OF THE DEPOSIT FOR THE FORDYCE AND FORDYCE BAT CAVE AREAS HAS NOT BEEN DEVELOPED. VOLUME ESTIMATES FOR THESE AREAS HAVE COME DIRECTLY FROM SERTEX CLASSIFICATION OF ESTIMATED VOLUMES - 2016, CLASSIFICATION TABLE.

LEHIGH HANSON
2016, COMAL COUNTY, TEXAS
SERVTEX QUARRY

Lehigh Hanson
SERVTEX QUARRY

PREPARED: DATE: 1/12/2018

LEHIGH HANSON
REGION SOUTH
SERVTEX QUARRY
COMAL COUNTY, TEXAS

GEOLOGICAL STRATA
VOLUME ESTIMATE
(PROVED - PROBABLE RESERVES)
9-25-2018

DESIGNED: AHC

DRAWN: AHC

CHECKED: AHC

DATE: SEPTEMBER 2018

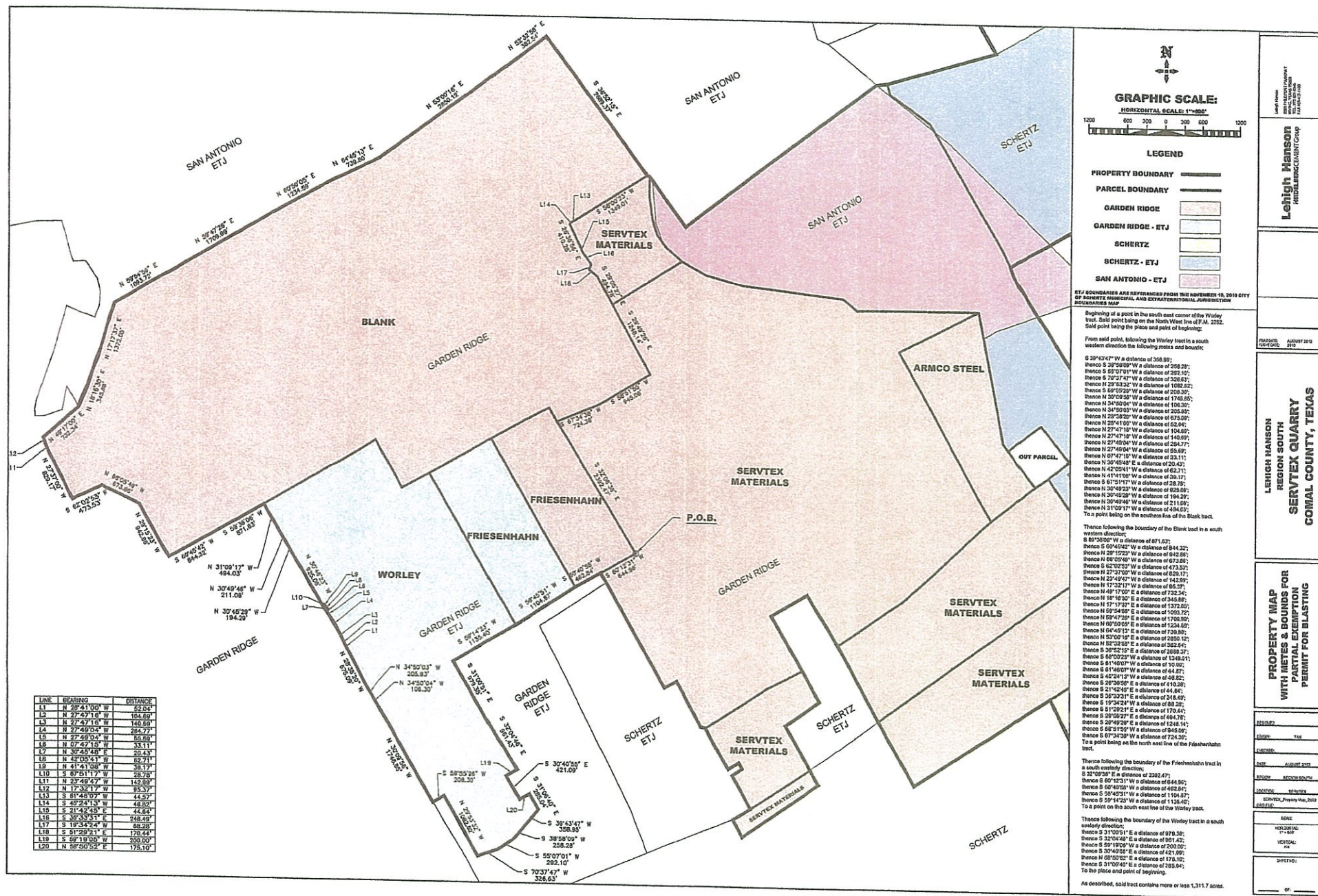
SCALE: SOUTH

LOCATION: SERVTEX

SCALE: 1" = 100'

DISTRICT: S-1

OF: 1



ATTACHMENT A

Request for Partial Exemption Permit to Conduct Blasting Instruction Sheet

To be considered for a Partial Exemption Permit to conduct Blasting as defined in City of Garden Ridge, Texas Ordinance 34, please prepare a letter addressed to the attention of the City Administrator for the City of Garden Ridge, Texas, 9400 Municipal Parkway, Garden Ridge, Texas 78266. For purposes of **Attachment A**, Property Owner means the Hanson SERVTEX Quarry and its agents or duly authorized designee.

In the letter, please include:

1. The name of the Property Owner;
2. The name of the Applicant, if other than the Property Owner;
3. Written designation of the Applicant/Designee by the Property Owner, granting authority of the Applicant/Designee to act on behalf of the Property Owner;
4. The name of the Applicant/Designee's representative for purposes of the application (if the Applicant/Designee is not a natural person);
5. Copies of any state or federal licenses and permits authorizing the Applicant to possess and use explosives.
6. Complete contact information, including name, address, phone number, facsimile number and e-mail address for the City's use in processing the application. The contact information provided shall be used for all communications in connection with the processing of the application and the operation;
7. A full description of the designee's legal and factual relationship to the property(ies) upon which the Blasting shall be conducted;
8. A detailed description of the operation to be conducted;
9. The period of time the anticipated use shall continue;
10. Any supplemental information requested and deemed pertinent by the City Administrator;
11. Any supplemental information the designee deems pertinent prior to City Council consideration;

Also, include with your letter, the attachments identified below:

1. Identify all real property where the activity of Blasting shall be conducted by street address (if any) and legal description. Any property not listed will not be included in any permit, if authorized. If multiple properties are to be considered, and some are not within the City limits, but are within the City's extra-territorial jurisdictional limits, please include each property in the list but designate the property with the comment: "ETJ Property".
2. A plan view drawing completed under seal by a licensed professional surveyor or civil engineer to appropriate scale, showing all properties listed for inclusion into the Partial Exemption Permit for Blasting.
3. If you are not the owner of the real property, a letter from the Owner executed before a notary, that they are the owner of the property and authorize the Permit Holder to act on their behalf in relation to blasting activities on the property.
4. Documentation and facts demonstrating that the Requestor's Blasting operation is going to be conducted in a manner that minimizes its related adverse impact on surrounding properties through compliance with the Ordinance. Please specifically list all steps taken, such as distance limitations related to adjacent properties, use of berms and any dust and noise remediation efforts, etc.
5. Documentation and facts demonstrating efforts by designee to protect and mitigate the perceived negative adverse effects such activity has on real property values, public safety, health & welfare interests, including the quality of life within the City, neighboring properties and the public.
6. Payment of the appropriate application fee, including any related City fees for monitoring blasting for each permitted Partial Exemption Permit site.

All applications for Partial Exemption Permits to conduct Blasting activities shall be submitted for review to the City Administrator, who shall route such permit to determine whether the request is complete. If incomplete, the City shall inform the designee what aspects of the application are insufficient and will provide the designee seven (7) business days to supplement and/or modify the application to permit it to be placed for City Council consideration as a completed application. Typically, it will take approximately sixty (60) days for review.

If the application meets all criteria provided by the ordinance as determined by the City, or by subsequent supplementation as provided in the determination of the City, the permit request shall be scheduled for City Council action as provided below for complete applications. Any application considered incomplete shall not be considered for approval by City Council. Any application that remains incomplete for a period of more than 60 days shall be considered withdrawn.

If the request is found complete, the City Administrator shall place the matter on the next regular City Council meeting agenda for action (but may include it on an agenda for a specially called meeting at his/her discretion). If the City Council approves the permit, the City Administrator shall issue a Partial Exemption Permit to the Applicant, which is not transferable or assignable and is subject to suspension under the terms of the Ordinance.

August 22, 2019

To: Mayor Thompson and the City Council

From: City Administrator Cain

In accordance with Ordinance 34 the City Council must set an annual fee for a Partial Exemption Permit for blasting. The fee assessed for the permits issued in fiscal year 2019 is \$22,054.20. It is recommended that the Partial Exemption Permit fee for fiscal year 2020 be increased by 12%. The proposed increase would equate to a permit fee of \$24,700.70, which is an increase of \$2,646.50 over the 2019 fee. The increase will offset Administrative costs incurred by the City during the 2020 fiscal year as it relates to administrative support associated with blasting that occurs at the Quarry.

City Commission Volunteer Interest Form - Submission #1418

Date Submitted: 8/6/2019



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

City Commission
Volunteer Interest
Form

Date

8/6/2019

First Name

James

Last Name

Mueller

Address

8819 Cherokee Path

City

Garden Ridge

State

TX

Zip Code

78266

Phone Number

Other contact number

Email Address

Occupation

Department of Defense civilian - Supervisory Program Analyst

Please check which of the following Commission you have a desire to serve on:

- | | |
|--|--|
| ☒ Planning and Zoning Commission | ☐ Wildlife Management Advisory Commission |
| ☐ Quarry Commission | ☐ Any City Commission |
| ☒ Water Commission | |

Tell us why you desire to serve on a City Commission.

I love Garden Ridge and want to be involved in making this a great place to live for years and years.

List any Boards, Commissions or Committees you have previously served on in Garden Ridge or other entities.

No government experience but extensive experience in multiple Department of Defense boards and committees. I also volunteer with Boy Scouts of America and have served in various levels of responsibility with them.

Please attach your resume or a bio.*

Choose File No file chosen

A resume or a bio is required to be submitted with Volunteer Interest Form.

James Mueller

Creative leader with proven track record of guiding high-performing teams from multiple organizations through rapidly changing environments. Broad cultural perspective developed from years of international operations.

KEY QUALIFICATIONS

- | | | |
|----------------------|--------------------------|-------------------------|
| - Strategic Planning | - Team Building | - International Affairs |
| - Change Management | - Security Clearance | - Project Planning |
| - Decision making | - Process/ Data Analysis | - Risk Management |

EXPERIENCE

Special Missions Division Chief, Air Education and Training Command, April 2018 - present

- Division Chief; supervises 17 DoD civilians, 19 contractors and 4 military personnel
- Plans, organizes, and oversees the activities of the Special Mission Division
- Administers \$20M budget supporting multiple geographically separated operations
- Manages and oversees development of education and training programs for Security Cooperation support, expeditionary readiness, and non-USAF aircraft operations
- Develops resource requirements, acquisition, and sustainment plans that support Command directed education and training programs

Security Cooperation Support Branch Chief, Air Education and Training Command Special Missions Division, October 2017 - March 2018

- Branch Chief; supervised 6 DoD civilian and contractor personnel
- Represented the division in key meetings with other government agencies to ensure coordination, cooperation, and best use of limited resources
- Manages and oversees development of education and training programs for Security Cooperation support including Foreign Area Officers, Air Advisors, and planners

ExpressJet Airlines First Officer, November 2016 - July 2017

- Assisted Captain in preparing and conducting EMB-145 flights safely and efficiently
- Acted quickly and appropriately during environmental changes and emergencies to ensure passenger's safety

Chief of Information Operations, NORAD/US NORTHCOM J39, July 2014 - October 2016

- Division Chief/ Strategic Planner directly responsible for seven strategic plans
- Supervised 24 personnel developing policy and action plans for multiple sub-organizations to execute programs spanning security, training, and operations
- Integrated advanced programs to solve the toughest problems facing our country
- Prioritized, implemented \$1.5M annual budget to coordinate global operations
- Directed critical planning and execution of special programs for Homeland Defense -- integrated advanced technologies for solutions to near term problems

Portfolio/ Project Manager, AF TENCAP, February 2012 - July 2014

- Winner of Air Force Science and Technology Advanced Technology Development Award and Air Force Association Theodore Von Karman Award
- Solicited funding, assessed risk and managed air, space and cyber rapid acquisition projects from concept to transition as Cross Domain Integration Division Chief
- Led integrated project teams consisting of 20 officers, civilians, and contractors
- Responsible for development of \$9M cross-domain cloud computing enterprise -- first of its kind Department of Defense/ Intelligence Community capability
- Coordinated with Joint Staff and Congress to approve and fund emerging requirements
- Program manager for over \$150M in rapid acquisition projects--managed largest effort in 35 years which improved three major defense systems. ***Ranked #1 of 100+ PMs.***

Squadron Commander, 444 AEAS, November 2010 - February 2012

- Afghan Air Force Group Commander advisor; integrated 3 nations, 4 aircraft types and 3 services into a cohesive unit to deliver training and operational capability
- Led multi-national team to build the Afghan Air Force Flight Training Center from scratch -- “boots on ground” to flying operations in only 44 days
- Provided vision for development of multi-faceted training program; lead instructor
- Shaped \$200M+ infrastructure development supporting growth to 30 aircraft and over 300 personnel -- doubled production in 6 months. ***Ranked #1 of 4 Squadron Commanders.***

Assistant Operations Officer, 44 FS, February 2009 - February 2012

- Acting DO during inspection preparation -- developed and implemented training plan resulting in UCI “Outstanding” and ASEV “Outstanding” ratings for the squadron
- Provided academic, flight and simulator instruction for US and foreign personnel
- Conducted periodic evaluations of performance for pilot certification
- Led admin staff to ensure accurate and correct performance reports for 36 employees. ***Ranked #1 of 3 Assistant Operations Officers.***

International Affairs Branch Chief, SAF/IA, June 2006 - February 2009

- Oversaw flight and academic training programs for 18 countries
- Coordinated political-military events and official Air Force/ DoD positions on international issues for senior leaders
- Directed foreign military sales -- 200+ sales worth \$7B. ***Ranked Top 7% of 150 AOs.***

Detachment Commander, USMTM, June 2005 – June 2006

- Air Advisor to Royal Saudi Air Force; advised and assisted F-15C squadron
- Responsible for force protection, logistics, admin, and morale/welfare for US military/ civilian/contractor personnel. ***Ranked Top 1% of O-4s, #1 F-15C IP***

EDUCATION AND CERTIFICATIONS

- M.S. in Aeronautical Science, Embry-Riddle Aeronautical University, 2002
- B.S. in Behavioral Science, United States Air Force Academy, 1992
- International Affairs Certification (Level 3), 2018
- Intermediate Systems Acquisition (Part A), 2018
- Joint and Combined Warfighter School (JPME II, cyberspace elective), 2015

- a. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.
- b. Demand reduction measures are attached as Appendix A, and are herein incorporated for all purposes.
- c. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the city shall be prohibited. The sale of water to a temporary user for use within the City of Garden Ridge shall be at the discretion of the Public Works Director.

4.04 -- Water Rate Surcharges

- a. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - (1) Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 45,000 gallons.
 - (2) Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
 - (3) Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
- b. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4 or 5 of the Drought Management Plan.
- c. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4 or 5.
- d. ~~Surcharge revenues shall be held in a reserve fund to be created within the current fiscal year budget. Such revenue is to be used for the following purposes:~~
- d. Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company operations.
 - (1) ~~For the payment of any legal fees, consultant fees, studies, etc. that are incurred because the city is using more water than the allowable rate/amount established by an authorized political entity.~~
 - (2) ~~For the payment of any fines or administrative penalties imposed by a legal or judicial entity related to excess pumpage, or;~~
 - (3) ~~For the payment of any fees incurred to pursue alternate water sources.~~

4.05 – Payment of City-wide Fines and/or Penalties

- a. In the event that a governmental agency levies a fine or penalty against the City of Garden Ridge associated with water usage, the amount of the fine or penalty shall be pro-rated amongst all customers *exceeding the average use and* having an active account with the City during the time period subject to the fine as a recovery assessment.
- b. Each active account holder who exceeds the average water usage for the period subject to the fine, shall have an assessment placed on their water bill during the month immediately following the levy of such a fine or penalty.
- c. The amount of the assessment for any customer shall be based on usage above the average of all customers' water usage for the fine/penalty month. In computing the assessment, the City shall use the following variables: the amount of the fine/penalty (fine); the average usage per water connection for the period of the fine (average); the individual customer's usage above the average; and the total of all customers' usage above the average.

The assessment for any individual customer shall be the amount of the fine, multiplied by the ratio of the individual customers' usage above the average to the total of all customers' usage above the average.

CITY OF GARDEN RIDGE VOLUNTEER APPLICATION - Submission #1429

Date Submitted: 8/12/2019



**CITY OF GARDEN RIDGE
VOLUNTEER APPLICATION**



Name:*

Shannon Drichta

Address:*

9380 Cinchona Trail

Home Phone:

Cell Phone:

Email:

Are you at least 18 years of age?*

- ☒ Yes
☐ No

If 'No', parent/guardian will need to contact City Hall to sign a 'Minor Work Release'.

Clerical

- ☒ Displays
☒ Envelope Stuffing
☒ Filing
☐ Phone Duty
☒ Proofreader
☐ Translator

Hands on Skills

- ☐ Carpentry
☒ Landscape/ Gardening
☒ Photography
☐ Videography

Computer/Software (High Proficiency)

- ☒ Microsoft Excel
☒ Microsoft PowerPoint
☒ Microsoft Word
☒ Social Media
☐ Website

Library

- ☒ Shelving, phone duty, check in/out, etc.

General

- ☒ Animal Services
☒ FM 2252 sign Updates

Speciality Skills

- ☐ Actor
- ☐ Certified sign language interpreter

City Commissions/Committees

- ☐ Parks Committee
- ☐ Planning & Zoning Commission
- ☐ Quarry Commission
- ☐ Water Commission
- ☒ Wildlife Management Advisory Commission

Future Activities

- ☐ Emergency Operations Center
- ☒ Check On Your Neighbor (COYN)

Special Events (e.g. 4th July)

- ☐ Event Planning
- ☐ Event Volunteer

If so, which event?

What special skills, education, training, or interests do you have that may be beneficial to the city?

I love this city and want it to be better. I'm willing to put my feet to the pavement to do that

Indicate any languages (other than English) you can speak or write.

Approximately, how many hours per week are you willing to do volunteer work?

10-12

What times of day and days of the week are you generally available? Check all that apply

Sunday

- ☐ Morning
- ☐ Afternoon
- ☐ Evening

Monday

- ☒ Morning
- ☐ Afternoon
- ☐ Evening

Tuesday

- ☒ Morning
- ☐ Afternoon
- ☐ Evening

Wednesday

- ☒ Morning
- ☐ Afternoon
- ☐ Evening

Thursday

- ☒ Morning
- ☐ Afternoon
- ☐ Evening

Friday

- ☒ Morning
- ☐ Afternoon
- ☐ Evening

Saturday

- ☐ Morning
- ☐ Afternoon
- ☐ Evening

Are you volunteering

- ☒ As an individual?
- ☐ As part of a group (school, company, etc.)?
- ☐ To meet a court ordered Community Service requirement?

If part of a group, what group?

Volunteer Acknowledgements

I certify that my statements in this application and other required forms, are true, complete, and correct to the best of my knowledge.

I understand that the city may do verification on any information provided by me as part of the volunteer process.

I understand that, in some cases, the City may need to do a personal background check prior to my starting any volunteer work. In such cases, I will provide the City the additional information necessary to complete that check.

I understand that if a medical emergency occurs while I am performing volunteer work, the City will seek emergency medical treatment on my behalf and will also notify the person I designate as my emergency contact.

I understand that, in response to the Texas Public Information Act, situations could arise where the city is required to release to the public information provided by me as part of the volunteer process.

By typing your name below, I confirm I have read and understand these acknowledgements.*

Shannon Drichta

Date*

8/12/2019

Shannon M. Drichta

9380 Cinchona Trail
Garden Ridge TX 78266

PROFILE

Air Force veteran and military spouse. Experienced Independent Distributor and business owner with a demonstrated history of working in the military industry. Strong operations professional with a Master's degree focused in Human Relations. My children attend Garden Ridge schools and we have been proud homeowners in Garden Ridge since 2008

EXPERIENCE

Owner/Designer, Pocket Fulla Denim — 2016 - Present

Making one of a kind designs to help with storage and organization for children. Sales primarily done during craft shows and individual customers

Independent Distributor, Senegence — 2017 - Present

Distributor for network marketing company that specializes in developing and selling personal care products that include long-lasting cosmetics and anti-aging skincare

Individual Mobility Augmentee (IMA) USAF Reserve — Sept 2005 - Feb 2008

Experience included Annual Tours and Individual Training Days specializing in all facets of the Services career field. Tours were located in San Antonio and Washington DC. Special projects included augmenting the Services Agency, working special programs including Combating Trafficking in Persons (CTIP), and an independent study to determine the level of military funerals performed at each national cemetery

Services/MWR Officer, US Air Force — June 2000 - Sept 2005

Active Duty Services Officer, commissioning source University of Arkansas ROTC Det 030. Duty titles included Honor Guard Officer in Charge (OIC), Randolph AFB, TX, 7AF Noncombatant Evacuation Operations, Osan AB, South Korea, Combat Services Flight Commander and 48th Fighter Wing Executive Officer, RAF Lakenheath, England

EDUCATION

Air University, Maxwell AFB, Montgomery, AL - Squadron Officer School, 2005

University of Oklahoma, Norman, OK - Masters of Human Relations, 2005

John Brown University, Siloam Springs, AR - Bachelor of Science, Health Promotion and Human Performance, 1999

SKILLS

Skilled in Microsoft Excel, Team Building, Health and Human Performance.

FY2020 BUDGET COVER PAGE

This budget will raise more total property taxes than last year's budget by \$52,228.00 (2.2763%), and of that amount \$41,788.94 is tax revenue to be raised from new property added to the roll this year.

2019 Tax Rate Proposal

Tax Year	Adjusted Taxable Value	M&O Rate	Debt Rate	Total Tax Rate	Tax Revenue Generated	General Fund Revenue	Average Home Value (AHV)	Taxes Paid on Average Home Value
2018	\$697,317,871	0.222114	0.101032	0.323146	\$2,253,354	\$1,548,840	\$454,026	\$1,467.16
2019 Rollback Tax Rate (Recommended)	\$743,668,356	0.225158	0.095948	0.321106	\$2,387,963	\$1,674,428	\$488,670	\$1,569.14

* \$19,111,162 in Taxable Value remains under protest (included in Adjusted Taxable Value)

If property value remained at 2018 Average Home Value of \$454,026 taxes paid at 2019 Roll Back Rate would be \$1,457.90 (\$9.26 decrease)

ORDINANCE NO. 221-092019

**AN ORDINANCE OF THE CITY OF GARDEN RIDGE
ADOPTING A TAX RATE OF \$0.321106 PER ONE HUNDRED
DOLLARS (\$100.00) OF ASSESSED VALUATION FOR THE
CITY OF GARDEN RIDGE, TEXAS TO BE EFFECTIVE FOR
THE TAX YEAR 2019 (FISCAL YEAR 2020).**

WHEREAS, the City Council of the City of Garden Ridge, Texas has duly approved a General Fund Budget for maintenance and operation for Fiscal Year 2020 and an Interest and Sinking Budget for Fiscal Year 2020 beginning October 1, 2019 and ending September 30, 2020.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GARDEN RIDGE, TEXAS:**

THAT, the City Council of the City of Garden Ridge, Texas does hereby adopt the tax rate of \$0.321106 per one hundred dollars (\$100.00) of assessed valuation for the tax year 2019 with said rate being composed of the following elements:

1. A tax rate of \$0.225158 per one hundred dollars (\$100.00) of assessed valuation for the General Fund maintenance and operations:

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE
AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

and

**THE TAX RATE WILL EFFECTIVELY BE RAISED BY 8 PERCENT
AND WILL RAISE TAXES FOR MAINTENANCE AND
OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$3.04.**

2. A tax rate of \$0.095948 per \$100.00 of assessed valuation for the retirement of debt service through the Interest and Sinking Fund.

THAT, all other Ordinances or parts of other Ordinances in conflict herewith are hereby repealed to the extent that they are in conflict; and

THAT, if any part of Ordinance 221-092019 shall be held void or unconstitutional, it is hereby provided that all other parts remain in full force and effect; and

THAT, this Ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED ON this 4th day of September, 2019.

Larry Thompson
Mayor

ATTEST:

Marisa Spencer
City Secretary

ORDINANCE NO. 61-092019

AN ORDINANCE ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; PROVIDING DEFINITIONS, ESTABLISHING TRIGGER POINTS FOR STAGES 1 THROUGH 5, RESTRICTING THE USE OF WATER UPON IMPLEMENTATION OF SPECIFIC STAGES OF SAID PLAN; ESTABLISHING WATER SURCHARGE RATES FOR STAGES 3 THROUGH 5 OF SAID PLAN; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas, and;

WHEREAS, the 2010 estimated population of the City of Garden Ridge is approximately 3,259 residents. It is anticipated that the City of Garden Ridge will have a population of 4,450 in the year 2015, and;

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region;

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge;

WHEREAS, the Trinity Aquifer is currently an unregulated water source;

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, The City of Garden Ridge has determined that certain restrictive measures are required to delay potentially serious water shortage problems from impacting to the detriment of the health, safety and welfare of the Garden Ridge community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. CITY OF GARDEN RIDGE, ORDINANCE 61.

The City Council hereby revokes and repeals in its entirety the now existing Ordinance 61 and replaces it by adoption of the regulations contained in this Ordinance which is effective upon adoption.

SECTION 2. DEFINITIONS.

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

Act is the Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

Aesthetic Use is the use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural Irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Bucket means a bucket or other container holding five gallons or less, used singly by one person.

Connection is a metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

Conservations are those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

Demand Reduction Measure is a specific action to be taken by defined categories of users to reduce the pumpage demand on the Edwards Aquifer during a drought.

Domestic Type Use is the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Drought is a period of shortage of precipitation of seasonal or longer duration.

Edwards Aquifer means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

Hand-Held Hose is a hose attended by one person, fitted with a manual or automatic shutoff nozzle.

Healthcare Facility is any hospital, clinic, nursing home or other healthcare or medical research facility.

Impervious Surface Area is any structure, or any street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious material.

Industrial Use is the use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

Industrial User is an industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

Industrial Well User is an industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

Irrigator is a well owner who uses water to irrigate land for growing commercial crops.

Landscape Watering means the application of water to grow landscaping plants.

Landscape Plant is any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

Livestock is cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock Use is the use of water for drinking by or washing of livestock.

MSL is mean sea level.

Municipality is a city or other governmental unit with the authority to make and enforce ordinances.

Order is a written order of the City Council or Mayor of the City of Garden Ridge, Texas.

Other Outside Use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

Person means any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

Reduction Goal means the amount of reduction in pumpage volume, expressed in a percentage from baseline pumpage volume for each drought stage.

Reuse is the use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or not any treatment of such groundwater may be required in connection with such recycling or reclamation.

Stage means one of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

Supplier is any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

Trigger Conditions means those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

Trigger Points are special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

Trinity Aquifer Well is a source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

Use for a Beneficial Purpose means water which is used, without regard to priority, for:

- a) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational or stock raising purposes
- b) exploring for, producing, handling or treating oil, gas, sulfur or other materials; or
- c) any other purpose that is useful and beneficial to the user.

User is a person, public or private, who produces, distributes or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

Variance is an authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

Waste is

- a) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,
- b) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or
- c) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

Water Utility Use is water used for withdrawal, treatment, transmission and distribution by potable water systems.

SECTION 3. DEMAND REDUCTION MEASURES.

The demand reduction measures for all water uses for Stages 1, 2, 3, 4 and 5 are set out in Appendix A, provided. For clarification, certain permitted and exempt water uses are listed.

Listed below are the trigger points for the various stages of the Drought Management Plan.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660'
2	650'
3	640'
4	630'
5	As Declared by Edwards

SECTION 4. EMERGENCY WATER USE REDUCTION.

4.01 – DECLARATION OF EMERGENCY STAGES.

The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.

The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.

TRIGGER POINTS:

- a) Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge.
- b) The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.
- c) When the pumping ability of the Trinity Aquifer well drops to 600 GPM or Draw down level of the well reaches seventy-five (75) feet above the transponder.
- d) When the city's pumping capacity is reduced by infrastructure damage or equipment failure.

4.02 – PUBLIC ISSUANCE OF DROUGHT STAGE DECLARATION.

The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City signs and distributed by phone (CTY system), posted on city website and/or published in the official city newspaper.

4.03 – RESTRICTING THE USE OF WATER.

- a) Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.

- b) Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.
- c) Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the city shall be prohibited. The sale of water to a temporary user for use within the City of Garden Ridge shall be at the discretion of the Public Works Director.

4.04 – WATER RATE SURCHARGES.

- a) Critical Period Surcharges will be implemented in accordance with the following schedule:
 - 1. Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 45,000 gallons.
 - 2. Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
 - 3. Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
- b) Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4 or 5 of the Drought Management Plan.
- c) Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4 or 5.
- d) Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.

4.05 – PAYMENT OF CITY-WIDE FINES AND/OR PENALTIES.

- a) In the event that a governmental agency levies a fine or penalty against the City of Garden Ridge associated with water usage, the amount of the fine or penalty shall be pro-rated amongst all customers *exceeding the average use and* having an active account with the City during the time period subject to the fine as a recovery assessment.
- b) Each active account holder who exceeds the average water usage for the period subject to the fine, shall have an assessment placed on their water bill during the month immediately following the levy of such a fine or penalty.
- c) The amount of the assessment for any customer shall be based on usage above the average of all customers' water usage for the fine/penalty month. In computing the assessment, the City shall use the following variables: the amount of the fine/penalty (fine); the average usage per water connection for the period of the fine (average); the individual customer's usage above the average; and the total of all customers' usage above the average.

The assessment for any individual customer shall be the amount of the fine, multiplied by the ratio of the individual customers' usage above the average to the total of all customers' usage above the average.

- d) Customers that have received an adjustment to their water bill for a fast meter, customer leaks, etc. in accordance with Ordinance 54, Paragraph 16.07 shall have their assessment based upon the approved adjusted amount.
- e) For the purposes of this assessment, average use for the time period of the fine will be determined by the total gallons pumped divided by the number of water customers. Usage below the average shall not be subject to an assessment.

4.06 – END OF EMERGENCY USE RESTRICTIONS.

a) Trinity Aquifer

- 1. The program and/or each stage may be terminated or changed at the discretion of the City of Garden Ridge after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation and the outlook for additional precipitation.

b) Edwards Aquifer

- 1. The program and /or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

SECTION 5. PENALTIES.

- a) A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.
- b) No violation, definition or penalty under this section shall have bearing on any violation, definition or penalty under any other section of this Ordinance.

SECTION 6. ENFORCEMENT.

- a) **APPLICABLE TO RESIDENT AND NON-RESIDENT CUSTOMERS:** For purposes of this Ordinance, it shall be presumed that any person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No. 61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No. 61 by that resident person, non-resident person, corporation or association. Proof that the particular premises have a water meter connection registered in the name of the

defendant named in a complaint issued under the auspices of Ordinance No. 61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

- b) APPLICABLE TO NON-RESIDENT CUSTOMERS ONLY: Any non-resident person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company who shall violate a provision of Ordinance No. 61 and orders promulgated there under when Stage 1, Stage 2, Stage 3, Stage 4, or Stage 5 are in effect, shall be held strictly liable, and shall be subject to an Administrative Hearing before the City Water Commission to show cause whether water service should be discontinued for all or any part of a day or consecutive days to such non-resident person, corporation or association. Provisions shall be made to allow for the provision of water in an amount necessary to provide for human health and safety requirements. In the event termination is ordered, an appeal to the City Council may be made if filed in writing with the Mayor within three (3) days of the termination order. Compliance may also be sought through injunctive relief in District Court.

SECTION 7. VARIANCES.

- a) REQUEST FOR VARIANCE: A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information:
1. The specific nature of the variance requested
 2. A detailed explanation of why the person believes he/she should be granted the variance, including any supporting documentation;
 3. A signed statement that the facts contained in the request are true and within the person's personal knowledge.
- b) ADDITIONAL INFORMATION: The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten calendar days of the request or as otherwise directed in the request.
- c) WHEN VARIANCE MAY BE GRANTED:
1. The variance is necessary to avoid an unusual, direct and substantial hardship
 2. There are no other reasonably available means for avoiding the hardship without a variance;
 3. Granting the variance is consistent with the goals of this Ordinance; and
 4. Granting the variance will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements.

d) **TERMS AND CONDITIONS OF THE VARIANCE:**

1. The City of Garden Ridge may grant a variance for such a term and in accordance with any conditions the City of Garden Ridge deems appropriate.
2. It shall be a term of every variance granted by the City of Garden Ridge that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
3. The City of Garden Ridge may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City of Garden Ridge believes relevant to monitoring the continuing appropriateness of the variance.

SECTION 8. SEVERABILITY.

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.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED ON this 4th day of September, 2019.

Larry Thompson
Mayor

ATTEST:

Marisa Spencer
City Secretary

APPENDIX A
DEMAND REDUCTION MEASURES

Watering by automated irrigation systems is restricted year round
between the hours of 10 am and 8 pm.

STAGE 1

Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **660** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.:
3. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day:

Last Digit of Address Day

0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water on Wednesdays.

4. Watering with hand-held hose or drip irrigation permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.

9. No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of Garden Ridge.
10. Restrictions apply to well users.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 1 restrictions continue until there is an announcement that Stage 1 has been canceled or that Stage 2 is in effect.

STAGE 2

Stage Two Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.:

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water as if their address ended in a 2.

3. Watering with drip irrigation or a 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. any day.
4. Watering with a handheld hose permitted any day, any time.
5. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.

6. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
7. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
9. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.
10. Restrictions apply to well users.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 2 restrictions continue until there is an announcement that Stage 2 has been canceled or that Stage 3 is in effect.

STAGE 3

Stage Three Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **640** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage III has been declared and only on designated watering day from 4 a.m. – 8 a.m. and 8 p.m. – 11 p.m.

A watering day calendar based upon the last digit of each address will be prepared, distributed and posted monthly during Stage 3 watering restrictions with the following watering schedule as reflected below.

Last Digit of Address	Day
0	Monday
2	Tuesday
4	Wednesday

6 Thursday
8 Friday

1 Tuesday
3 Wednesday
5 Thursday
7 Friday
9 Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water as if their address ended in a 2.

2. Watering with a drip irrigation or 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. Monday, Wednesday and Friday.
3. Watering with a handheld hose permitted any day, any time.
4. Watering newly planted landscapes permitted only with a variance from Garden Ridge City Council.
5. Washing cars at home is permitted any day at any time over landscape or other surface where run off is minimized and with the use of hose using automatic shut-off nozzle or bucket of 5 gallons or less. Water runoff into streets is prohibited.
6. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
7. Water runoff onto streets is prohibited.
8. No person may use groundwater or city provided water for an ornamental outdoor fountain or similar feature.
9. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
10. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.
11. Water customers subject to a 100% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 3 restrictions continue until there is an announcement that Stage 3 has been canceled or that Stage 4 is in effect.

STAGE 4

Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **630** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 45,000 gallons.
3. Additional restrictions on water use may be established at the discretion of the City Council.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 4 restrictions continue until there is an announcement that Stage 4 has been canceled or that Stage 5 is in effect.

STAGE 5

Stage Five Alert begins when declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 4.
2. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
3. Conditions as directed by the Mayor and City Council.
4. Use Necessary for Public Health or Safety.
5. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety or welfare or to the extent required by State or Federal law.
6. Water customers subject to a 200% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.

ORDINANCE NO. 11-092019

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SET OF PERMIT FEES, SERVICE FEES, AND USER FEES DESIGNED FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF GARDEN RIDGE; PROVIDING A SEPARATE SCHEDULE OF FEES WHICH OUTLINES FUNCTIONS AND ACTIVITIES WHICH REQUIRE A PERMIT OR HAVE A SERVICE FEE OR HAVE A USER FEE; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00), NOR MORE THAN TWO THOUSAND DOLLARS (\$2000.00) FOR EACH VIOLATION INVOLVING SAFETY, ZONING OR PUBLIC HEALTH; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN TEN DOLLARS (\$10.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION NOT INVOLVING SAFETY, ZONING OR HEALTH; PROVIDING FOR EACH DAY OF CONTINUED VIOLATION OF THIS ORDINANCE BEING CONSIDERED A SEPARATE VIOLATION; PROVIDING FOR A TIME LIMIT FOR THE VALIDITY OF PERMITS ISSUED; PROVIDING A TIME LIMIT FOR THE VALIDITY OF ALL LICENSES ISSUED; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Garden Ridge, Texas has established by ordinance fees for licenses, permits and various services provided by the City; and

WHEREAS, the City Council seeks to provide for reasonable administrative fees to provide and administer various municipal services; and

WHEREAS, after receiving and reviewing the aforementioned costs, the City Council finds that the fees established herein do not exceed the amount reasonably necessary to provide the services and administer and enforce the regulatory programs to which they are related.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. CITY OF GARDEN RIDGE, ORDINANCE 11.

The City Council hereby revokes and repeals in its entirety the now existing Ordinance 11 and replaces it by adoption of the regulations contained in this Ordinance which is effective upon adoption. Attachment 1, Schedule of Permit, and User Fees are a part of this Ordinance.

SECTION 2. PURPOSE OF THIS ORDINANCE.

The purpose of this ordinance is to establish a Schedule of Fees for licenses, permits, inspections and services for the City of Garden Ridge. This Schedule of Fees does not supersede any requirement for the license, permit, inspection or service related to said fee as may be outlined or required by other ordinances of the City of Garden Ridge. The Schedule of Fees outlined in Attachment Number 1 to this ordinance is hereby adopted and incorporated as part of this Ordinance and said Schedule of Fees may be amended from time to time by approval by the City Council, City of Garden Ridge, Texas, without requiring a revision of this ordinance.

The Incorporated Schedule of Fees supersedes all fees heretofore established for the particular license, permit, Inspection or service which may be ordained or required in another ordinance of the City of Garden Ridge. The Incorporated Schedule of Fees ordinance does not supersede any requirement for the license, permit, Inspection or service, which may be ordained by another ordinance of the City of Garden Ridge.

The Incorporated Schedule of Fees shall not be deemed all-inclusive.

SECTION 3. VIOLATIONS.

Any person, group of persons, business, corporation, builder, contractor, or association violating any provision of this Ordinance shall be guilty of an offense and, upon conviction, shall be punished by a fine according to the following schedule:

- a) For conviction of a violation dealing with a license, permit, Inspection or other service which involves the safety, zoning or public health, a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2000.00), with each day that the violation persists being a new and separate offense.
- b) For conviction of a violation dealing with a license, permit, inspection or other service which does not involve the safety, zoning or public health, a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), with each day that the violation persists being a new and separate offense.

In addition to the above, the fee for any required license, permit, inspection or service shall be double the normal fee outlined in the Schedule of Fees attached hereto if any activity or activities requiring a license, permit, inspection or service is commenced prior to securing the required license, permit, inspection or service authorization.

SECTION 4. PERMITS.

City of Garden Ridge permit is required for the following listed activities or projects. Unless otherwise specified, permits issued by the City of Garden Ridge shall be valid for a period of one year from the date of issuance.

- a) **Alcoholic Beverage Permit** – An annual Alcoholic Beverage Special Use Permit is required for any business or commercial entity involved in serving, providing or selling any alcoholic beverage in any business or commercial establishment in the City of Garden Ridge. An Alcoholic Beverage Special Use Permit will be issued only after a petition for such a permit is approved by the City Council.

Permit fees for an Alcoholic Beverage Special Use Permit are as outlined in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for the following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- b) **Partial Exemption Permits** – Permits will be applied for in accordance with provisions outlined in City of Garden Ridge Ordinance 34. The Permit fees specified in Ordinance 34 are in addition to the Schedule of Fees attached hereto.
- c) **Building Permits** – A Building Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct a building, fence, wall, addition or modification to an existing structure, swimming pool, or any other construction project, excavation, layout or other activity associated with the construction project. All building and construction will be accomplished in accordance with the Building Code for the City of Garden Ridge, as specified in City of Garden Ridge Ordinance 19.

Building permits will be issued only after plans for the project have been reviewed and approved by the City Building Inspector.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction on City property or in a City or utility easement or right-of-way.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction in any water or storm drainage easement, be it private or public property. Since water or storm drainage easements are designed for the health, safety and welfare of all residents, variances for construction in said water or storm drainage easements will be approved only for reasons deemed to enhance their utility and usefulness to the community.

Building Permit fees specified in any other Ordinance are hereby superseded by the Schedule of Fees attached hereto. Building Permit fees are based on the following:

1. For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Building Inspector at the time of building plans review and approval.
2. For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Building Inspector at the time of building plans review and approval.
3. For construction of any detached (from the primary building) or free standing structure such as a workshop, garage, barn; shed, covered patio, carport, playhouse, outbuilding, gazebo, etc., the permit fee shall be as computed at either the specified rate per square foot of space, or the minimum permit fee as specified in the attached Schedule of Fees, whichever is greater. The total area to be determined by the City Building Inspector at the time of building plans review and approval.

4. For construction of any fence, wall; new driveway, uncovered patio, fireplace, chimney, pool or spa deck, in-ground sprinkler systems, etc., the permit fee shall be as specified in the Schedule of Fees attached hereto.
5. For construction of any garage built after the residence is constructed, the permit fee shall be based on generally accepted sizing (one-car, two-car, etc.) of the garage as specified in the Schedule of Fees attached hereto.

d) **Business Permits**

1. Business In-Home Permit – An annual business-in-home permit is required of all individuals operating a business from a personal residence in the City of Garden Ridge and will be applied for in accordance with the provisions specified in City of Garden Ridge Ordinance 13.

The annual Business-In-Home Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

2. Business Permit – An annual Business Permit is required by this Ordinance for all entities engaged in or conducting a business in the City of Garden Ridge other than a Business-in-Home. This includes, but is not limited to, restaurants, medical and dental offices, realty offices, convenience stores, auto repair and maintenance shops, gasoline stations, welding shops, wholesale and retail sales outlets, Industrial production entities and, in general, all types of commercial business operations except those subject to franchise taxes.

The annual Business Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- e) **Electrical Permits** – An Electrical Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct any building, fence, wall, addition or modification to an existing structure, swimming pool, in-ground sprinkler system, or any other construction project where the use of electrical wiring, fixtures, etc., are required.

All electrical wiring and construction will be accomplished in accordance with the Electrical Code for the City of Garden Ridge as specified in City of Garden Ridge Ordinance 20.

Electrical permits are, unless otherwise specified, required in addition to any other permit (such as a building permit) issued for the project. Electrical permits will be issued only after plans for the project have been reviewed and approved by the Building Inspector or, in the case of minor electrical projects, the Building Inspector. Electrical Permit fees specified in any other Ordinance are hereby superseded by the Schedule of Fees attached hereto. Electrical Permit fees are based on the following:

1. For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., having electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto.
 2. For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area; etc., the permit fee shall be computed at the specified rate per square foot of space, as specified in the Schedule of Fees attached hereto, the total area to be determined by the Building Inspector at the time of building plans review and approval.
 3. For construction of any swimming pool or minor project (such as a garage, barn, shed, covered patio, carport, play house, outbuilding, gazebo, fence, wall, in-ground sprinkler system, driveway, etc.) requiring electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto. An individual and separate circuit breaker shall be required for all in-ground sprinkler systems.
- f) **Sign Permits** – Sign Permits as specified and authorized by City of Garden Ridge Ordinance 55 will be issued in accordance with Ordinance 55.
- g) **Swimming Pool Permits** – Both a building permit and an electrical permit are required for the construction of any swimming pool, spa, or similar facility in the City of Garden Ridge. If blasting is necessary, a separate permit is required. The fee for the building permit required for a swimming pool, spa, or similar facility shall be based on the volume of water to be contained in the facility, as specified in the Schedule of Fees attached hereto. The electrical permit fee for a swimming pool, spa or similar facility designated in Section 4e of this ordinance.
- h) **Water Well Permit** – Special Use Building Permit is required for all water wells drilled in the City of Garden Ridge. Permits for drilling of water well are only authorized for property owners in the following classifications and are only authorized for the purpose of serving the residence, business or commercial property and grounds physically situated on the property where the well is to be drilled. In no event are permit fees refundable due to inability to secure water (a dry hole), wells running dry, subsequent availability of water service, or other reason or cause.
1. **Residential Property** – Residential property, regardless of location, lot size, or zoning classification, whose location is not serviced with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one hundred and twenty (120) days from the date the application for a water well permit is received by the City.

2. Business or Commercial Property – Business or commercial property, regardless of location, lot size or zoning classification, whose location is not served with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one-hundred and twenty (120) days from the date application for a water well permit is received by the City.
3. Farm and Ranch Property – Farmers and ranchers owning and residing on property in zoning classification RA-Residential Agricultural are authorized to drill water wells on that property when such property is used for farming and/or ranching purposes. A "no-fee" Special Use Building Permit is required to drill a well on such property, provided the well is used strictly for farming, ranching and personal use activities on the property. The City will approve well location and reserves the right to inspect well drilling and installation. If the well is to be used for any purpose other than farming, ranching and personal use activities, a special use permit must be applied for from the City of Garden Ridge and must be approved by the City Council.

Persons, companies, political entities, or any other legal entity or entities, located in any area of the City of Garden Ridge, which are not covered by the above categories and who desire water well, must apply for a Special Use Permit from the City of Garden Ridge. The permit fee, if special use is approved, is to be established by the City Council based on the intended use of the well.

In no event will water from any private well be used for purposes or activities beyond the owner's property unless a true emergency situation (such as fire or emergency water use) exists. In no event will water from a private well be sold to a person, company, corporation or other entity, nor may the well be used for commercial purposes.

No commercial sale of an existing or newly developed water producing well, truck or water line delivery, which is privately owned or owned by a commercial or political entity, shall be permitted within the corporate limits of the City of Garden Ridge without approval of the City Council of Garden Ridge.

SECTION 5. FEES.

- a) **City Document Fee** – Anyone requesting Public Information from the City of Garden Ridge must make a Public Information Request. Any information provided will be made available pursuant to the Texas Public Information Act and any fee shall be assessed in accordance with the Texas Attorney General Charge Schedule as provided in 1 Texas Administrative Code 70.1-.12, as amended.
- b) **Copying and Fax Fee** – Use of the City's copier to create a photo static copy or copies of private or personal documentation is authorized on an as-the-machine-is-available basis and provided the person requesting such service pays the copying fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's copier to any user if, in her judgment, such use would be detrimental to City operations or would impair future use of the copier.

Use of the City's fax machine to send or receive faxes of private or personal documentation is authorized on an as- the-machine is available basis and provided the person requesting such service pays the fax fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's fax machine to any user if, in her judgment, such use would be detrimental to City operations or would impair future use of the fax machine.

- c) **Notary Public Fee** – Fees for notary public services and endorsements are as outlined in the Schedule of Fees attached hereto.
- d) **Planning and Zoning Fee** – Fees for Planning & Zoning Commission services contained in any other City of Garden Ridge Ordinance are hereby superseded by the fees specified in the Schedule of Fees attached hereto.
- e) **Returned Check Fee** – A fee will be assessed for any personal check or auto draft given to the City of Garden Ridge in payment of any service, fine, permit, tax, fee or other charge, which is returned for any reason by a financial institution due an inability to process for payment. The Returned Check fee is as specified on the Schedule of Fees attached hereto.

SECTION 6. SEVERABILITY.

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.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED ON this 4th day of September 2019.

Larry Thompson
Mayor

ATTEST:

Marisa Spencer
City Secretary

Attachment 1
SCHEDULE OF PERMIT & USER FEES

<u>Alcoholic Beverage.</u>	
Beer and/or wine off premises (annual permit)	\$35.00
Beer and/or wine on premises (annual permit)	\$60.00
Package Store (annual permit)	\$100.00
Mixed Beverage (annual permit)	\$100.00
<u>Partial Exemption Permit.</u>	
Fee Determined by City Council in accordance with Ordinance 34 in addition to fee attached hereto	\$175.00 Plus City Council fee
<u>Business Permit.</u>	
In-Home Permit (annual permit, see footnote)	\$15.00
Business Permit (annual permit required for all businesses except those having a valid in-home business permit, see footnote)	\$25.00
<u>Satellite/Other TV Antenna (special use permit required).</u>	
	\$50.00
<u>Sign.</u>	
Permanent sign requiring a variance in accordance with Ordinance 55	\$50.00
Permanent sign not requiring a variance	\$15.00
<u>Water Well.</u>	
No service available from the Water Department	\$150.00
Service available from the Water Department and City Council approves permit fee to be established by City Council on an individual basis	

BUILDING AND CONSTRUCTION RELATED PERMITS

<u>House/Residence/Living Quarters.</u>	
Review and approve building plans	\$250.00
Review and approve revised building plans	\$125.00
Building Construction Permit	\$500.00+
\$0.30 per sq. ft. of foundation plus square footage of additional floor levels	
Additions to residences	\$150.00+
\$0.22 per sq. ft of additional floor space	
<u>Commercial Buildings.</u>	
Review and approve building plans	\$350.00+
City Engineer review	\$150.00
Review and approve revised building plans	\$100.00+
City Engineer review	\$150.00
Building construction permit	\$500.00+
\$0.32 per sq. ft. of foundation plus square footage of additional floor levels	
<u>Commercial (Open) Storage Buildings.</u>	
\$0.32 per sq. ft. of foundation	\$100.00+
<u>Residential Outbuildings.</u>	
Workshops, barns, sheds, patios, wooden decks, gazebos, playhouses, etc. OR *\$0.32 per sq. ft. (whichever is higher)	\$100.00*
<i>If electrical or plumbing is involved separate permits for each is required.</i>	\$100.00
<u>Miscellaneous Structures.</u>	
Fences, retaining walls, landscape walls over two feet from the ground level, driveways not in original house plans, driveways converted from gravel or asphalt to concrete, sidewalks, fireplaces, dog runs, dog kennels (fixed), etc.	\$125.00
<u>Remodeling of house or Commercial Building.</u>	
Generally, there is no fee to remodel a house or building except for alternations of electrical plumbing, mechanical (heat and air conditioning) systems and modifications to load bearing structural members of the facility. In these instances, the minor project fees for electric, plumbing, heating, etc. apply. The fee for remodeling impacting on a load bearing structural member of the building/facility.	\$100.00+ \$0.32/sq. ft.
<u>Additions to pavement surfaces.</u>	
OR \$0.22 per square yard (whichever is higher)	\$100.00
<u>Carports (Open).</u>	
	\$100.00
<u>Garages.</u>	
One-car garage (built after residence is constructed)	\$150.00*
*OR \$0.32 per sq. foot (whichever is higher)	
Two-car garage (built after residence is constructed)	\$175.00*

*OR \$0.32 per sq. foot (whichever is higher) Third-car garage (built after residence is constructed) *OR \$0.32 per sq. foot (whichever is higher)	\$200.00*
<u>Electrical.</u> House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot (whichever is higher) Commercial building/establishments *OR \$0.10 per sq. foot of space (whichever is higher) Swimming pools and minor electrical projects	\$175.00* \$300.00* \$125.00
<u>Plumbing.</u> House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot of space (whichever is higher) Commercial building/establishments *OR \$0.08 per sq. foot of space (whichever is higher) Minor plumbing projects (as described by the inspector) Hot Water Heater Replacement – In the event of a water heater failure after business hours, weekends or holidays, the resident or business may have the water heater replaced and then obtain a permit and have the water heater inspected within five (5) business days.	\$175.00* \$300.00* \$100.00 \$0
<u>Heating/AC.</u> House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot of space (whichever is higher) Commercial building/establishments *OR \$0.10 per sq. foot of space (whichever is higher) Minor heating and AC projects (as determined by the inspector)	\$175.00* \$300.00* \$100.00
<u>Sprinkler System.</u>	\$100.00
<u>Swimming Pool.</u>	\$150.00
<u>Hot Tub/Spa.</u>	\$100.00
<u>Pool Deck.</u> *OR \$0.32 per sq. foot (whichever is higher)	\$100.00*
<u>Permit Renewals (Issued permits that have expired only).</u> Major Project Minor Project	\$500.00 \$50.00
<u>Re-Inspection Fee -for any building & construction related permit</u>	\$150.00

PLANNING AND ZONING FEES

<u>Planning and Zoning.</u> Request for variance to zoning ordinance: Residential Commercial Request for after the fact variance to zoning Residential Commercial Application for rezoning Application for Special Use Permit	\$400.00 \$650.00 \$500.00 \$750.00 \$500.00 \$250.00
<u>Platting Fees - Residential.</u> Master Plan Amended/Replat - Single Lot Minor Plat Amendment as defined in Ordinance 7 Amended/Replay – Subdivision Minor Plat Amendment as defined in Ordinance 7 Preliminary Plat – Single Lot/Subdivision Final Plat Vacate Plat Recording Fees – Current Fee Schedule of Comal County *Engineering Fees (Eng. Fee) – \$50.00 per lot plus engineering fees incurred by the city for Consultation / Review on project	\$500.00+ Eng. Fee* \$250.00+ Eng. Fee* \$200.00 \$500.00+ Eng. Fee* \$400.00 \$500.00+ Eng. Fee* \$1,500.00+Eng. Fee* \$500.00+ Eng. Fee* Comal Fees *See Note
<u>Platting Fees – Commercial.</u> Master Plan Amended/Replat - Single Lot Minor Plat Amendment as defined in Ordinance 7 Amended/Replay – Subdivision Minor Plat Amendment as defined in Ordinance 7 Preliminary Plat – Single Lot/Subdivision Final Plat Vacate Plat Recording Fees – Current Fee Schedule of Comal County *Engineering Fees (Eng. Fee) – \$50.00 per lot plus engineering fees incurred by the city for Consultation / Review on project	\$500.00+ Eng. Fee* \$350.00+ Eng. Fee* \$300.00 \$600.00+ Eng. Fee* \$500.00 \$500.00+ Eng. Fee* \$1,500.00+Eng. Fee* \$300.00 + Eng. Fee* Comal Fees *See Note

DOCUMENTS AND OTHER FEES

<u>City Documents.</u>	
In accordance with Texas Attorney General Charge Schedule, as provided in 1 Texas Administrative Code 70.1-.12, as amended	As attached
<u>Copy Machine Usage</u> – per page	\$0.10
<u>Fax Machine Usage</u> (Incoming/Outgoing) – per page	\$0.50
<u>Notary Fee</u> – per document notarized	\$5.00
<u>Returned Check Fee</u>	\$30.00

Texas Administrative Code

TITLE 1

ADMINISTRATION

PART 3

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 70

COST OF COPIES OF PUBLIC INFORMATION

RULE §70.3

Charges for Providing Copies of Public Information

(a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

(4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a

program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

(i) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(j) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(k) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

(l) Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(m) These charges are subject to periodic reevaluation and update.

Source Note: The provisions of this §70.3 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective February 20, 1997, 22 TexReg 1625; amended to be effective December 3, 1997, 22 TexReg 11651; amended to be effective December 21, 1999, 24 TexReg 11255; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614

[List of Titles](#)

[Back to List](#)

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)

Garden Ridge Market Overview

1. Market was founded in May 2019 and funded by Council thru September 2019.

2. Estimated costs:

Public Works (6hrs OT)	175.00
Advertising	100.00
Equipment rental (see below)	100.00

Total **\$375.00**

Administrative (Kat) 446.00

Total (if continue with Kat) **\$821.00**

Equipment rental costs

Rockville speakers	229.95
20 Folding chairs	649.95
4 Folding tables	273.98

Total **\$1,153.88**

3. Average number of vendors: 25 per market

Vendor Categories

The Garden Ridge Farmers' Market groups vendors into four categories. Those categories are listed below and include examples of the type of products each can sell at the farmers' market.

Agricultural Producer: are those selling fresh garden produce and other items not considered food products.

Examples: Fruits, Vegetables, Garden Produce and Flowers

Artisans: are those selling high quality, original, hand-made items.

Examples: Arts & Crafts, Herbal Tinctures, Herbs, Soaps, Body Care, Bath Products, Seeds, Plants and Pet products

Cottage Food Producers: are those "home based" vendors selling food products cooked and prepared in their kitchen and meeting the special requirements established by the Texas Department of Health.

Examples: Baked goods, breads, rolls, biscuits, muffins, cakes, pastries, cookies, nuts, jams or jellies, fruit pies, popcorn, pickles, roasted coffee or dry tea

Temporary Food Establishments: are those vendors selling manufactured or prepared food products that require time and temperature controls to limit potential pathogen growth or toxin production. These require a special permit and are subject to special requirements by the Texas Department of Health.

Examples: Fresh or dried meat products, canned fruits, vegetables, fish products, pickled products, bakery goods that require any type of refrigeration, milk and dairy products, juices made from fresh fruit or vegetables, lemonade, juices, similar beverages.

4. Average attendance recorded

June: 519

July: 320

Aug: 368

Market Action Items

1. Continue Market under the governance of the Mayor, City Administrator and Councilwoman Swint, receive monthly updates and reauthorize continuance every six months.
2. Rename Market
 - Garden Ridge Market Days
 - Garden Ridge Market
 - The Market at Garden Ridge
3. Authorize hiring of Market Manager and approve compensation plan.

Proposed Part-Time Market Manager Job Duties:

- Attract, retain and manage an excellent and diverse mix of local vendors
- Collect fees, copies of necessary licenses, permits and assign vendor locations
- Expand customer base of the market using low cost marketing strategies (ie: Facebook, Instagram and local signage)
- Recruit and maintain market volunteers
- Oversee Market day activities to include site set up, vendor check-in, booth logistics, vendor relations, conflict resolution and site tear-down
- Interface with public to insure pleasurable Market experience
- Maintain database for Market
- Develop long term plan to increase market attendance and viability (themes, etc)
- Evaluate success of the Market and survey vendors and provide monthly reports to Council

Compensation Scenarios-

\$15 of \$30 booth fee for first 20 booths (\$300/\$300)

\$15 of \$30 booth fee for booths 21 and up (assuming 30 booths (\$135/\$135)

Breakeven for city is 25 booths

\$15 of \$30 booth fee for first 20 booths (\$300/\$300)

\$20 of \$30 booth fee for booths 21 and up (assuming 30 booths (\$180/\$90)

Breakeven for city is 27.5 booths

4. Consider changes to Vendor Categories

Add Non-Profit (One free space allocated per month with preference given to local organizations. First come first serve. Once a year. No political orgs).

Accept wine vendors with proper permitting (TFE category)

Accept CBD/Hemp vendors (Artisan category- commercially produced)

Discuss adding more commercial vendors at increased cost

RESOLUTION NO. 455-092019

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, AUTHORIZING AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (\$9,481.78) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE FM 2252 IMPROVEMENT PROJECT.

WHEREAS, the Texas Department of Transportation (TxDOT) has been authorized to undertake and complete an improvement project generally described as an expansion of FM 2252; and

WHEREAS, the proposed project area directly impacts the City of Garden Ridge and will provide a safer roadway for the public; and

WHEREAS, the pursuant to Texas Government Code 791, the City authorized to enter into an agreement with the State to contribute right of way funds; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety and welfare of the City to enter into the Agreement to Contribute Right of Way Funds (\$9,481.78) with TxDOT for the FM 2252 Improvement Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. The City Council hereby authorizes the City Administrator to execute the Agreement to Contribute Right of Way Funds (\$9,481.78) with TxDOT in substantially the form set forth on Exhibit A and authorized payment to TxDOT.

SECTION 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 7. This resolution shall be in force and effect upon its passage, and it is so resolved.

PASSED AND APPROVED ON this 4th day of September, 2019.

Larry Thompson
Mayor

ATTEST:

Marisa Spencer
City Secretary

FM 2252
 CSJ 1433-02-045
 Limits Evans Rd. to FM 3009

Parcel #	Title GF #	Property ID	Acquisition SF	Price Per SF	Comal CAD	SF shown in CAD		
					Land Market 2018			
1	1900403 -41	77603	29,119	\$1.45	\$391,200.00	568,588	\$	42.22
2	1900425-41	119474	15,153	\$1.02	\$424,750.00	433,422	\$	15,456.06
3	1900931-41		2,579	\$2.24	NA		\$	5,776.96
4	1900426-41	77693	11,247	\$1.69	\$258,250.00	152,808.48	\$	19,007.43
5	1900427-41	77612	7,650	\$1.52	\$443,950.00	672,653	\$	11,628.00
6	1900428-41	77672	7,801	\$3.10	\$696,000.00	2,158,485	\$	24,183.10
7	1900632-41	130970	5,288	\$2.24	NA	298,822	\$	11,845.12
8	1900634-41	77695	3,161	\$1.25	\$236,580.00	189,224	\$	3,951.25
9	1900759-41	74408	4,180	\$3.63	\$118,690.00	32,670	\$	15,173.40
10	1900782-41	74426	1,110	\$3.20	\$241,740.00	75,533	\$	3,552.00
11	1900785-41	74429	7,436	\$2.76	\$527,800.00	191,359	\$	20,523.36
12	1900787-41	106271	4,992	\$2.61	\$310,480.00	118,744	\$	13,029.12
13	1900932-41	74441	6,379	\$1.20	\$742,860.00	619,858	\$	7,654.80
14	1900936-41	74424	1,529	\$2.27	\$733,190.00	323,302	\$	3,470.83
15	1900937-41	104266	1,627	\$3.37	\$308,530.00	91,563	\$	5,482.99
							\$	160,776.64

Total for Parcels 1-6

\$ 70,316.81

Total for Parcels 7-15

\$ 72,837.75

2 parcels on corner of FM 3009

In the City of Garden Ridge								
Wetz Monroe	74500	3500	\$	2.34	\$	1,202,490.00	2,819,028	\$ 8,190.00
Custom Clinics	74501	9850	\$	1.40	\$	824,010.00	589,236	\$ 13,790.00
								\$ 21,980.00

Comal County 10% Participation \$ 7,031.68 Parcels 1 - 6

Garden Ridge 10% Participation \$ 7,283.78 Parcels 7-15
 Garden Ridge 10% Participation \$ 2,198.00 2 parcels on corner of FM 3009
 \$ 9,481.78

Parcels 3 and 7

N A

Values Not Available on Comal CAD

2.24 equals average value per SF

[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

TITLE 43

TRANSPORTATION

PART 1

TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 15

FINANCING AND CONSTRUCTION OF TRANSPORTATION PROJECTS

SUBCHAPTER E

FEDERAL, STATE, AND LOCAL PARTICIPATION

RULE §15.52**Agreements**

This section describes the contents of the department's joint participation agreement with a local government for a highway improvement project and the responsibilities of the parties to such an agreement.

(1) Right of entry. If the local government is the owner of the project site, it shall permit the department or its authorized representative to occupy the site to perform all activities required to execute the work.

(2) Right of way and utility relocations and adjustments. The local government will provide all necessary right of way and utility relocations and adjustments, whether publicly or privately owned, in accordance with §15.55 of this subchapter (relating to Construction Cost Participation). Existing utilities will be relocated and adjusted by the local government with respect to location and type of installation in accordance with the requirements of the department under §21.21 of this title (relating to State Participation in Relocation, Adjustment, and/or Removal) and Chapter 21, Subchapter C of this title (relating to Utility Accommodation).

(3) **Funding arrangement.** The agreement will specify the funding arrangement agreed upon by the department and the local government. The funding arrangement shall include any adjustments required by §15.55 of this subchapter. The funding arrangement agreed upon by the department and the local government for drainage construction costs will be as specified under §15.54(e) of this subchapter (relating to Construction).

(A) **Standard (fixed price).** The fixed price amount will be based on the estimated cost of the work to be performed by the department on a project for which state or federal funds are received.

(i) A local government is responsible for the fixed price amount, which is not subject to adjustment unless:

(I) differing site conditions are encountered;

(II) work requested by the local government is ineligible for federal participation; or

(III) the adjustment is mutually agreed on by the department and the local government.

(ii) In determining the fixed price amount, the department will consider:

(I) requests by the local government to include work that is ineligible for federal or state participation;

(II) the need for accelerated project delivery;

(III) the type of work proposed and the ability to accurately estimate its cost; and

(IV) any other considerations relating to the benefit of the state, the traveling public, and the operations of the department.

(iii) The department may refuse to enter into an agreement with a local government that has not previously complied with the financial obligations under an agreement entered into under this subchapter.

(B) Specified percentage. If approved by the executive director, the local government is responsible for all, or a specified percentage, as shown in Figure: 43 TAC §15.55(c) of this subchapter, of the direct costs incurred by the department for preliminary engineering, construction engineering, construction, and right of way, as well as the direct cost for any work included in the project which is ineligible for federal or state participation. For federally funded non-construction programs, the local government is responsible for any required match and for any work included that is ineligible for federal or state participation. The department will accept in-kind contributions for matching funds or other funds only under agreements that do not include highway construction.

(C) Periodic.

(i) The executive director may approve a local government to make periodic payments of its funding share only if:

(I) the periodic payments sought are based on the estimated cost for the work for which the funds are received and the local government proposes a schedule to repay the entire amount; and

(II) the local government does not have a delinquent obligation to the department, as defined in §5.10 of this title (relating to Collection of Debts).

(ii) In approving a request for periodic payments, the executive director will consider:

(I) inability of the local government to pay its total funding share prior to the department's scheduled date for contract letting, based upon population level, bonded indebtedness, tax base, and tax rate;

(II) past payment performance;

(III) need for accelerated project delivery;

(IV) whether the project is located in a local government that consists of all or a portion of an economically disadvantaged county; and

(V) any other considerations relating to the benefit of the state, the public, and the operations of the department.

(D) Off-State Highway System Bridge Program. For projects funded in the Off-State Highway System Bridge Program, the local government is responsible for a fixed amount that is based on the specified percentage, as shown in Figure: 43 TAC §15.55(c) of this subchapter, of the estimated direct costs for preliminary engineering, construction engineering, and construction, and for the actual direct costs for right of way and eligible utilities. The estimated direct costs that will be used to establish the fixed amount under this subparagraph, are based on the department's estimate of the eligible work at the time the agreement is executed. The local government is responsible for the estimated direct cost of any project cost item or portion of a cost item that is not eligible for federal participation under the Highway Bridge Program, 23 U.S.C. §144 and Highway Bridge Replacement and Rehabilitation Program, 23 C.F.R. §650 Subpart D. The fixed amount under this subparagraph will be adjusted through the execution of an amendment to reflect additional costs resulting from changes made at the request of the local government, either during preliminary engineering or construction.

(4) Interest. The department will not pay interest on funds provided by the local government. Funds provided by the local government will be deposited into, and retained in, the state treasury.

(5) Amendments. In the case of significantly differing site conditions or other mutually agreed upon changes in the scope of work authorized in the agreement, the department, and the local government will amend the funding agreement, setting forth the reason for the change and establishing the revised participation to be provided by the local government.

(6) Payment provision. The agreement will establish the conditions for payment by the local government, including, but not limited to, the method of payment and the time of payment.

(A) Standard (fixed price). If a fixed price funding arrangement is used, the fixed price amount is not subject to adjustment, except as provided for in paragraph (3)(A)(i) of this section.

(B) Specified percentage.

(i) Upon execution of the agreement or at a later date, unless periodic payments have been requested by the local government and approved by the executive director, the local government will pay, as a minimum, its funding share for the estimated cost for any right of way and preliminary engineering for the project. Unless periodic payments have been requested by the local government and approved by the executive director, the local government, before the department's scheduled date for contract letting, will remit to the department an amount equal to the remainder of the local government's funding share for the project.

(ii) After the project is completed the final cost will be determined by the department, based on its standard accounting procedures. If it is found that the amount received is insufficient to pay the local government's funding share, then the department will notify the local government of the amount of the difference and the local government shall promptly transmit that amount to the department. If it is found that the amount received is in excess of the local government's funding share, the excess funds paid by the local government shall be returned.

(C) Periodic. After a periodically paid project is completed, the final cost will be determined by the department based on its standard accounting procedures. If it is found that the amount received is insufficient to pay the local government's funding share, then the department will notify the local government of the amount of the difference and the local government shall promptly transmit that

amount to the department. If it is found that the amount received is in excess of the local government's funding share, the excess funds paid by the local government shall be returned.

(D) Off-State Highway System Bridge Program. For projects funded in the Off-State Highway System Bridge Program, the department will determine the final cost after the project is completed, based on its standard accounting procedures. The department will notify the local government of any amount due for payment of costs related to changes made at the request of the local government. The local government shall promptly transmit the required amount to the department.

(E) Valuation of in-kind contributions. Before the department may enter an agreement under which goods, services, or real estate are accepted rather than financial consideration, the department will document a value for the in-kind contributions consistent with 49 C.F.R. §18.24.

(7) Termination. If the local government withdraws from the project after the agreement is executed, it shall be responsible for all direct and indirect project costs incurred by the department for the items of work in which the local government is participating.

(8) Responsibilities of the parties. The local government and the department shall identify in the agreement which party will prepare or provide construction plans, perform construction, advertise for bids, award a construction contract, and perform construction supervision. Activities assigned to the local government must comply with subparagraph (A) of this paragraph and have the approvals required by subparagraph (B) of this paragraph.

(A) Local government performance and management of projects. For state highway improvement projects and other projects using state or federal funds, the agreement between the department and a local government may provide for the local government to:

(i) perform, using employees under the direct control of the local government, a highway improvement project on the state highway system;

(ii) outsource preliminary project engineering and design, bid opening, award of construction to a contractor, and construction management by the local government or a consultant hired by the local government of an improvement project for which reimbursement is requested;

(iii) contract for highway construction; or

(iv) perform other projects as authorized by law.

(B) Approval authority. Before a local government may perform an act described in subparagraph (A) of this paragraph, the executive director must authorize the local government to perform that act. The executive director may also approve the performance by employees of the local government of projects or activities appurtenant to a state highway, including drainage facilities, surveying, traffic counts, driveway construction, landscaping, guardrails, and other items incidental to the roadway itself, such as signing, pavement markings, signals, illumination, and traffic management systems.

(C) Conditions. A local government may perform an act described in subparagraph (A) of this paragraph only if:

(i) the local government commits in the agreement to comply with all federal, state, and department requirements, standards, and specifications, and agrees to forfeit any claim to federal and state reimbursement if they fail to comply;

(ii) the project is authorized by the commission in the current Unified Transportation Program or by a specific minute order;

(iii) a project on the state highway system performed or managed by a local government is operationally beneficial to the state;

(iv) a roadway construction project requested by the local government that is to be on the state highway system, for which local management is proposed, is funded with at least 50 percent of the funds coming from a non-federal and non-state source, unless a lesser percentage is approved by the executive director;

(v) the local government agrees to pay any cost overruns in addition to its local participation on an off-state highway system bridge program project for which local management is proposed; and

(vi) the department reviews and approves all plans, contract awards, and change orders.

(D) Approval. The department will not approve any project that includes the local government improving freeway mainlanes on the state highway system, without express written approval of the executive director. In determining its approval or disapproval of local government's request to manage one or more elements of performance and management of a project, the department will evaluate the following criteria:

(i) previous experience of the local government in performing the type of work proposed;

(ii) the capability of the local government to perform the type of work proposed or to award and manage a contract for that work in a timely manner, consistent with federal, state, and department regulations, standards, and specifications;

(iii) the need for accelerated project delivery;

Cont'd...

[Next Page](#)

[List of Titles](#)

[Back to List](#)

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)

[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

TITLE 43

TRANSPORTATION

PART 1

TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 15

FINANCING AND CONSTRUCTION OF TRANSPORTATION PROJECTS

SUBCHAPTER E

FEDERAL, STATE, AND LOCAL PARTICIPATION

RULE §15.55

Construction Cost Participation

(a) **Required cost participation.** The commission may require, request, or accept from a local government matching or other funds, rights-of-way, utility adjustments, additional participation, planning, documents, or any other local incentives.

(1) **Participation ratios.** Except as provided in subsections (b) and (d) of this section, the agreement between the local government and the department must include participation ratios as described in subsection (c) of this section.

(2) In-kind contributions. The department will accept in-kind contributions for local government matching or other funds only under agreements that do not include highway construction.

(b) Economically disadvantaged counties. In evaluating a proposal for a highway improvement project with a local government that consists of all or a portion of an economically disadvantaged county, the executive director shall, for those projects in which the commission is authorized by law to provide state cost participation, adjust the minimum local matching funds requirement after receipt of a request for adjustment under paragraph (3) of this subsection.

(1) Commission certification. The commission will certify a county as an economically disadvantaged county on an annual basis as soon as possible after the comptroller reports on the economic indicators listed under §15.51(7) of this subchapter (relating to Definitions).

(2) Local match adjustment. In determining the adjustment to the local matching funds requirement, and a local government's effort and ability to meet the requirement, the commission will consider a local government's:

- (A) population level;
- (B) bonded indebtedness;
- (C) tax base;
- (D) tax rate;
- (E) extent of in-kind resources available; and
- (F) economic development sales tax.

(3) Request for adjustment. The city council, county commissioners court, district board, or similar governing body of a local government that represents all or a portion of an economically disadvantaged county, shall submit a request for adjustment to the local district office of the department. The request will include, at a minimum:

(A) the proposed project scope;

(B) the estimated total project cost;

(C) a breakdown of the anticipated total cost by category (e.g., right-of-way, utility adjustment, plan preparation, construction);

(D) the proposed participation rate;

(E) the nature of any in-kind resources to be provided by the local government;

(F) the rationale for adjusting the minimum local matching funds requirement; and

(G) any other information considered necessary to support a request.

(4) Timing of determination. The executive director will determine whether to make an adjustment at the time the local government submits a proposal for a highway improvement project.

(5) Definition. For purposes of this subsection, "executive director" means the executive director or his or her designee, not below the level of district engineer or division or office director.

(c) Participation ratios. The following chart establishes federal, state, and local cost participation ratios for highway improvement projects, subject to the availability of funds to the department. In-kind participation will be valued as described in §15.52(6)(E) of this subchapter (relating to Agreements).

Attached Graphic

(d) Off-state highway system bridge program.

(1) Definitions. The following words and terms, when used in this subsection, shall have the following meanings, unless the context clearly indicates otherwise.

(A) Bridge--For an equivalent-match project, a bridge or other mainlane cross-drainage structure, including low water crossings (with or without conduit).

(B) Deficient bridge--A bridge having a structural load capacity or other safety condition that is inadequate.

(C) District engineer--The chief executive officer in each designated district office of the department.

(D) Equivalent-match project--A project in which the local government will improve the structural load capacity or other safety condition of off-state system bridges utilizing 100% local funds.

(E) Participation-waived project--An off-state system bridge project in which the state agrees to pay for local participation for eligible preliminary engineering, construction, and construction engineering costs as shown in subsection (c) of this section. This project must be authorized for development only, or for development and construction, on the department's approved Unified Transportation Program, satisfy minimum standards established by the department for off-state system bridges, and meet the additional requirements of this subsection.

(F) Safety work--Work performed as part of an equivalent-match project that improves the safety of the project. This work may include, but is not limited to, providing improved structural load capacity, improved hydraulic capacity, increased roadway width, adequate bridge rail, and adequate approach guardrail.

(2) Waiver. The district engineer may waive the requirement for a local government to provide the original 10% estimate of direct costs for preliminary engineering, construction engineering, and construction funds on the participation-waived project(s) if the local governmental body commits by written resolution or ordinance, as described in paragraph (4) of this subsection, to spend an equivalent amount of funds for structural improvement or other safety work on another bridge or bridges on the equivalent-match project(s) within its jurisdiction or the jurisdiction of a geographically adjacent or overlapping governmental unit. An equivalent amount includes, but is not limited to, expenditures for direct or indirect costs for structural improvement or other safety work on bridge(s) in the equivalent-match project(s). Work on one or more equivalent-match projects may be credited to one or more participation-waived projects.

(3) Eligibility. A local government is eligible for a waiver if:

(A) the construction contract for the participation-waived project has not been awarded;

(B) work on the equivalent-match project has not begun prior to approval of the waiver (approval of the waiver does not guarantee that the participation-waived project agreement will be executed);

(C) the local government is in compliance with load posting and closure regulations as defined in the National Bridge Inspection Standards under 23 C.F.R. §650.303;

(D) the bridge on the proposed equivalent-match project(s) is a deficient bridge, or a bridge that is weight restricted for school buses; and

(E) the equivalent-match project increases the structural load capacity of the existing bridge, replaces the bridge with a new bridge, or otherwise increases safety, with a minimum upgrade to safely carry expected school bus loading.

(4) Request for waiver. To request a waiver, a local government must provide a written request to the district engineer that includes the location(s), description of structural improvement or other safety work proposed, estimated cost for the equivalent-match project(s), and a copy of the local governmental body's resolution or ordinance. The resolution or ordinance must acknowledge assumption of all responsibilities for engineering and construction and complying with all applicable state and federal environmental regulations and permitting requirements for the bridge(s) on the equivalent-match project(s).

(5) Considerations. In approving a request for waiver, the district engineer will consider:

(A) the type of work proposed for the equivalent-match project(s);

(B) regional transportation needs; and

(C) past performance under this subsection.

(6) Approval. The district engineer will submit a letter to the local government indicating the district engineer's approval or disapproval of the waiver. If disapproved, the letter will state the reasons for disapproval. If the waiver is approved, the letter will state that the local government, for the equivalent-match project(s) will assume:

(A) all costs of the work;

(B) responsibility for complying with all applicable state and federal environmental regulations and permitting requirements; and

(C) responsibility for the engineering and construction necessary for completion of the work.

(7) Agreement and conditions.

(A) If the district engineer approves the waiver, the local government and the department will enter into an agreement for the participation-waived project as specified in §15.52 of this subchapter. One or more participation-waived project agreements can utilize one or more common or independent equivalent-match projects if the total equivalent-match project amount equals or exceeds the total remaining local participation amount being waived at the time the agreement is executed, and the common agreements are adequately cross-referenced. Previously executed agreements may be amended to incorporate these participation waiver provisions, or to utilize an additional equivalent-match project(s) for any outstanding amount not previously waived, provided the construction contract for the participation-waived project has not been awarded and the equivalent-match work has not begun.

(B) Local governments will be allowed a maximum of three years after the contract award of the participation-waived project(s) to complete structural or other safety improvements on the equivalent-match project(s). If more than one participation-waived project utilizes a common equivalent-match project, the time period allowed for completion of the equivalent-match project(s) will begin when the first of the participation-waived projects is awarded. The district engineer may specify a period less than three years for completion of equivalent-match projects if project specific conditions warrant. If specified, the shorter allowable work period must be explicitly stated in the agreement(s). No later than 30 days after completion, documentation of completion of the equivalent-match project(s) requirement will be provided by letter to the district engineer. If the local government fails to adequately complete the equivalent-match project(s), it will be excluded from future waivers under this subsection for a minimum of five years. The district engineer may grant an extension to the three-year completion requirement if a contract for the equivalent-match project(s) has been executed within that three years and the contract timeline for completion is reasonable. In the absence of information suggesting that a shorter or longer period is appropriate, two years or less will be presumed to be a reasonable time, for a maximum of five years to complete the equivalent-match project(s) following award of the programmed bridge. The granting of an extension to the three-year time limit must be done in writing in response to a written request to the district engineer from the local government. The extension approval must specify a new required completion date.

(C) With the approval of the district engineer, an equivalent-match project(s) may be substituted by subsequent amendment to the participation-waived project agreement(s). A substitution may be

allowed for unforeseen circumstances, including but not limited to, an equivalent-match project that is selected for replacement under some other program of work. Work on the substituted equivalent-match project(s) must be completed within a maximum of three years after the award of the construction contract for the original participation-waived project.

(D) The local government is responsible for all of the direct cost of any participation-waived project cost item or portion of a cost item that is not eligible for federal participation under the Federal Highway Bridge Replacement and Rehabilitation Program under 23 U.S.C. §144 and 23 C.F.R. §650 Subpart D. The local government is also responsible for any costs resulting from changes made at the request of the local government.

(E) The local government will be responsible for 100% of right of way and utilities for the participation-waived project.

(F) A local government located in an economically disadvantaged county that receives an adjustment under subsection (b) of this section may participate in the provisions of this subsection in the amount of its reduced matching funds requirement.

(G) The department will not reimburse funds already received by the department under the terms of existing agreements. Funds already received for a specific project(s) may be credited against the local government's required participation for the subsequent participation-waived project agreement(s) for that same project(s).

(H) Any equivalent-match project(s) cost that is in excess of the local government's required participation for a specific participation-waived project agreement(s) cannot be credited for use on a future participation-waived project(s).

(I) Each equivalent-match project(s) must be specifically identified in the participation-waived project agreement(s) at the time of execution.

(J) The local government must pay its funding share of the estimated participation-waived project cost, as provided in §15.52(6)(A) of this subchapter, for any local participation balance that is remaining at the time the project agreement(s) is executed. This balance would include any remaining required local participation amount in excess of the amount waived as a result of credit for equivalent-match work to be performed as part of the agreement.

(8) Projects with neighboring states. Local cost participation is not required for a bridge connecting Texas with a neighboring state.

Source Note: The provisions of this §15.55 adopted to be effective September 26, 1996, 21 TexReg 8957; amended to be effective January 1, 1998, 22 TexReg 12090; amended to be effective January 1, 1998, 22 TexReg 12090; amended to be effective February 21, 1999, 24 TexReg 1194; amended to be effective August 20, 2000, 25 TexReg 7781; amended to be effective November 14, 2001, 26 TexReg 9227; amended to be effective September 19, 2002, 27 TexReg 8776; amended to be effective January 9, 2005, 29 TexReg 12241; amended to be effective January 5, 2006, 30 TexReg 8995; amended to be effective August 19, 2010, 35 TexReg 7084; amended to be effective April 19, 2012, 37 TexReg 2686; amended to be effective May 14, 2014, 39 TexReg 3733

[List of Titles](#)

[Back to List](#)

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)

Figure: 43 TAC §15.53(c)

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Eligible Utilities
Project is on the Interstate Highway System	100% State -or- 90% Federal 10% State -or- 80% Federal 20% State	100% State -or- 90% Federal 10% State -or- 80% Federal 20% State	100% State -or- 90% Federal 10% State -or- 80% Federal 20% State
Project is on the State Highway System (except Farm to Market System, Urban Road System, Principal Arterial Street Program (PASS) or Phase 1 Trunk System Corridor)	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	90% State 10% Local -or- 80% Federal 10% State 10% Local
Project is on the PASS except for existing US, SH, FM and UR system routes	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	50% State 50% Local -or- 80% Federal 10% State 10% Local
Project is not on the State Highway System	100% Local -or- 80% Federal 20% Local	100% Local -or- 80% Federal 20% Local	100% Local -or- 80% Federal 20% Local
Project is on the FM/UR system	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	100% Local
New FM/UR route	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	90% State 10% Local -or- 80% Federal 10% State 10% Local
Existing FM/UR route	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	90% State 10% Local -or- 80% Federal 10% State 10% Local

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Eligible Utilities
Project is on a Phase I Trunk System Corridor, Designated Statewide Mobility Corridor, On-System Turnpike Project, or Hurricane Evacuation Route	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State
State Park Road Program	100% State	100% State	100% State
On-State System Bridge Program	100% State -or- 80% Federal 20% State	100% State -or- 80% Federal 20% State	90% State 10% Local -or- 80% Federal 10% State 10% Local
Off-State System Bridge Program	80% Federal 10% State 10% Local -or- 80% Federal 20% State #1	80% Federal 10% State 10% Local -or- 80% Federal 20% State #1	100% Local
If bridge project connects Texas with a neighboring state	80% Federal 20% State	80% Federal 20% State	
On-State System Safety Program	100% State -or- 90% Federal 10% State	90% Federal 10% State	100% State -or- 90% Federal 10% State
Off-State System Safety Program If included in the Railroad Signal Safety Program	90% Federal 10% Local -or- 90% Federal 10% State	90% Federal 10% Local -or- 90% Federal 10% State	90% Federal 10% Local -or- 90% Federal 10% State
Transportation Enhancement Program #2	80% Federal 20% Local	80% Federal 20% Local	80% Federal 20% Local

Condition	Preliminary Engineering	Construction Engineering and Construction Funds	Right of Way or Eligible Utilities
On-State System Safe Routes to Schools Program	100% State -or- 100% Federal	100% State -or- 100% Federal	100% State -or- 100% Federal
Off-State System Safe Routes to Schools Program	100% Federal	100% Federal	100% Local -or- 100% Federal

All participation ratios shown depict the minimum local participation for eligible costs. For continuous lighting systems or safety lighting on the state highway system, refer to Chapter 25, §25.11 of this title.

NOTES:

#1 If approved in accordance with §15.55(d) of this subchapter.

#2 For projects selected in the Transportation Enhancement Program call, federal participation is limited to the amount authorized by the commission, not to exceed 80% of the eligible costs.

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE)

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, (the "**State**"), and **City of Garden Ridge**, Texas, acting through its duly authorized officials (the "**Local Government**").

WITNESSETH

WHEREAS, Texas Transportation Code §§ 201.103 and 222.052 establish that the State shall design, construct, and operate a system of highways in cooperation with local governments; and

WHEREAS, Texas Transportation Code, §§ 201.209 authorizes the State and a Local Government to enter into agreements in accordance with Texas Government Code, Chapter 791; and

WHEREAS, the State has deemed it necessary to make certain highway improvements on Highway No. FM 2252 From Bexar/Comal County Line to FM 3009, and this section of highway improvements will necessitate the acquisition of certain right of way and the relocating and adjusting of utilities (the "**Project**"); and

WHEREAS, the Local Government requests that the State assume responsibility for acquisition of all necessary right of way and adjustment of utilities for this highway project; and

WHEREAS, the Local Government desires to enter into a fixed price joint participation agreement pursuant to 43 TAC §15.52 to contribute to the State funding participation as defined in 43 TAC §15.55 for the cost of acquiring the right of way and relocating or adjusting utilities for the proper improvement of the State Highway System;

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

NOW THEREFORE, the State and the Local Government do agree as follows:

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

AGREEMENT

1. Agreement Period

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Termination

This agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party; or
- C. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in Attachment C, Project Budget Estimate and Payment Schedule, which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Government, or other parties is shown in Attachment C. The Local Government shall pay to the State the amount shown in Attachment C as its required contribution of the total cost of the Project and shall transmit to the State with the return of this agreement, duly executed by the Local Government, a warrant or check for the amount and according to the payment schedule shown in Attachment C.
- B. The Local Government's fixed price contribution set forth in Attachment C is not subject to adjustment unless:
 - 1. site conditions change;
 - 2. work requested by the Local Government is ineligible for federal participation; or
 - 3. the adjustment is mutually agreed on by the State and the Local Government.
- C. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.

- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a warrant or check made payable to the "Texas Department of Transportation Trust Fund." The warrant or check shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to this highway project.
- E. Notwithstanding that this is a fixed price agreement, the Local Government agrees that in the event any existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive, including, but not limited to, outdoor advertising or storm water drainage facility requirements, is more restrictive than State or federal regulations, or any other locally proposed change, including, but not limited to, plats or re-plats, results in any increased costs to the State, then the Local Government will pay one hundred percent (100%) of all those increased costs, even if the applicable county qualifies as an Economically Disadvantaged County (EDC). The amount of the increased costs associated with the existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive will be determined by the State at its sole discretion.
- F. If the Local Government is an EDC and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- G. If the Project has been approved for an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the incremental payment schedule.

4. Real Property in Lieu of Monetary Payment

- A. Contributions of real property may be credited to the Local Government's funding obligation for the cost of right of way to be acquired for this project. Credit for all real property, other than property which is already dedicated or in use as a public road, contributed by the Local Government to the State shall be based on the property's fair market value established as of the effective date of this agreement. The fair market value shall not include increases or decreases in value caused by the project and should include the value of the land and improvements being conveyed, excluding any damages to the remainder. The amount of any credit for real property contributed for this project is clearly shown in Attachment C.
- B. The Local Government will provide to the State all documentation to support the determined fair market value of the donated property. This documentation shall include an appraisal of the property by a licensed appraiser approved by the State. The cost of appraisal will be the responsibility of the State. The State will review the submitted documentation and make a final determination of value; provided however, the State may perform any additional investigation deemed necessary, including supplemental appraisal work by State employees or employment of fee appraisers.

County Comal
 District San Antonio
 ROW CSJ # 1433-02-044
 CCSJ 1433-02-045
 Federal Project #: _____
 CFDA Title: Highway Planning & Construction
City of Garden Ridge
 Federal Highway Administration
 Not Research and Development

- C.** Credit shall be given only for property transferred at no cost to the State after the effective date of this agreement and the issuance of spending authority, and only for property which is necessary to complete this project, has title acceptable to the State, and is not contaminated with hazardous materials. Credit shall be in lieu of monetary contributions required to be paid to the State for the Local Government's funding share of the right of way to be acquired for this project. The total credit cannot exceed the Local Government's matching share of the right of way obligation under this agreement, and credits cannot be reimbursed in cash to the Local Government, applied to project phases other than right of way, nor used for other projects.
- D.** In the event the Local Government's monetary contributions to the State for acquisition of right of way, when added to its real property credits, exceed the Local Government's matching share of the right of way obligation, there will be no refund to the Local Government of any portion of its contributed money.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written supplemental agreement.

6. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, to the following addresses:

Local Government:	State:
City of Garden Ridge 9400 Municipal Parkway Garden Ridge, Texas 78266	Director of Right of Way Division Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other party.

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

7. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

8. Legal Construction

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

9. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

10. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the subject matter of this agreement.

12. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

13. Inspection of Books and Records

The Local Government shall maintain all books, papers, accounting records and other documentation relating to costs incurred under this agreement and shall make such materials available to the State and, if federally funded, the Federal Highway

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

Administration (FHWA) or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this agreement or until any impending litigation, or claims are resolved. Additionally, the State and FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

14. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

15. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

16. Civil Rights Compliance

The parties to this agreement shall comply with the regulations of the U.S. Department of Transportation as they relate to nondiscrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

17. Applicability of Federal Provisions

Articles 18 through 23 only apply if Federal funding is used in the acquisition of right of way or the adjustment of utilities.

18. Office of Management and Budget (OMB) Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

19. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally -Approved Disadvantaged Business Enterprise by Entity and attachments found at web address http://txdot.gov/business/business_outreach/mou.htm.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

20. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

21. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A.** No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B.** If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C.** The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

22. Federal Funding Accountability and Transparency Act Requirements

- A.** Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B.** The Local Government agrees that it shall:
 - 1.** Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 - 2.** Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and

3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

23. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures of \$750,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://txdot.gov/inside-txdot/office/audit/contact.html>
- C. If expenditures are less than \$750,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

24. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Rose Wheeler
Contracts & Finance Director
Right of Way Division
Texas Department of Transportation

Date

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

ATTACHMENT A
RESOLUTION OR ORDINANCE

County Comal
District San Antonio
ROW CSJ # 1433-02-044
CCSJ 1433-02-045
Federal Project #: _____
CFDA Title: Highway Planning & Construction
City of Garden Ridge
Federal Highway Administration
Not Research and Development

ATTACHMENT B



County Comal
 District San Antonio
 ROW CSJ # 1433-02-045
 CCSJ # 1433-02-044
 City of Garden Ridge
 CDFA Title: Highway Planning & Construction
 FHWA CFDA # 20.205
 Federal Highway Administration
 Not Research and Development

**Standard Agreement to Contribute
 State Performs Work
 Attachment C**

Description	Total Estimated Cost	State Participation		Local Participation	
		%	Cost	%	Cost
Right of Way Acquisition	\$ 94,818	0%	\$	10%	\$ 9,482
Reimbursable Utility Adjustments	\$	0%	\$	10%	\$
Joint Bid Reimbursable Utility Adjustments	\$0	0%	\$0	0%	\$0
	\$0	0%	\$0	0%	\$0
	\$0	0%	\$0	0%	\$0
	\$0	0%	\$0	0%	\$0
	\$0	0%	\$0	0%	\$0
	\$0	0%	\$0	0%	\$0
TOTAL	\$ 94,818	0%	\$	0%	\$ 9,482

Except as otherwise provided in the Agreement, the fixed amount of Local Government participation will be that amount provided above.

City of Garden Ridge



Google Earth

© 2018 Google



200 ft



August 6, 2019

County: Comal
Federal Project No.: N/A
Highway: FM 2252

ROW CSJ: 1433-02-045
Parcel: 9
From: Bexar/Comal County Line
To: FM 3009

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO.: 7019 0700 0000 8767 9847

City of Garden Ridge
9400 Municipal Pkwy
San Antonio, TX 78266-2366

Dear Property Owner,

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or will be explained by the State's negotiator, Melissa DeLeon, a portion of your property located FM 2252, Garden Ridge, TX 78266, as described in the enclosed property description, is to be acquired for the construction or improvement of the above-referenced highway project.

We believe at this stage of the purchase process it is mutually beneficial to confirm that, based on an appraisal, the State is authorized to offer you \$28,386.00 for your property, which includes \$11,286.00 for the property to be purchased, \$10,100.00 for the improvements to your property and \$7,000.00 for the damages to your remaining property. This amount is the total amount of just compensation for all interests in the portion of your property to be acquired, as determined in accordance with State law, less oil, gas and sulphur, subject to clear title being conveyed to the State. In accordance with State law, it is the policy of the Department to negotiate with the fee owner(s) of the real property with the understanding that you will, in turn, negotiate with any lessee or other party who may own any interest in the land or improvements, with the exception of public utility easements, which will be handled separately by the Department.

This offer to purchase includes the contributory values of the improvement(s) listed below, which are considered to be part of the real property. Since the improvement(s) must be removed, it is the policy of the Department to permit owners who convey voluntarily to the Department to thereafter retain the improvement(s), if they wish to do so. The retention values shown below are the estimated amounts the improvement(s) would bring if sold on public bids. If you wish to retain title to any of the following improvement(s) and remove it (them) from the right of way, the amount of the above offer must be reduced by the appropriate retention amount(s). This option to retain the improvement(s) does NOT apply should it become necessary for the Department to acquire the real property by eminent domain.

<u>Improvement</u>	<u>Amount to be Subtracted if Retained</u>
Drive - Asphalt	\$1.00
Sign - 10'X10' Custom	\$8.00

If you wish to accept the offer based upon this appraisal, please contact Melissa DeLeon as soon as possible, at (361) 696-3378 or by email at melissa.deleon@hdrinc.com, so that the process of issuing your payment may be started. If you are not willing to accept this offer, you may submit a written request for administrative settlement/counteroffer, setting forth a counteroffer amount and the basis for such amount, provided such settlement request is received in writing within 30 days from the date of this letter. *Please note that your opportunity to submit an administrative settlement shall be forfeited if such a settlement request is not received by the Department within the 30 day time deadline.*

In the event the condition of the property changes for any reason, the State shall have the right to withdraw or modify this offer.

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State's Relocation Assistance Program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate from and in addition to this transaction. You will receive a brochure entitled "*Relocation Assistance*" which will inform you of eligibility requirements, payments and services which are available.

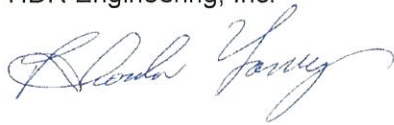
You have the right to discuss with others any offer or agreement regarding the Department's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as it may apply to the Department.

Attached is a copy of the Texas Department of Transportation brochure entitled "*Right of Way Purchase*" which we trust will give you a better understanding of the procedures followed by the Department in purchasing property. We respectfully request the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the details of the type of facility to be built, or concerning the Department's offer or proposed purchase transaction. Also, please do not hesitate to contact Melissa DeLeon at the telephone number provided above regarding any question you may have.

Please see the enclosed copy of the Texas Landowner Bill of Rights.

Finally, we enclose copies of all appraisal reports relating to your property being acquired which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the Department, including the appraisal on which this offer is based.

Sincerely,
HDR Engineering, Inc.



Rhonda Young, RW-RAC
Project Manager

ENCLOSURES:

Appraisal Report(s)
Acknowledgment of Receipt of Appraisal
Draft Deed
Copy of the parcel field notes (property description)
PUAIC and Incentive Usage
Draft PUAIC
Draft Memorandum of Agreement
Title Commitment
Title Curative Plan
Landowner Bill of Rights
Acknowledgment of Receipt of Landowner Bill of Rights
Brochure ("State Purchase of Right of Way")
Information About Brokerage Services

ACKNOWLEDGMENT OF RECEIPT OF APPRAISAL REPORT

County: Comal

District: San Antonio

Federal Project No.: N/A

Parcel No.: 9

ROW CSJ No.: 1433-02-045

Highway: FM 2252

I, _____ hereby acknowledge receipt on _____ of a copy of an appraisal report prepared by Bradley A. Bujan dated July 29, 2019, related to the above parcel. I acknowledge that this appraisal report is subject to the copyright laws of the United States and that any republication or redisclosure is prohibited without the express written consent of the Texas Department of Transportation.

Signature of Owner(s)

Date

Signature of Owner(s)

Date

The Landowner did not sign and return the ROW-A-RA form, acknowledging receipt of the appraisal.



Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



DEED

TxDOT ROW CSJ: 1433-02-045

TxDOT Parcel No.: 9

Grantor(s), whether one or more: City of Garden Ridge

Grantor's Mailing Address (including county):

9400 Municipal Pkwy
San Antonio, TX 78266-2366
Comal County

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11 Street
Austin, Texas 78701
Travis County

Consideration:

The sum of Twenty Eight Thousand Three Hundred Eighty-Six and no/100 Dollars (\$28,386.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.



Property:

All of that certain tract or parcel of land in Comal County, Texas, being more particularly described in the attached Exhibit A (the "**Property**").

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Comal County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantor is retaining title to the following improvements ("**Retained Improvements**") located on the Property, to wit: None

Grantor covenants and agrees to remove the Retained Improvements from the Property by N/A day of N/A, 20N/A, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor's remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit "A". Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to the claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

EXECUTED on the date(s) of acknowledgement indicated below.

GRANTOR:

City of Garden Ridge

By: _____

Name:

Title:

Corporate Acknowledgment

State of Texas

County of _____

This instrument was acknowledged before me on _____

by _____, _____ of City of Garden Ridge, a

_____, on behalf of said entity.

Notary Public's Signature

EXHIBIT "A"

ROW CSJ: 1433-02-045

County: Comal

Date: August 2018

Highway: FM Road 2252

Limits: Evans Road to F.M. Road 3009

Property Description for Parcel 9

0.0960 of an acre of land (4,180 sq. ft.), situated in the City of Garden Ridge, Comal County, Texas, said 0.0960 of an acre tract being part of those two 0.750 acre tracts, out of the George M. Dolson Survey No. 96, Abstract 120, said two 0.750 acre tracts conveyed to the City of Garden Ridge, by deeds executed October 7, 1988 and recorded in Volume 651, Page 89, and executed February 12, 1988 and recorded in Volume 615, Page 677, Official Public Records of Comal County, Texas, said 0.0960 of an acre of land (4,180 sq. ft.) being more particularly described by metes and bounds as follows:

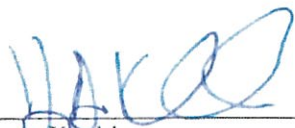
Beginning a TxDOT Type III aluminum disk monument set** (N: 13,775,999.89 E: 2,189,713.72) in the proposed southeast right of way line of F.M. Road, 2252 at its intersection with the southwest line of said 0.750 acre tract, being the south corner of this parcel and being 104.33 feet right of Engineers Centerline Station 205+55.34, said POINT OF BEGINNING being North 29° 54' 34" West 175.88 feet from a 1/2" inch iron rod found at the south corner of said 0.750 acre tract;

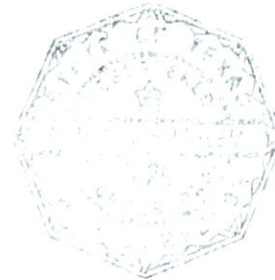
1. THENCE, North 29° 54' 34" West, 37.79 feet along the southwest line of said 0.750 acre tract to a point in the existing southeast right of way line of F. M. Road 2252 at the west corner of said 0.750 acre tract and this tract;
2. THENCE, along the existing southeast right-of-way line of F.M. Road, 2252 as follows:
 - a) North 56° 11' 25" East, 94.26 feet to an angle point;
 - b) North 60° 00' 25" East, 74.02 feet to a Type III aluminum disk monument set** in the existing southeast right of way line of F. M. Road 2252 at the east corner of this parcel;
3. THENCE, along the proposed southeast right of way line of F.M. Road 2252, as follows:
 - a.) South 41° 41' 18" West, 140.21 feet to an angle point;
 - b) South 60° 00' 39" West, 35.02 feet to the POINT OF BEGINNING and containing 0.0960 of an acre of land (4,180 sq. ft.).

Basis of bearings are NAD 83(2011) – Texas Coordinate System – South Central Zone (4204)

Coordinates are surface - Surface Adjustment Factor: 1.00017 – Ref. Plat dated August 2018

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT. Access will be permitted to the remainder property abutting the highway facility.


Henry A. Kuehlem
Registered Professional Land Surveyor No. 4020
H.A. Kuehlem Survey Company
14350 Northbrook Drive Suite 130
San Antonio, Texas 78232
TBPLS Firm No. 10059500



LEGEND	
⊙	COTTON SPINDLE
—	1/2" IRON ROD
⊠	TYPE I CONCRETE MONUMENT
○	TYPE II MONUMENT
⊕	TYPE III MONUMENT
⊞	TELEPHONE CALL BOX
⊕	P.K. NAIL
—	ACCESS DENIAL LINE

V. MICHELI
SURVEY NO. 114
ABSTRACT 383

BAT CAVE ROAD
F.M. ROAD 2252
(R.O.W. VARIES)
205+00

STATE OF TEXAS 1.185 AC.
V. 396, P. 3

STATE OF TEXAS 2.099 AC.
V. 314, P. 155

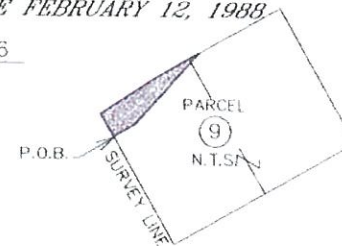
0.0960 ACRE
N56°11'25"E 94.26'
S41°41'18"W 140.21'
PROPOSED R.O.W.

STA 205+90.36
104.33' RT.

P.O.B.
STA 205+55.34
104.33' RT.
N: 13,775,999.89
E: 2,189,713.72

CITY OF GARDEN RIDGE

CITY OF GARDEN RIDGE
WHOLE - 1.500 ACRES (65,340 SQ. FT.)
VOL. 651, PG. 89
VOL. 615, PG. 677
DATE OCTOBER 7, 1988
DATE FEBRUARY 12, 1988



NOTES:

1. BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204). DISTANCES AND COORDINATES ARE SURFACE ADJUSTMENT FACTOR 1.00017
2. REFERENCE A PROPERTY DESCRIPTION FOR EACH PARCEL PREPARED FROM THIS SURVEY
3. PREPARED FROM A SURVEY MADE ON THE GROUND AUGUST 2018
4. ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE"
5. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TxDOT TYPE II R.O.W. MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.
6. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT

EXISTING (AC)	ACQUISITION AC./S.F	REMAINDER (AC)	
		LEFT	RIGHT
1.500 DEED	0.0960/4,180		1.404
PLAT OF PARCEL 9			
FED. ROAD DIV. NO.	STATE	SCALE: 1" = 50'	SHEET NO.
	TEXAS	ROW CSJ	2 OF 2
STATE DIST. NO.	COUNTY	CONT. NO.	JOB NO.
15	COMAL	1433 02	045
			HIGHWAY NO.
			F.M. 2252
			AUGUST 2018



HENRY A. KUEHLEM
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4020

H.A. KUEHLEM SURVEY COMPANY
14350 NORTHBROOK DRIVE SUITE 130
SAN ANTONIO, TEXAS 78232
TBPLS FIRM NO. 10059500



August 6, 2019

City of Garden Ridge
9400 Municipal Pkwy
San Antonio, TX 78266-2366

ROW CSJ: 1433-02-045
Highway No: FM 2252
County: Comal
Project No: N/A
Parcel No: 9

Dear Property Owner,

Possession and Use Agreement and Incentive Usage

While you consider the State's Offer, we would like to provide you an alternative to expedite the process. Enclosed you will find a draft of a Possession and Use Agreement (PUA).

This agreement allows the State to pay up to the full appraisal value of the acquisition area in exchange for immediate possession. Encumbrances on the property can affect the value that can be approved for payment. By signing this agreement, you will **not** waive your right to counter the State's Offer, present your case at a Commissioner's Hearing or Jury Trial, or receive additional compensation as determined to be just compensation.

If this PUA is executed you will be eligible to receive an incentive of \$3,000.00, which is calculated as 10% of the initial approved value of a parcel with a minimum amount of \$3,000.00 and a maximum amount of \$25,000.00.

The incentive will not be counted toward the amount determined as just compensation and it will not be required to be paid back. If you are interested in learning more about this opportunity, please contact Melissa DeLeon (melissa.deleon@hdrinc.com) at (361) 696-3378.

Sincerely,

HDR Engineering, Inc.

Rhonda Young,
Project Manager

hdrinc.com

7745 Chevy Chase Dr., Bldg. 5, Suite 220
Austin, TX 78752
T 512.531.5900 F 512.531.5995

Texas Registered Engineering Firm F-754



**POSSESSION AND USE AGREEMENT FOR TRANSPORTATION PURPOSES
WITH ADDITIONAL PAYMENT OF INDEPENDENT CONSIDERATION**

STATE OF TEXAS

§

ROW CSJ: 1433-02-045

§

Parcel No.: 9

COUNTY OF COMAL

§

Project No.: N/A

This Possession and Use Agreement For Transportation Purposes (the "Agreement") between the State of Texas, acting by and through the Texas Department of Transportation (the "State"), and City of Garden Ridge (the "Grantor" whether one or more), grants to the State, its contractors, agents and all others deemed necessary by the State, an irrevocable right to possession and use of the Grantor's property for the purpose of constructing a portion of Highway No. FM 2252 (the "Highway Construction Project"). The property subject to this Agreement is described more fully in field notes and plat map (attached as "Exhibit A") and made a part of this Agreement by reference (the "Property").

1. For the consideration paid by the State which is set forth in Paragraphs 2 and 3 below, the receipt and sufficiency of which is acknowledged, the Grantor grants, bargains, sells and conveys to the State of Texas the right of entry and exclusive possession and use of the Property for the purpose of constructing a highway and appurtenances thereto and the right to remove any improvements. Authorized activities include surveying, inspection, environmental studies, archeological studies, clearing, demolition, construction of permanent improvements, relocating, replacing, and improving existing utility facilities, locating new utility facilities, and other work required to be performed in connection with the Highway Construction Project. This Possession and Use Agreement will extend to the State, its contractors and assigns, owners of any existing utilities on the Property and those which may be lawfully permitted on the Property by the State in the future, and all others deemed necessary by the State for the purpose of the Highway Construction Project. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of utilities on the Property.
2. In full consideration for this irrevocable grant of possession and use and other Grantor covenants, warranties, and obligations under this Agreement, the State will tender to the Grantor the sum of N/A Dollars (N/A). The Grantor agrees that this sum represents adequate and full compensation for the possession and use of the Property. The State will be entitled to take possession and use of the Property upon tender of payment. The parties agree that the sum tendered represents 0% percent of the State's approved value, which assumes no adverse environmental conditions affecting the value of the Property. The approved value is the State's determination of the just compensation owed to the Grantor for the real property interest to be acquired by the State in the Property, encumbered with the improvements thereon, if any, and damages to the remainder, if any, save and except all oil, gas and sulphur. The parties agree that the sum tendered to Grantor will be deducted from any final settlement amount, Special Commissioners' award or court judgment. In the event the amount of the final settlement or judgment for acquisition of the Property is less than the amount the State has paid for the possession and use of the Property, then the Grantor agrees that the original amount tendered represents an overpayment for the difference and, upon written notice from the State, the Grantor will promptly refund the overpayment to the State.

3. As additional consideration, the State will tender to the Grantor the sum of Three Thousand Thousand Dollars and no/100 (\$3,000.00), the receipt and sufficiency of which is acknowledged. The parties agree that the sum tendered under this Paragraph.
 - (i) is independent consideration for the possession and use of Grantor's Property and represents no part of the State's compensation to be paid for the anticipated purchase of the Property; and
 - (ii) will not be refunded to the State upon any acquisition of the Property by the State.
4. The effective date of this Agreement will be the date on which payment pursuant to Paragraphs 2 and 3 above was tendered to the Grantor by the State, or disbursed to the Grantor by a title company acting as escrow agent for the transaction, (the "Effective Date").
5. The Grantor warrants and represents that the title to the Property is free and clear of all liens and encumbrances or that proper releases will be executed for the Property prior to funds being disbursed under this Agreement. The Grantor further warrants that no other person or entity owns an interest in the fee title to the Property and further agrees to indemnify the State from all unreleased or undisclosed liens, claims or encumbrances affecting the Property.
6. The parties agree that the valuation date for determining the amount of just compensation for the real property interest proposed to be acquired by the State in the Property, for negotiation or eminent domain proceeding purposes, will be the Effective Date of this Agreement.
7. This Agreement is made with the understanding that the State will continue to proceed with acquisition of a real property interest in the Property. The Grantor reserves all rights of compensation for the title and interest in and to the Property which the Grantor holds as of the time immediately prior to the Effective Date of this Agreement. This Agreement shall in no way prejudice the Grantor's rights to receive full and just compensation as allowed by law for all of the Grantor's interests in and to the Property to be acquired by the State, encumbered with the improvements thereon, if any, and damages, if any, to the remainder of the Grantor's interest in any larger tract of which the Property is a part (the "Remainder"), if any; all as the Property exists on the Effective Date of this Agreement. The State's removal or construction of improvements on the Property shall in no way affect the fair market value of the Property in determining compensation due to the Grantor in the eminent domain proceedings. There will be no project impact upon the appraised value of the Property. This grant will not prejudice the Grantor's rights to any relocation benefits for which Grantor may be eligible.
8. In the event the State institutes or has instituted eminent domain proceedings, the State will not be liable to the Grantor for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award. Payment of any interest may be deferred by the State until entry of judgment.
9. The purpose of this Agreement is to allow the State to proceed with its Highway Construction Project without delay and to allow the Grantor to have the use at this time of a percentage of the estimated compensation for the State's acquisition of a real property interest in the Property. The Grantor expressly acknowledges that the proposed Highway Construction Project is for a valid public use and voluntarily waives any right the Grantor has or may have, known or unknown, to contest the jurisdiction of the court in any condemnation proceeding for acquisition of the Property related to the Highway Construction Project, based upon claims that the condemning authority has no authority to acquire the Property through eminent domain, has no valid public use for the Property, or that acquisition of the Property is not necessary for the public use.

10. The Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all right of ingress and egress to the surface for the purpose of exploring, developing, mining or drilling. The extraction of oil, gas and minerals may not affect the geological stability of the surface. Nothing in this reservation will affect the title and rights of the State to take and use all other minerals and materials thereon, and thereunder.
11. The undersigned Grantor agrees to pay as they become due, all ad valorem property taxes and special assessments assessed against Property, including prorated taxes for the year in which the State takes title to the Property.
12. Notwithstanding the acquisition of right of possession to the Property by the State in a condemnation proceeding by depositing the Special Commissioners' award into the registry of the court, less any amounts tendered to the Grantor pursuant to Paragraph 2 above, this Agreement shall continue to remain in effect until the State acquires title to the Property either by negotiation, settlement, or final court judgment.
13. This Agreement will also extend to and bind the heirs, devisees, executors, administrators, legal representatives, successors in interest and assigns of the parties.
14. It is agreed the State will record this document.
15. Other conditions: None.

To have and to hold the Agreement herein described and conveyed, together with all the rights and appurtenances belonging to the State of Texas and its assigns forever, for the purposes and subject to the limitations set forth above.

GRANTOR:
City of Garden Ridge

By: _____

Printed Name: _____

Title: _____

Date: _____

Corporate Acknowledgment

State of Texas

County of _____

This instrument was acknowledged before me on _____ by

_____ , _____

of _____ , a _____

corporation, on behalf of said corporation.

Notary Public's Signature

THE STATE OF TEXAS

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Gabriel Lopez, Right of Way Supervisor
San Antonio District

Date: _____

Acknowledgment

State of Texas
County of Bexar

This instrument was acknowledged before me on _____ by Gabriel Lopez as Right of Way Supervisor, San Antonio District, Texas Department of Transportation.

Notary Public's Signature

EXHIBIT "A"

ROW CSJ: 1433-02-045

County: Comal

Date: August 2018

Highway: FM Road 2252

Limits: Evans Road to F.M. Road 3009

Property Description for Parcel 9

0.0960 of an acre of land (4,180 sq. ft.), situated in the City of Garden Ridge, Comal County, Texas, said 0.0960 of an acre tract being part of those two 0.750 acre tracts, out of the George M. Dolson Survey No. 96, Abstract 120, said two 0.750 acre tracts conveyed to the City of Garden Ridge, by deeds executed October 7, 1988 and recorded in Volume 651, Page 89, and executed February 12, 1988 and recorded in Volume 615, Page 677, Official Public Records of Comal County, Texas, said 0.0960 of an acre of land (4,180 sq. ft.) being more particularly described by metes and bounds as follows:

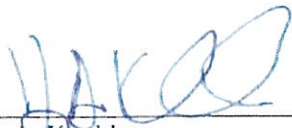
Beginning a TxDOT Type III aluminum disk monument set** (N: 13,775,999.89 E: 2,189,713.72) in the proposed southeast right of way line of F.M. Road, 2252 at its intersection with the southwest line of said 0.750 acre tract, being the south corner of this parcel and being 104.33 feet right of Engineers Centerline Station 205+55.34, said POINT OF BEGINNING being North 29° 54' 34" West 175.88 feet from a 1/2" inch iron rod found at the south corner of said 0.750 acre tract:

1. THENCE, North 29° 54' 34" West, 37.79 feet along the southwest line of said 0.750 acre tract to a point in the existing southeast right of way line of F. M. Road 2252 at the west corner of said 0.750 acre tract and this tract:
2. THENCE, along the existing southeast right-of-way line of F.M. Road, 2252 as follows:
 - a) North 56° 11' 25" East, 94.26 feet to an angle point;
 - b) North 60° 00' 25" East, 74.02 feet to a Type III aluminum disk monument set** in the existing southeast right of way line of F. M. Road 2252 at the east corner of this parcel;
3. THENCE, along the proposed southeast right of way line of F.M. Road 2252, as follows:
 - a.) South 41° 41' 18" West, 140.21 feet to an angle point;
 - b) South 60° 00' 39" West, 35.02 feet to the POINT OF BEGINNING and containing 0.0960 of an acre of land (4,180 sq. ft.).

Basis of bearings are NAD 83(2011) – Texas Coordinate System – South Central Zone (4204)

Coordinates are surface - Surface Adjustment Factor: 1.00017 – Ref. Plat dated August 2018

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT. Access will be permitted to the remainder property abutting the highway facility.



Henry A. Kuehlem

Registered Professional Land Surveyor No. 4020

H.A. Kuehlem Survey Company

14350 Northbrook Drive Suite 130

San Antonio, Texas 78232

TBPLS Firm No. 10059500



- LEGEND**
- ⊙ COTTON SPINDLE
 - 1/2" IRON ROD
 - ⊡ TYPE I CONCRETE MONUMENT
 - ⊙ TYPE II MONUMENT
 - ⊡ TYPE III MONUMENT
 - ☐ TELEPHONE CALL BOX
 - ⊕ P.K. NAIL
 - ACCESS DENIAL LINE

V. MICHELI
SURVEY NO. 114
ABSTRACT 383

F.M. ROAD 2252
(R.O.W. VARIES)

STATE OF TEXAS 1.185 AC.
V. 396, P. 3

STATE OF TEXAS 2.099 AC.
V. 314, P. 155

0.0960 ACRE

CITY OF GARDEN RIDGE
WHOLE - 1.500 ACRES (65,340 SQ. FT.)
VOL. 651, PG. 89
VOL. 615, PG. 677
DATE OCTOBER 7, 1988
DATE FEBRUARY 12, 1988



P.O.B.
STA 205+55.34
104.33' RT.
N: 13,775,999.89
E: 2,189,713.72

NOTES:

1. BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204). DISTANCES AND COORDINATES ARE SURFACE ADJUSTMENT FACTOR 1.00017
2. REFERENCE A PROPERTY DESCRIPTION FOR EACH PARCEL PREPARED FROM THIS SURVEY
3. PREPARED FROM A SURVEY MADE ON THE GROUND AUGUST 2018
4. ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE"
5. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TxDOT TYPE II R.O.W. MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.
6. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT

EXISTING (AC)	ACQUISITION AC./S.F	REMAINDER (AC)	
		LEFT	RIGHT
1.500 DEED	0.0960/4,180		1.404
PLAT OF PARCEL 9			
FED. ROAD DIV. NO.	STATE	SCALE: 1" = 50'	SHEET NO.
	TEXAS	ROW CSJ	2 OF 2
STATE DIST. NO.	COUNTY	CONT. NO.	SEC. NO.
15	COMAL	1433	02
		JOB NO.	HIGHWAY NO.
		045	F.M. 2252
			AUGUST 2018


HENRY A. KUEHLEM
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4020
H.A. KUEHLEM SURVEY COMPANY
14350 NORTHBROOK DRIVE SUITE 130
SAN ANTONIO, TEXAS 78232
TBPLS FIRM NO. 10059500



August 6, 2019

City of Garden Ridge
9400 Municipal Pkwy
San Antonio, TX 78266-2366

County: Comal
Highway No.: FM 2252
Location: SE/L of FM 2252, S End of Batcave Rd & N of
Old FM 2252, Garden Ridge, TX 78266
Project No.: FM 2252
ROW CSJ No.: 1433-02-045
District: San Antonio
Parcel No.: 9

Dear Property Owner,

You have indicated a willingness to sign a deed for your property which consists of 0.096 (4,180 square feet) located at SE/L of FM 2252, S End of Batcave Rd & N of Old FM 2252, Garden Ridge, TX 78266.

It is important to confirm this agreement in order to avoid any possible misunderstanding as to the details of the purchase or the process by which the Texas Department of Transportation (TxDOT) will make payment. The payment of \$28,386.00 as herein agreed will constitute full payment to be made by TxDOT for the property to be conveyed to the State.

TxDOT and the owner(s) have agreed to the following provisions.

Until payment is made by TxDOT, title and possession of the property to be conveyed remains with you. You shall bear all risk of loss to any and all such property prior to such payment. Either you or TxDOT shall have the right to terminate this agreement.

The payment of the amount herein stated and the terms provided constitute the only promises, consideration and conditions of this purchase; and no other promises, consideration or conditions have been signified or implied, save and except any benefits which may accrue under the State's Relocation Assistance Program and the mutual benefits to be derived by you and TxDOT from the signing of this agreement.

The State, without cost to the owner, will pay the cost of recording all instruments conveying title to the State.

It is suggested that you carefully review the proposed Right of Way Deed and satisfy yourself (selves) as to its provisions. With your signing of this agreement and execution of the deed the State will proceed with the issuance of a State warrant which will be made out jointly to you and to Mission Title.

hdrinc.com

7745 Chevy Chase Dr., Bldg. 5, #220
Austin, TX 78752

T 512.531.5900 F 512.531.5995
Texas Registered Engineering Firm F-754

This company has been designated as the State's closing agent and is responsible to see that TxDOT obtains clear title. They will not endorse the warrant and make payment until clear title is secured. At the same time, you have the right to withhold endorsement of the warrant and not accept payment until you are fully satisfied on all details of the transaction.

Sincerely,
HDR Engineering, Inc.



Rhonda Young, RW-RAC
Project Manager

I (We) fully understand the Texas Department of Transportation proposal as contained in this agreement and hereby acknowledge receipt of the brochure entitled "*Relocation Assistance*."

I (We) understand that relocation assistance benefits are handled entirely separate from and in addition to this transaction and agree that my (our) execution of the Right of Way Deed is based on this understanding.

Property Owner's Signature

Property Owner's Signature

SSN or FEI

SSN or FEI

Date

Date



THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN **SCHEDULE A**, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

COMMITMENT FOR TITLE INSURANCE T-7

ISSUED BY

Fidelity National Title Insurance Company

We, **Fidelity National Title Insurance Company**, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

Countersigned:

Authorized Signatory
Mission Title, LP

Fidelity National Title Insurance Company

By:

President



Attest:

Secretary

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

SCHEDULE A

Effective Date: **April 30, 2019, 8:00 am**

GF No. 1900759-41

Commitment No. _____, issued **May 20, 2019, 8:00 am**

1. The policy or policies to be issued are:

- a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount:
PROPOSED INSURED: **STATE OF TEXAS**
- b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount:
PROPOSED INSURED:
- c. LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount:
PROPOSED INSURED:

Proposed Borrower:
- d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount:
PROPOSED INSURED:

Proposed Borrower:
- e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:

Proposed Borrower:
- f. OTHER
Policy Amount:
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is: **Fee Simple**

3. Record title to the land on the Effective Date appears to be vested in:

CITY OF GARDEN RIDGE

4. Legal description of the land:

0.0960 of an acre of land being Parcel 9 (4,180 sq. ft.) situated in the City of Garden Ridge, Comal County, Texas, said 0.0960 of an acre tract being part of those two 0.750 acre tracts, out of the George M. Dolson Survey No. 96, Abstract 120, said two 0.750 acre tracts conveyed to the City of Garden Ridge, by deeds executed October 7, 1985 and recorded in Volume 651, Page 89, and executed February 12, 1988 and recorded in Volume 615, Page 677, Official Public Records of Comal County, Texas; said 0.0960 of an acre of land (4,180 sq. ft.) being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Note: The Company is prohibited from insuring the area or quantity of the Land. Any statements included in the description of the Land involving area or quantity are made for informational purposes only and are not intended as a representation that such area or quantity is correct. Such statements do not override the general survey exception included as Item Two of Schedule B.

EXHIBIT "A"

ROW CSJ: 1433-02-045

County: Comal

Highway: FM Road 2252

Limits: Evans Road to F.M. Road 3009

Date: August 2018

Property Description for Parcel 9

0.0960 of an acre of land (4,180 sq. ft.), situated in the City of Garden Ridge, Comal County, Texas, said 0.0960 of an acre tract being part of those two 0.750 acre tracts, out of the George M. Dolson Survey No. 96, Abstract 120, said two 0.750 acre tracts conveyed to the City of Garden Ridge, by deeds executed October 7, 1988 and recorded in Volume 651, Page 89, and executed February 12, 1988 and recorded in Volume 615, Page 677, Official Public Records of Comal County, Texas, said 0.0960 of an acre of land (4,180 sq. ft.) being more particularly described by metes and bounds as follows:

Beginning a TxDOT Type III aluminum disk monument set** (N: 13,775,999.89 E: 2,189,713.72) in the proposed southeast right of way line of F.M. Road 2252 at its intersection with the southwest line of said 0.750 acre tract, being the south corner of this parcel and being 104.33 feet right of Engineers Centerline Station 205+55.34, said POINT OF BEGINNING being North 29° 54' 34" West 175.88 feet from a 1/2" inch iron rod found at the south corner of said 0.750 acre tract;

1. THENCE, North 29° 54' 34" West, 37.79 feet along the southwest line of said 0.750 acre tract to a point in the existing southeast right of way line of F. M. Road 2252 at the west corner of said 0.750 acre tract and this tract;
2. THENCE, along the existing southeast right-of-way line of F.M. Road 2252 as follows:
 - a) North 56° 11' 25" East, 94.26 feet to an angle point;
 - b) North 60° 00' 25" East, 74.02 feet to a Type III aluminum disk monument set** in the existing southeast right of way line of F. M. Road 2252 at the east corner of this parcel;
3. THENCE, along the proposed southeast right of way line of F.M. Road 2252, as follows:
 - a.) South 41° 41' 18" West, 140.21 feet to an angle point;
 - b) South 60° 00' 39" West, 35.02 feet to the POINT OF BEGINNING and containing 0.0960 of an acre of land (4,180 sq. ft.).

Basis of bearings are NAD 83(2011) – Texas Coordinate System – South Central Zone (4204)

Coordinates are surface - Surface Adjustment Factor: 1.00017 – Ref. Plat dated August 2018

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT. Access will be permitted to the remainder property abutting the highway facility.


Henry A. Kuehlem

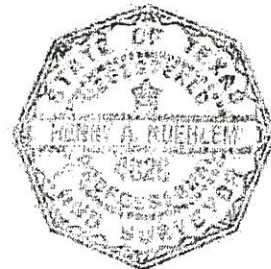
Registered Professional Land Surveyor No. 4020

H.A. Kuehlem Survey Company

14350 Northbrook Drive Suite 130

San Antonio, Texas 78232

TBPLS Firm No. 10059500



LEGEND	
⊙	COTTON SPINDLE
⊙	1/2" IRON ROD
⊙	TYPE I CONCRETE MONUMENT
⊙	TYPE II MONUMENT
⊙	TYPE III MONUMENT
⊙	TELEPHONE CALL BOX
⊙	P.K. NAIL
— — —	ACCESS DENIAL LINE

V. MICHELI
SURVEY NO. 114
ABSTRACT 383

GEORGE M. DOLSON
SURVEY NO. 96
ABSTRACT 120

F.M. ROAD 2252
(R.O.W. VARIES)

STATE OF TEXAS 1.185 AC.
V. 396, P. 3

STATE OF TEXAS 2.099 AC.
V. 514, P. 155

0.0960 ACRE

CITY OF GARDEN RIDGE
WHOLE - 1.500 ACRES (65,340 SQ. FT.)
VOL. 651, PG. 89
VOL. 615, PG. 677
DATE OCTOBER 7, 1988
DATE FEBRUARY 12, 1988

STA 205+90.36
104.33' RT.

P.O.B.
STA 205+55.34
104.33' RT.
N: 13,775,999.89
E: 2,189,713.72

CITY OF GARDEN RIDGE

NOTES:

1. BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204). DISTANCES AND COORDINATES ARE SURFACE SURFACE ADJUSTMENT FACTOR 1.00017
2. REFERENCE A PROPERTY DESCRIPTION FOR EACH PARCEL PREPARED FROM THIS SURVEY
3. PREPARED FROM A SURVEY MADE ON THE GROUND AUGUST 2018
4. ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE"
5. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TxDOT TYPE II R.O.W. MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.
6. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

EXISTING (AC)	ACQUISITION AC./S.F.	REMAINDER (AC)	
		LEFT	RIGHT
1.500 DEED	0.0960/4,180		1.404
PLAT OF PARCEL 9			
FED. ROAD DIV. NO.	STATE	SCALE: 1" = 50'	SHEET NO.
	TEXAS	ROW CSJ	2 OF 2
STATE DIST. NO.	COUNTY	CONT. NO.	SEC. NO.
15	COMAL	1433	02
		JOB NO.	HIGHWAY NO.
		045	F.M. 2252
			AUGUST 2018



HENRY A. KUEHLEM
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4020

H.A. KUEHLEM SURVEY COMPANY
14360 NORTHBROOK DRIVE SUITE 130
SAN ANTONIO, TEXAS 78232
TEPLS FIRM NO. 10059500

SCHEDULE B

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below:

Volume 615, Page 677, Official Public Records of Comal County, Texas. (Any unlawful discriminatory provisions based on race, color, religion, sex, handicap, familial status or national origin are hereby deleted.)

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2019, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year ____ and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).
10. The following matters and all terms of the documents creating or offering evidence of the matters:
 - a. **DELETED.**
 - b. **All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.**
 - c. **All terms, conditions, and other matters, including all rights, covenants, agreements, stipulations, easements, building setback lines, and dedications, as set forth in those documents referenced in Item One of Schedule B or in the description of the Land on Schedule A.**

SCHEDULE B

- d. **Rights of Parties in Possession. (Owner's Title Policy only)** (This exception may be deleted or amended, at the request of the proposed insured, upon a physical inspection of the Land and payment of the related inspection costs and fees incurred.)
- e. **Rights of Tenants in Possession, as tenants only, under unrecorded leases or rental agreements.** (This exception may be deleted or amended, at the request of the proposed insured, upon receipt of an acceptable affidavit for review, disclosing all outstanding leases or rental agreement, receipt of a certified rent roll, if applicable, and verification that outstanding leases or rental documents do not include private rights in the Land, such as purchase options or rights of first refusal.)

SCHEDULE C

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - b. all standby fees, taxes, assessments and charges against the property have been paid,
 - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - d. there is legal right of access to and from the land,
 - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.

TITLE INSURANCE MATTERS AND COVERAGES AVAILABLE TO YOU:

TAX MATTERS: The standard tax exception included in the Loan Title Policy may be amended to include, "Company insures that standby fees, taxes and assessments by any taxing authority for the year 2019 are not yet due and payable," upon payment of the additional premium (\$5) and upon receipt of satisfactory evidence showing if property taxes for the current year are due and payable. Additionally, the standard tax exception may be amended to delete specific language related to rollback taxes, upon payment of the additional premium (\$20) and upon receipt of satisfactory evidence showing if all property taxes for prior years have been paid and that the property is currently not being appraised based on agricultural valuation or is otherwise subject to rollback taxes.

DELETION OF ARBITRATION: The title insurance policy contemplated by this transaction contains an arbitration provision. It allows the insured or the Company to require arbitration, if the amount of insurance is \$2,000,000 or less. If the proposed insured identified on Schedule A desires to retain the right to sue the Company in case of a dispute over a claim, the proposed insured must request deletion of the arbitration provision before the policy is issued. If you are the proposed insured on a T-1 Owner's Title Policy, please notify the Company in writing at or prior to closing. If you are the proposed insured on a T-2 or T-2R Loan Title Policy, please inform the Company in writing through your Loan Closing Instructions. (Note: The T-1R Texas Residential Owner's Title Policy does not contain a mandatory arbitration provision but contains only a permissive arbitration provision.)

PRIVACY POLICY: The information contained in this Commitment may include information that is confidential and is intended only for the attention and use of the proposed insured. You are hereby notified that any disclosure, copying, or distributing of the information provided in this Commitment is prohibited, including reliance on the information for transactions conducted by third parties outside of the Company.

ITEMS TO REMEMBER FOR YOUR CLOSING:

☐ All parties are required to be present at closing. If any party is unable to be present at closing, the Company requires advance notice in order to acquire the necessary approval and to make the appropriate accommodations (i.e., use of mobile notary, power of attorney, etc.).

☐ All parties are required to provide a valid and unexpired photo identification legally acceptable for use by a Texas notary. Acceptable forms of identification are those provided by the federal government or the government of any state within the United States, including the following: (1) domestic driver's license, (2) military identification card, (3) permanent resident card ("green card") or (4) domestic passport. As well, a foreign passport may be acceptable, however, other kinds of foreign identification documents are not

SCHEDULE C

acceptable (for example, a consular identification card, or matricula, issued by a Mexican Consulate cannot be used by a Texas notary).

☐ All title holders are required to provide their taxpayer identification number (ie., Social Security Number, Employer Identification Number, or an assigned Individual Taxpayer Identification Number) for any resale transaction, in order for the Company, as the settlement agent, to make the required reports to the Internal Revenue Service or to document non-reporting criteria for qualified residential property.

☐ All funds deposited with the Company for closing are required to be "good funds," as defined by the Texas Department of Insurance. Acceptable forms of deposited funds include: (1) certified, cashier's, or teller's check, (2) wire transfer of funds through the FEDWIRE system (note: an ACH transfer cannot be accepted), (3) State of Texas warrants, (4) checks from a city or county government located within Texas, (5) personal check of less than \$1,500.

INTENDED USE OF THIS COMMITMENT:

This commitment was prepared based upon the assumption that the subject transaction is a "Land Only". Should the transaction become something other than a "Land Only" or is "flipped" to another party, the company reserves the right to decline to insure subject property or to make additional requirements based upon the information provided.

GENERAL CLOSING REQUIREMENTS:

5. Company requires the payment of all property taxes and assessments, including any penalties and interest, due and payable at closing.
6. Company requires a waiver of inspection from the proposed insured. (Owner's Title Policy only)
7. Company requires an acceptable Affidavit of Debts, Liens, Possession and Use from each title holder disclosing all outstanding claims or interests against the property, including any tenants or other parties in possession of the property, as well as outstanding claims against the title holder, including any lawsuits or creditor's issues. Company must review and approve all disclosed matters prior to closing.
8. NOTE!!! The survey provided was reviewed.

SCHEDULE D

Pursuant to the requirements of Procedural Rule 21 of the *Basic Manual of Rules, Rates and Forms* issued by the Texas Department of Insurance, the following disclosures are made.

1. The issuing Title Insurance Company, **Fidelity National Title Insurance Company**, is a corporation whose shareholders owning or controlling, directly or indirectly, 10% of said corporation, directors and officers are listed below.

Officers:	Raymond Randall Quirk, <i>President</i> Michael Louis Gravelle, <i>Secretary</i>	Anthony John Park, <i>Executive VP</i> Daniel Kennedy Murphy, <i>Treasurer</i>
Directors:	Raymond Randall Quirk Michael Louis Gravelle	Anthony John Park Michael J. Nolan
Shareholders:	Fidelity National Title Group, Inc., <i>which is owned 100% by FNTG Holdings, LLC, which is owned 100% by Fidelity National Financial, Inc.</i>	

2. The following disclosures are made by the Title Insurance Agent issuing this Commitment.

- (a) A listing of each shareholder, owner, partner, or other person having, owning or controlling one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium: Gregory M. Lyssy.
- (b) A listing of each shareholder, owner, partner, or other person having, owning or controlling 10 percent (10%) or more of an entity that has, owns or controls one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium: N/A.
- (c) The names of the officers and directors of the Title Insurance Agent are as follows.

Gregory M. Lyssy, *President and CEO*
Mary A. Edwards, *Treasurer and CFO*

For purposes of this paragraph, the terms "having, owning or controlling" include the right to receipt of a percentage of net income, gross income, or cash flow of the Agent or entity in the percentage stated in subparagraphs (a) or (b).

3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Owner's Policy	<u>\$0.00</u>
Loan Policy	<u>\$0.00</u>
Endorsement Charges	<u>\$0.00</u>
Other	<u>\$0.00</u>
Total	<u>\$0.00</u>

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows.

<u>Amount</u>	<u>To Whom</u>	<u>For Services</u>
---------------	----------------	---------------------

**The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.*

TITLE COMMITMENT EXCEPTIONS AND CURATIVE PLAN
TxDOT FM 2252 Comal County CSJ# 1433-02-045



Parcel Number:	9
Highway:	FM 2252
Name Owner:	City of Garden Ridge
County:	Comal
Type of Conveyance:	Partial
Date:	August 6, 2019
GF#:	1900759-41
Effective Date:	April 30, 2019
Issued:	May 20, 2019

PROPERTY SUBJECT TO THE FOLLOWING

Schedule B

Restrictive Covenants Schedule B, Item 1 Volume 615, Page 677	Compatible with highway use.
---	------------------------------

Schedule C

None	
------	--

Signature

Rhonda Young

Print Name

8/6/19

Date

Remaining 2015 CIP Funds

<u>Estimated Costs</u>		<u>Projects</u>
	\$ 46,198.66	Balance at 9/3/19
-	\$ 5,237.50	Outstanding Engineering Fees
-	\$.00 (Completed)	Municipal Parkway Restriping
-	\$ 30,500.00	Drainage Projects
-	\$.00	Community Center
-	<u>\$ 10,461.16</u>	Paul Davis Park
	\$.00	

0-50% completed
50%-100% Completed
Significant change

	Planned Completion Date	Projected Cost	Actual Cost paid	Pending Cost	31-Jul	7-Aug	14-Aug	21-Aug	28-Aug	Completed
Community Center										
Blue Bonnet Room	31-Jan	\$18,035	\$11,262	\$0	100%	100%	100%	100%	100%	Completed
Install security camera	6-Dec	\$500	\$450	\$0	100%	100%	100%	100%	100%	Completed
Install new TV and wall mount	16-Jan	\$1,000	\$374	\$0	100%	100%	100%	100%	100%	Completed
Replace all ceiling tiles	17-Dec	\$500	\$232	\$0	100%	100%	100%	100%	100%	Completed
Install a new ADA compliant sink	16-Jan	\$1,400	\$428	\$0	100%	100%	100%	100%	100%	Completed
Install grab bars by commode	16-Jan	\$150	\$451	\$0	100%	100%	100%	100%	100%	Completed
Install new steel entry door	16-Jan	\$2,000	\$770	\$0	100%	100%	100%	100%	100%	Completed
Install outside awning	9-Jan	\$1,500	\$1,575	\$0	100%	100%	100%	100%	100%	Completed
Install granite countertop for coffee station	23-Jan	\$850	\$598	\$0	100%	100%	100%	100%	100%	Completed
Replace flooring	30-Jan	\$7,800	\$3,998	\$0	100%	100%	100%	100%	100%	Completed
Paint room	17-Dec	\$1,600	\$1,500	\$0	100%	100%	100%	100%	100%	Completed
Install window treatments	15-Feb	\$250	\$300	\$0	100%	100%	100%	100%	100%	Completed
Test cnnction between TV and PC	5-Feb	\$75	\$0	\$0	100%	100%	100%	100%	100%	Completed
Hang new mirrors	11-Feb	\$60	\$100	\$0	100%	100%	100%	100%	100%	Completed
Paint new steel entry door	5-Feb	\$0	\$0	\$0	100%	100%	100%	100%	100%	Completed
Install coffee bar light	11-Feb	\$30	\$28	\$0	100%	100%	100%	100%	100%	Completed
Clean tv screen	12-Feb	\$0	\$0	\$0	100%	100%	100%	100%	100%	Completed
Clean ceiling return air screens	5-Feb	\$0	\$0	\$0	100%	100%	100%	100%	100%	Completed
Install tv remote holder		\$20	\$0	\$0	100%	100%	100%	100%	100%	Completed
Purchase and install artwork	11-Feb	\$300	\$458	\$0	100%	100%	100%	100%	100%	Completed
Wildflower Room	10-Feb	\$17,903	\$12,557	\$4,597	100%	100%	100%	100%	100%	Completed
Replace halogen lights and add dimmers	30-Jan	\$11,000	\$11,438	\$0	100%	100%	100%	100%	100%	Completed
Replace plastic/fiberglass cupola panels	23-Jan	\$5,000		\$4,597	50%	100%	100%	100%	100%	Completed
Replace serving counter	30-Jan	\$603	\$598	\$0	100%	100%	100%	100%	100%	Completed
Install 5 cabinet fire extinguishers	28-Feb	\$1,300	\$520	\$0	100%	100%	100%	100%	100%	Completed
Kitchen	11-Feb	\$2,400	\$281	\$0	100%	100%	100%	100%	100%	Completed
Replace and repurpose kitchen sink	N/A	\$2,300	\$0	\$0	N/A	N/A	N/A	N/A	N/A	N/A
Certify the electrical load capacity of all outlets	16-Jan	\$100	\$281	\$0	100%	100%	100%	100%	100%	Completed
BBQ Room	23-Jan	\$950	\$598	\$0	100%	100%	100%	100%	100%	Completed
Fix/replace serving counter	23-Jan	\$950	\$598	\$0	100%	100%	100%	100%	100%	Completed
Repair gap between counter and roll-up door		\$0	\$0	\$0	100%	100%	100%	100%	100%	Completed
Main Storage Room	29-Mar	\$1,000	\$0	\$0	N/A	N/A	N/A	N/A	N/A	N/A
Install stairs to access loft	N/A	\$1,000	\$0	\$0	N/A	N/A	N/A	N/A	N/A	N/A
				\$0						
External Improvements	18-Mar	\$500	\$0	\$0	15%	15%	15%	15%	15%	No
Improve outside landscape	18-Mar	\$500	\$0	\$0	15%	15%	15%	15%	15%	No
Grand Total		\$40,788	\$24,698	\$4,597						

0-50% completed
50%-100% Completed
Significant change

	Planned Completion Date	Projected Cost	Actual Cost paid	Pending Cost	31-Jul	7-Aug	14-Aug	21-Aug	28-Aug	Status
Paul Davis Park		\$123,850	\$181,069	\$0	88%	89%	90%	90%	90%	
Trails	1-Mar	\$22,000	\$21,983	\$0	100%	100%	100%	100%	100%	Complete
Mark trails for Cedar-Eater	14-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Schedule Cedar-Eater	7-Dec	\$18,000	\$17,640	\$0	100%	100%	100%	100%	100%	Complete
Notify nearby residents of Cedar-Eater ops	14-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Close park for Cedar-Eater ops/trails	16-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Assign PW employee onsite for Cedar-Eater	14-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Public Works Director accepts completion	25-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Take photos during Cedar-Eater ops	16-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Removal of Mulch from trails			\$460	\$0	100%	100%	100%	100%	100%	Complete
Purchase four picnic tables for trails and 3 benches	20-Mar	\$4,000	\$3,884	\$0	100%	100%	100%	100%	100%	complete
Have Parks Committee write GV article	11-Feb	\$0	\$0	\$0	100%	100%	100%	100%	100%	complete
Concession Building	10-Apr	\$600	\$556	\$0	100%	100%	100%	100%	100%	Complete
Repair gable screens	20-Feb	\$100	\$0	\$0	100%	100%	100%	100%	100%	Complete
Purchase and install stove	22-Mar	\$500	\$556	\$0	100%	100%	100%	100%	100%	Completed
Flag Pole Gathering Area		\$100	\$0	\$0	100%	100%	100%	100%	100%	complete
Relocate flag pole to increase sodded gathering area	20-Apr	\$100	\$0	\$0	100%	100%	100%	100%	100%	complete
Bathrooms	5-May	\$1,200	\$542	\$0	100%	100%	100%	100%	100%	Complete
Install automatic shut-off faucets	22-Mar	\$600	\$242	\$0	100%	100%	100%	100%	100%	Complete
Install baby changing table in women's restroom	22-Mar	\$300	\$150	\$0	100%	100%	100%	100%	100%	Complete
Install baby changing table in men's restroom	22-Mar	\$300	\$150	\$0	100%	100%	100%	100%	100%	Complete
Basketball/Sports Court	15-May	\$37,000	\$26,941	\$0	100%	100%	100%	100%	100%	Complete
Consult with city engineer about basketball court location	12-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Parks Committee accepts location	29-Mar				100%	100%	100%	100%	100%	Complete
Get bids for basketball court	30-Apr			\$0	100%	100%	100%	100%	100%	Complete
Close park area for basketball court construction	1-May			\$0	100%	100%	100%	100%	100%	Complete
Construct basketball court	15-May	\$37,000	\$26,941		100%	100%	100%	100%	100%	Complete
Pavilion #3	20-Jun	\$29,100	\$30,032	\$0	100%	100%	100%	100%	100%	Complete
Consult with city engineer about pavilion #3 location	12-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Provide electrical service for pavilion	29-Mar	\$800	\$4,105		100%	100%	100%	100%	100%	Complete
Purchase topsoil	3-Jul		\$657		100%	100%	100%	100%	100%	Complete
Get bids for pavilion contractor	29-Mar			\$0	100%	100%	100%	100%	100%	Complete

Purchase and install metal benches for pavilion	29-Mar	\$3,300	\$1,270	\$0	100%	100%	100%	100%	100%	Complete
Contractor builds pavilion 3	29-Mar	\$25,000	\$24,000		100%	100%	100%	100%	100%	Complete
Erosion Control	20-Apr	\$3,000	\$0	\$0	100%	100%	100%	100%	100%	Complete
Consult with city engineer about water run-off issues	12-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Contract or fix water run-off issues with in-house labor	29-Mar			\$0	100%	100%	100%	100%	100%	Complete
Determine if geogrid will be installed for run-off control	29-Mar			\$0	N/A	N/A	N/A	N/A	N/A	N/A
Old Playground Drainage Repair	10-May	\$5,200	\$2,228	\$0	100%	100%	100%	100%	100%	Complete
Consult with city engineer about water run-off issues	12-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Add mulch to old playground	3-Jul	\$200	\$1,680		100%	100%	100%	100%	100%	Complete
Purchase supplies for correcting drainage issues	25-Mar	\$5,000	\$548		100%	100%	100%	100%	100%	Complete
New Bar-b-cue Pit Construction	20-Jun	\$0	\$0	\$0	30%	30%	30%	30%	30%	
Consult with city engineer about placement of BBQ pit	12-Dec	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Get Parks Committee approval for location	24-Jan	\$0	\$0	\$0	100%	100%	100%	100%	100%	Complete
Get confirmation from volunteer on construction	18-Mar	\$0	\$0	\$0	0%	0%	0%	0%	0%	No
Schedule steps needed for construction		\$0	\$0	\$0	0%	0%	0%	0%	0%	No
Miscellaneous	1-Apr	\$25,650	\$26,942	\$0	65%	66%	68%	70%	75%	no
Install new water fountain(s)	20-Feb	\$4,000	\$0	\$0	10%	15%	20%	25%	30%	No
Run water line to the back of the park	25-Mar	\$5,150	\$6,906		100%	100%	100%	100%	100%	Completed
Add rock border next to parking lot			\$1,875		100%	100%	100%	100%	100%	Complete
Tryhydro Property overlays for parks.			\$2,554		100%	100%	100%	100%	100%	Completed
mulch for pocket parks			\$210		65%	75%	76%	78%	80%	No
Install bulletin board for park announcements	15-Mar	\$1,500	\$0	\$0	0%	0%	0%	0%	0%	No
Pocket park playground equipment/picnic tables/trash cans	16-Jan	\$15,000	\$15,397		98%	98%	98%	98%	98%	No
20% contingency		\$24,770								
Grand Total with 20 % contingency		\$123,850	\$109,224	\$0						

Future Agenda Items

City Council

October 2, 2019 Regular Meeting

14 days before Meeting	(09/18/19)	City Council and Staff items are due.
9 days before Meeting	(09/23/19)	City Administrator and Mayor review agenda. Mayor sets the agenda. City Attorney is sent agenda.
7 days before Meeting	(09/25/19)	Post agenda on bulletin board. City Council receives packet (allowing a day and half for corrections/request additional information be added)
5 days before Meeting	(09/27/19)	Post agenda packet to City Website.
Meeting Day	(10/02/19)	Mayor and City Administrator meet with Department Heads Wednesday @ 10 a.m.

City Council = Red

Impact Fee Committee = Pink

Quarry Commission = Purple

Planning & Zoning = Green

Water Commission = Blue

Wildlife Management Advisory Commission = Brown

City Holiday = Orange

Municipal Court = Gray

City Events (National Night Out) = Yellow

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		

Proclamations/Awards/Recognitions

Consent Agenda

1. Minutes
2. Financial Report

Reports

1. Staff Reports (Admin, Police Department, Public Works, Water, Library)
2. CIP Engineer Projects Status Reports
3. City Commission and Committee Reports/Recommendations/Possible Actions
 - a. Planning and Zoning Commission
 - b. Quarry Commission
 - c. Water Commission
 - d. Wildlife Management Advisory Commission
 - e. Parks Committee Activities/Project Updates
 - f. Volunteer Garden Ridge!

Ordinances/Resolutions/Discussions/Approvals/Authorizations

Updates:

1. City Administrator Projects
2. Mayor's Projects
3. City Council Projects

Future Agenda Items

November 6, 2019 Regular Meeting

14 days before Meeting	(10/23/19)	City Council and Staff items are due.
9 days before Meeting	(10/28/19)	City Administrator and Mayor review agenda. Mayor sets the agenda. City Attorney is sent agenda.
7 days before Meeting	(10/30/19)	Post agenda on bulletin board. City Council receives packet (allowing a day and half for corrections/request additional information be added)
5 days before Meeting	(11/01/19)	Post agenda packet to City Website.
Meeting Day	(11/06/19)	Mayor and City Administrator meet with Department Heads Wednesday @ 10 a.m.

City Council = Red

Impact Fee Committee = Pink

Quarry Commission = Purple

Planning & Zoning = Green

Water Commission = Blue

Wildlife Management Advisory Commission = Brown

City Holiday = Orange

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

Proclamations/Awards/Recognitions

Consent Agenda

1. Minutes
2. Financial Report

Reports

1. Staff Reports (Admin, Police Department, Public Works, Water, Library)
2. CIP Engineer Projects Status Reports
3. City Commission and Committee Reports/Recommendations/Possible Actions
 - a. Planning and Zoning Commission
 - b. Quarry Commission
 - c. Water Commission
 - d. Wildlife Management Advisory Commission
 - e. Parks Committee Activities/Project Updates
 - f. *Volunteer Garden Ridge!*

Ordinances/Resolutions/Discussions/Approvals/Authorizations

Updates:

1. City Administrator Projects
2. Mayor's Projects
3. City Council Projects

Future Agenda Items

PENDING FUTURE AGENDA ITEMS

1. Design on Water Tanks at Well Site 9 and 10/Retainer Wall of City Hall...**McCaw**
2. Monitoring Wells in the City of Garden Ridge...**Arvidson**
3. Update on City-funded monument for Paul Davis Park... **Bower**
4. Dogs and cats on leashes... **Bower**
5. 2/2/16 Discussion of issues surrounding Bat Cave Road (future Council agenda)... **McCaw**
6. Ethic Ordinance ... **8-30-17 City Council motion**
7. Website and Social Media Policy
8. Structure definition (part of subdivision changes)...**Bower**
9. Drones.....**McCaw**
10. Purchasing Policy....**Cain**
11. City Seal and Logo Ordinance...**Cain**
12. Building and Plumbing Ordinance...**Lenz**
13. Expansion of Garden Ridge boundaries and controlling growth...**Mayor**

Items for further discussion before adding to list

State of City..... **Cain**