



City of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
Phone (830) 598-2424 Fax (830) 598-6538
www.graniteshoals.org

**GRANITE SHOALS CITY COUNCIL
REGULAR CITY COUNCIL MEETING AGENDA
CITY HALL – COUNCIL CHAMBERS, 2ND FLOOR
2221 N. PHILLIPS RANCH ROAD
TUESDAY, JANUARY 26, 2016, 6:00 PM**

1. **Call meeting to order**
2. **Invocation**
3. **Pledge of Allegiance to the flag of the United States and to the Texas flag**
*Texas Flag: Honor the Texas flag; I pledge allegiance to thee,
Texas, one state under God, one and indivisible.*

4. **Public comment and announcements and Items of Interest** *Page 4*
At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item must complete a Comment Card and submit to the City Secretary prior to addressing the Council.

5. **Management Reports** *- Page 5-9*
 - a.) **City Manager**
 - Park Grants Update.
 - Way Company; selection of engineering firm related to energy usage audit.
 - Planning and Zoning – update on meeting 1/21/2016
 - CAPCOG meeting – presentation of City-Wide Clean Up grant application 1-22-16
 - City Council Members and city staff input regarding Non-conforming Structure workshop held at January 12, 2016 Regular City Council meeting.
 - b.) **Assistant City Manager**
 - Geographic Information Systems – Update on meeting held 1-14-2015
 - c.) **City Secretary**
 - Elections Update
 - Human Resources : Affordable Care Act required reporting (IRS forms) for City Employees

6. **Consent Agenda Items** *Page 10 - 41*
The items listed are considered to be routine and non-controversial by the City Council and will be approved by one motion, There will be no separate discussion of these items unless a Councilmember so

requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence of the regular agenda.

- a. Approval of City Council Regular Meeting minutes for January 12, 2016.
- b. Approval of Ord. #679 to Order the General Officers Election for the City of Granite Shoals to be held May 7, 2016, to elect members for City Council Places #2, #4 and #6, for two-year terms, respectively, and to approve contract with Doug Ferguson, Burnet County Election Administrator, for Election administration services for Elections in 2016.

Council will individually consider and may take action on any or all of the following items:

7. Special Agenda Items *Page 42 - 81*
 - a. Discuss, consider and possibly take action related to request for Release of City Easement of Mr. and Mrs. Strehlow to cure existing encroachment(s) of house, and of eaves, respectively, that extend into the required city easements at 2820 Lakeview Drive, Granite Shoals, TX. (City Manager Nickel) *Page 42 - 64*
 - b. Discuss, consider and possibly take action related to request of Mr. Blythe for a Release of City Utility Easement to cure existing encroachment of house eaves that extend into the city's easement at his home at 513 Briarway, Granite Shoals, TX. (City Manager Nickel) *Page 65 - 81*
8. SPECIAL JOINT WORKSHOP Special meeting with Wildlife Advisory Committee of Granite Shoals *Page 82 - 93*

To discuss reports, updates, and recommendations of the Wildlife Advisory Committee related to plans for a City Urban Deer Management program. This was discussed at the December 15, 2015 Regular City Council meeting, including discussion of proposed Ordinances to regulate Deer Feeding in the city limits, to establish a deer management program, and to modify the current ordinance related to use of Firearms (bows and arrows) within the city limits in conjunction with this program, respectively.

9. Regular Agenda Items *Page 94 - 118*
 - a. Discuss, consider and possibly take action related to the appointment of members to Boards and Committees. (City Secretary Simpson) *Page 94 - 96*
 - b. Discuss, consider and possibly take action on an Ordinance #681 related to calling a Special Election for the May 7, 2016 uniform election date related to proposing to voters a measure or measures for renewing, increasing, re-allocating or otherwise modifying the city's sales tax levy as provided for in HB 157, as discussed at the December 15, 2015 meeting and the January 12, 2016 meetings, respectively. (City Attorney Brad Young) *Page 97 - 109*

- c. Discuss, consider and possibly take action related to proposed Ordinance #682 for the Regulation of Alcoholic Beverages in the city. (City Attorney Brad Young)

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10. REGULAR WORKSHOP

Page 119 - 135

TO DISCUSS PUBLIC IMPROVEMENTS (ROADS) (follow-up workshops from Dec. 1st, Dec. 15th and January 12th)

- a. Update 2016 Multiyear Improvement Plan, with updated map.
- b. Update Proposed Arterial and Collector Road Prioritization.
- c. Discuss Financing options including but not limited to bond(s), grant(s), or other.
- d. Discuss Engineering issues related to drainage studies and cost options for 'curb and guttering plan' compared to '30 foot plan with embankments'.
- e. Hear report from Mayor Brugger and City Manager Nickel regarding meeting(s) with State and Federal agencies related to possible grant opportunities.
- f. SWAG and P&Z review of plans schedule.
- g. Discuss multi-road grant application with the USDA.

11. Written Reports (December 2015)

Page 136 - 143

a.) Code Compliance, b.) Fire, c.) Parks and Streets, d.) Police

12. Future Meetings and Agenda Items

Page 144 - 148

- o Review Agenda Calendar
- o Identification of future agenda items

13. Adjournment

CERTIFICATION

I certify that the foregoing agenda has been posted at Granite Shoals City Hall, 2221 N. Phillips Ranch Road, both on the indoor bulletin board and the six panel Park Information and City Notice Outdoor Bulletin Board cases which are accessible to the public at all times, and the city website at www.graniteshoals.org on Friday, January 22, 2016 on or before 6:00 p.m. and shall remain there continuously from such time until after this meeting is adjourned on Tuesday, January 26, 2016. City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 8 hours prior to this meeting. Please contact the City Secretary at (830) 598-2424 for further information.



Kenneth R. Nickel
City Manager

For Elaine Simpson, TRMC/MMC, City Secretary

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), and/or 418.183 (homeland security).



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: Item 4 – Public Comment and Staff Announcements

AGENDA CAPTION

- At this time, any person with business before the Council not scheduled on the agenda may speak to the Council.
- No formal action can be taken on these items at this meeting.
- No discussion or deliberation can occur.
- Comments regarding specific items should occur when the item is called on the agenda.
- Anyone wishing to speak under this agenda item must complete a “Comment Card” and submit it to the City Secretary prior to addressing the Council.

Staff Announcements (announcements of community interest) :

The Texas Open Meetings Act effective September 1, 2009, provides that “a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed.”

The law provides that an “**item of community interest**” includes the following:

- expressions of thanks, congratulations, or condolence;
- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and,
- announcements involving imminent public health and safety threats to the city.

The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.

Please see posting agenda for list of activities that are planned for promotion on meeting night. There may be additional items of community interest to be mentioned on meeting night, that are not officially scheduled as this agenda is going to print.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: 5. Management Reports
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

5. Management Reports

a.) City Manager

- Park Grants Update.
- Way Company; selection of engineering firm related to energy usage audit.
- Planning and Zoning – update on meeting 1/21/2016
- CAPCOG meeting – presentation of City-Wide Clean Up grant application 1-22-16
- City Council Members and city staff input regarding Non-conforming Structure workshop held at January 12, 2016 Regular City Council meeting.

b.) Assistant City Manager

- Geographic Information Systems – Update on meeting held 1-14-2015

c.) City Secretary

- Elections Update
- Human Resources : Affordable Care Act required reporting (IRS forms) for City Employees

City Council comments on Non-forming structures

General Comments

- I agree with the City Staff on the following
 - a. Strong consistent enforcement.
 - b. A code that improves the City.
- The Non-Conforming Structure issue is a real issue. First, I do not believe this is an issue caused by you or Code Enforcement. I do believe this issue was caused by the City of Granite Shoals in the previous decades of poor management. Regarding non-conforming due to Zoning: I am less-sympathetic to these issues because the purpose of zoning is to promote (over time) a particular character for the area
- Our Property owners need some relief from unintended consequences of the past!!!
- I was out of town. I feel competent that both Carl and Todd gave good input.
- As you know the change of the Guard in any organization changes, but the organization remains. Laws are laws and enforcement of the law is based on the Guards.
- I suppose we need to define "minor encroachment" somehow, and I'd say something like (as an example) "less than one foot for ground footprint and less than (two or three) feet for overhang".
- My "common man" understanding of submitting house plans to any city and paying for a Building Permit is real simple, as it should be: I submit my house plans with a fee to the city. If my house plans meet "all" the city's requirements, I have no issues and receive a Building Permit. As long as I build my house per my approved Building Permit, I will have no problems or issues.....period! If I am required to pay the City, to help, inspect, insure and enforce their own rules and regulations (ordinances), basically, babysit me through my home building experience, then who else am I supposed to look to as the Expert?
- During our council meeting, you and Preston both identified the approximate time frame the ordinances were enforced fairly and completely.....as they should be. The approximate time frame was somewhere between 2 and 3 years ago, I heard both time frames.
- I can easily see a Class Action lawsuit against the City and they would win! When the City goes through a process of holding individuals up with this Non-Conforming issue, we are causing them losses, loss of money in many cases and mental distress and the list goes on and on.
- I seriously believe we need to identify the date; the City of Granite Shoals began enforcing its own ordinances, fully and consistently. Any structures prior to that date should not have a Non-Conforming issue (overhang/eaves), unless the slab/exterior wall face is within any setback or utility easement. I seriously doubt the City and previous guardsmen would have knowingly issued a Building Permit with the slab creating an issue.
- I strongly believe that the date the ordinances began full, accurate and fair enforcement needs to be identified. Any structure built before such date should be Grandfathered from a Non-Conforming issue if their overhang/eaves are within the Building Setback or Utility Easements

City Council comments on Non-forming structures

Easements and Overhangs

- Another big problem for our citizens seems to be with our current way the city now looks at easements and setbacks. I suggest the 5' set back should be measured from the property line to the foundation of the slab or floor and the overhang of the eaves should be allowed in the easements and up into the air space. In fact, setbacks should be from the property lines always. Code Enforcement Officers should inform citizens in writing that they have the right to take their cases to the City Manager for his review and they also have the right to appeal their cases to the Board of Adjustment
- I do not like the idea that an overhang or other minor easement/setback encroachment will prevent a homeowner from upgrading the home. This rubs me wrong, particularly in cases where the construction was permitted by the city. In fact, I wonder about our legal position in cases where the non-conforming structure was permitted. I know that past enforcement has been less-than-consistent, and I also realize that we must draw lines somewhere.
- I think we should require the homeowner with a "permissible encroachment" to obtain a release-of-easement from us and they should either:
 - 1) Obtain a release from other easement holders; or
 - 2) Sign a notarized letter acknowledging that they are aware of the easement and the potential future consequences of failing to obtain said release.
- I would like to see a grandfather clause in our City code that keeps homes with overhangs having incorrect setbacks out of the category of being nonconforming. Having said this, should we allow an external addition on such a house that also invades the easement or setback? No, not without some type of release, being it a favorable hearing with the Board of Adjustments and the utility.
- That the setback and easements should be measured from the edge of the overhang, knowing this makes it difficult to build on a 50 foot wide lot. Mark Morren made a good point, their standard utility easement should run to the sky, otherwise it is useless to them. I would like to know what other cities is PEC's service area do. If the vast majority is based on face of the building, then my question to Mark is why.
- Given Preston's comment that most of the non-conformance issues pertain to overhangs in the setback, we should establish a point forward date where structures must comply with setbacks and easements. Structures built prior to that date that were built in accordance with standards in place at the time of their construction, should not be considered non-conforming for that one condition alone.

City Council comments on Non-forming structures

Minimum Residential Living area (R1)

- I believe, since Ordinance 663 grants an exception to residences under 1200 SF to receive a building permit to build a garage, the city should allow building permits to be issued for all garages, room additions, porches, decks, etc. To my knowledge, the former mayors, CC members nor I realized when we annexed so many citizens that we would be taking away their rights to make improvements to their homes such as garages, additions, porches, etc. Marble Falls does allow their property owners to make improvements to their homes. This has helped Marble Falls to transform into the city it is today. This would also help take care of many problems from the past of permits being issued that contradicted Ordinance 409 at the time they were issued. Not issuing building permits to non conforming property is stopping our cities progress and hurting our citizens. We should have a grandfather clause which would allow citizens to make improvements which will improve their quality of life.

Lake Front Property

- Also, citizens who purchased lakefront and other property should be allowed to add an addition of an extra room such as a living room, garage, kitchen, den, porch or other room even though part of their home is in the easement and set back area because our citizens have paid enormous prices for their homes and enormous property taxes so they should be able to enlarge their homes. This would increase their property values and the looks of their homes plus, this would bring more tax dollars into our city for property taxes, building permits and fees, plus solve many long standing unintended problems. This would make Granite Shoals a more Friendly City to our citizens.

Board of Adjustment

- The city should not require release of easement prior to the Board of Adjustments Favorable Ruling. If the BOA grants a Variance they should include THE REQUIREMENT FOR A RELEASE OF EASEMENT AS PART OF THE APPROVAL. Plus, add the wording NO BUILDING PERMITS WILL BE ISSUED UNTIL THE APPLICANT SHOWS PROOF OF PEC RELEASE OF EASEMENTS IS GIVEN TO THE CITY.
- To make sure this gets followed up upon it would be a good idea that GS Code Compliance Officers would be given a copy of the Board of Adjustments Ruling for their files IMMEDIATELY UPON APPROVAL FROM BOA. It has come to my attention that in a recent BOA case that the property owners had to pay PEC about \$11,000 for improving their electric to be able to get release of their easements. I do not feel that this would have been fair for our citizens to pay out all these thousands of dollars and then be denied the right to proceed with their plans to improve their property.

City Council comments on Non-forming structures

Remodeling Structures

- A) I am interested the idea of restricting a structural remodel to a certain percentage of the home's value and/or size on non-conforming structures in this category.
- . Regarding the specific issue of a porch, I don't have a particular problem with things like that. Otherwise, I am disinclined to permit anything other than normal repairs
- Assuming a grandfather clause is in place, but a home is still nonconforming for other reasons, should we allow modifications, whether there internal involving walls, electrical or plumbing, or external alternations.
- a. Internal - Yes as some percentage of the value of the home without restrictions on plumbing, electrical or wall changes.
- b. External - Probably not. This is a tough call. Again, perhaps changes could be made only have a favorable review by the Board of Adjustments.
- It is my belief that if the exterior footprint of a non-conforming structure does not change, then the City should not impede interior improvements, e.g. if someone wants to subdivide a large bedroom to add a bathroom, and the modification does not change the exterior dimensions of the structure, it should be allowed.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

**Agenda Item: #6. Consent Agenda
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary**

6. Consent Agenda Items

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- a. Approval of City Council Regular Meeting minutes for January 12, 2016.
- b. Approval of Ord. #679 to Order the General Officers Election for the City of Granite Shoals to be held May 7, 2016, to elect members for City Council Places #2, #4 and #6, for two-year terms, respectively, and to approve contract with Doug Ferguson, Burnet County Election Administrator, for Election administration services for Elections in 2016.

a.) self-explanatory

b.) Annually the City Council adopts an Ordinance to call the City General Election with the contract with the Burnet County Elections Administrator's office for election services.



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MEETING MINUTES
CITY OF GRANITE SHOALS, TX
REGULAR CALLED CITY COUNCIL MEETING
TUESDAY, JANUARY 12, 2016
6:00 PM

The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.

1. Mayor Brugger called the regular meeting of the City Council of the City of Granite Shoals to order at 6:02 pm, Granite Shoals City Hall, Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, Texas.

Present:

Carl Brugger, Mayor
Shirley King, Mayor Pro Tem
Anita Hisey, Council Member, Plc. 1
Eric Tanner, Council Member, Plc. 3
Tom Dillard, Council Member, Plc. 4
Todd Holland, Council Member, Plc. 5
Mark Morren, Council Member, Plc. 6

Absent:

City Staff Present:

Ken Nickel, City Manager
Peggy Smith, Assistant City Manager
Brad Young, City Attorney
Elaine Simpson, City Secretary
Wendy Gholson, Finance Director

2. Pastor Jackie English of Christ Redeemer church and the Granite Shoals Faith Alliance, gave the invocation.

3. Pledge to the US and the Texas State flags.

4. Public comment and announcements and items of interest

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called. Anyone wishing to speak under this agenda item must complete a comment card and submit to the city secretary prior to addressing the council.

Jim Luther, 220 Luther Lane, Burnet, TX 78611

Introduced himself and requested support from attendees for his campaign for Burnet County Commissioner, Precinct 1.

5. Presentations, Recognitions and Reports:

- Jackie English; Chair of Granite Shoals 50th Anniversary Celebration Steering Committee: Update on the activities of the Committee and dates of 50th Anniversary Celebration.

The Committee continues to make great progress.

Changes to the 50th Birthday Bash plans since last report:

a.) Date of event: changed plans from last weekend of April 2016 to third weekend in April 2016. (April 23-24, 2016) This was done to accommodate Leo Manzano.

b.) Length of Event: changed from proposed 3 day event to Saturday and Sunday event, only.

Still need volunteers for the committee, or those interested in helping the committee. Still need vendors, especially food vendors, for Saturday the 23rd.

Events: Fun Run with Leo Manzano on his namesake Hike, Bike and Run trail. Hot Dogs and Birthday cake. Music with John Arthur Martinez and Friends. Piñata. Poster Contest with Highland Lakes Elementary School.

Committee activities: Logo and website/Facebook site to come, probably next week. The subcommittee researching Historical information is working now to locate historical documents, pictures and artifacts.

- Brad Williams, Vice Chair of the Granite Shoals Parks Advisory Committee: Committee Report for new year.

The Parks Committee had a successful 2015: Roddick Tennis Complex opened in January, the Jack Dale King pavilion was dedicated in Crockett Park, and in May the Leo Manzano *Hike Bike and Run Trail* was opened. Late in the year, the Beautification Committee and Master Gardeners completed the final touches on the wildflower garden / Monarch Butterfly Waystation at the Interpretive Center at Quarry Park. One of the projects that we launched was the 'Voluntary Fee for non-residents of the city to use the Boat Ramps at the City Parks'. Currently, we have a sign asking non-residents to please pay \$10 for launching a boat from our City Parks at Bluebriar Park, Robin Hood Park and Crockett Park. The donation boxes have been monitored by staff

and we have been pleased with the \$2,178.26 that was raised in donations during the 2014-2015 budget year. We'd like to expand this project to Castle Shoals park in the 2016 year.

For calendar year 2016, the Park Committee priorities are:

- 1.) 50th Anniversary Event(s)
- 2.) Updating the Park Survey of Parks, features, amenities, and conditions
- 3.) Veterans Celebration in November.

The Park Committee is also seeking volunteers to apply to be new members.

- Susie Hardy; Chair of the Granite Shoals Streets and Water Advisory Group (SWAG): Committee Report for new year.

SWAG would like to be released from the 'charge' that we were tasked with last February to find revenue options for the Road Infrastructure improvements.

There was a discussion that this was appropriate for 'closure' of this task. The SWAG will soon be asked to review potential amendments to the traffic section of the Comprehensive plan.

Chair Hardy explained that SWAG would set the 2016 priority list as:

- 1.) Street Signs: we have identified the needed signs and soon will order them. This project may extend to two years before it is complete.
- 2.) 2016 Paving plan/project: We have additional money in the budget from City Council to utilize for paving. Consensus of the committee is that the 'paving plan grid' should be focused upon the area around Granite Castle. There are many streets here which are unpaved. SWAG will bring proposed paving plan to Council in April, estimating a July time frame for the paving itself.

SWAG also seeks new members and volunteers. SWAG meets the second Friday of each month at 10:00 AM.

Mayor Pro Tem King commended the SWAG members and thanked them for their service.

Mayor requested the Management Report from City Manager related to the ED meeting be heard at the time of the Roads workshop.

5. Management Reports

a.) City Manager

- Park Grants Update: The parks grant for Wildflower Garden / Interpretive Center at Quarry Park still not 'closed out'. There is an issue with a subcontractor who

has not been paid. The surety company should pay out within the next few weeks from the bond. Then the overall grant can be 'closed out'.

- Meeting report from January 7, 2016, meeting with Economic Dev. Administration representative in Austin. (postponed until the Road Workshop)
- Housing Permits update: In agenda packet, there is a 'data sheet' showing the new housing starts and one major remodel, which have been permitted in the last two years with a value of seven million dollars. We continue to see new permit activities, and this revenue line is 'ahead of budget'.

- Update regarding city-owned property to be declared 'Excess'/Surplus/Salvage (individual department lists included in the agenda packet) Resolution 475 grants the City Manager the ability to declare property 'excess' property (either surplus: sellable, or salvage: to be disposed of) according to the policy of Council. Although Council delegated the City Manager the authority to declare property excess with Resolution #475, Nickel submitted his lists, received from the respective department heads, of excess property in order that the City Council be informed. One item that will be 'declared excess' is the outdoor wheelchair lift at City Hall. This 'outdoor elevator' has not worked correctly in many months and the City cannot afford to continue to pay for repairs which are futile. There has been too much money spent on this lift, the City Hall is ADA compliant due to the ramp.

- Boards and Committees – updates on activities and meetings
50th Anniversary, Parks and SWAG – presented reports tonight.
Wildlife Advisory Committee – Chair Brady made a Chairman's report at the last city council meeting, and the City Council and Wildlife Advisory Committee will meet in Special called Joint Workshop Session at the next City Council meeting (Jan 26th) to discuss the City Council adopting a deer management plan.

b.) Assistant City Manager

- Discuss plans for reviewing the City's drought stage 2 watering restrictions and Drought Plan in general.

The city has been officially notified that the 'drought fee' will be removed from the raw water invoices from LCRA. This means that the Council will remove the 'pass through drought fee' from the customers' city water bills for February. City staff will bring forward a proposed modification for the General Fee Ordinance.

Mayor and Council have indicated a desire to review the overall drought management plan. Currently we are at Stage 2 drought with 2 day a week watering. From limited research on surrounding areas, we seem to be following restrictions that are standard for this area. There may be an argument to lessen some restrictions for dust control and car washing. Staff desires to return to City Council with a proposed modification of the general drought plan, with emphasis upon updating the 'triggers' which activate the plan. There are arguments to be made that the

drought declaration should not be determined by combined water storage of all the lakes which is currently as the plan reads.

c.) City Secretary

- Human Resources Update: City has one vacancy, Light Equipment Operator for Streets and Parks.
- Records Management Update: Council Member Tanner is working with City Secretary to integrate newest State Updates to the proposed City records retention schedules.
- Elections Update:
 - Candidate Packets available 1/12/2016: First Day for candidates to file for a place on the May 7, 2016 General Election Ballot for places 2,4 or 6, will be January 20, 2016. For the most detailed calendar for the May Election, the Secretary of State has posted their law calendar at this link
 - <http://www.sos.state.tx.us/elections/forms/may-7-2016-calendar.pdf>
 - City Secretary to attend Election Law Seminar in Frisco, TX 1-20-2016 through 1-22-2016. Candidates wishing to apply on the 'first days' of candidate filing period, will submit their applications with City Manager.
 - Though not a City related Election, the Primaries will be held in Texas on March 1, 2016. Information from the Secretary of State's Office about the Primaries can be obtained by clicking this link.
<http://www.sos.state.tx.us/elections/forms/march-primary-election-calendar-2016.pdf> The city staff will field calls, as normal, from citizens asking where they report to vote. All other inquiries are referred to Burnet County.
- Website / Social Media Update for City-sponsored/related site(s). 50th Anniversary Committee wishes to have on-line presence. Chair English will probably discuss this during his Presentation at first part of meeting.
- City Code:
 - Supplement #3 is online, the hardcopies of the supplement will arrive from MuniCode soon. Click here
https://www.municode.com/library/tx/granite_shoals/codes/code_of_ordinances
to see the updated city code. Visit official city website and click City Code from the left hand menu on the Home page. When City Code page loads, click link underlined in blue towards the top of the page.
 - City Council Members are asked to bring their hard copy City Code binders to the City Secretary for updating.

d.) City Council Members Update

- Council Member Eric Tanner: Report on meeting 12-16-2015 with representatives of the Marble Falls ISD and Granite Shoals Faith Alliance, respectively, to discuss playgrounds and park facilities in Granite Shoals.

Council Member Tanner briefed the Council related to the Dec. 16, 2015 meeting between Randy Taylor with Granite Shoals Faith Alliance, City Manager Ken Nickel, Mayor Brugger and Councilman Tanner meeting with the Superintendent of Marble Falls ISD.

There was an encouraging discussion of potential for partnering to bring some youth athletic fields to the City, especially baseball, softball and soccer. The discussion included ideas related to real estate gifts and shared labor (volunteers) to maintain the fields, which would be near Highland Lakes Elementary School.

By end of January, staff members hope to have some further input from the Superintendent.

Ken Nickel added that the MISD representatives were also very supportive of the city related to the city's plans for the 50th Anniversary Event(s).

6. Consent Agenda Items

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- a. Approval of City Council Regular Meeting minutes for December 15, 2015.

Council Member Tanner made a motion, and Council Member Dillard seconded, to approve, as presented, the City Council Regular Meeting minutes for December 15, 2015. Motion carried unanimously by a 7-0 vote.

7. Regular Agenda Items

Council will individually consider and may take action on any or all of the following items:

- a. Review information and possibly take action related to contract for engineering services with KC Engineering, Inc., as considered at the December 15, 2015 meeting, to consider options for engineering study for public improvements/roads. *(City Manager Nickel)*

City Manager Nickel explained that last meeting the City Council gave conditional approval of this contract, authorizing him to sign it if certain drainage studies were included. In discussions with Mr. Haley with KC Engineering, he has indicated that this figure of \$7,000 cited in the proposal does not include a drainage study of Prairie Creek, as requested 12-15 by Council Member Morren.

There was an extended discussion related to ideas regarding the most opportune point in the engineering process to conduct this type of drainage study. There was a discussion of the 'storm sewer system/gutters' that are referenced on the proposal.

The Council and staff agreed by consensus that the best plan would be to seek cost projections from Mr. Haley for two options: one to assess costs for Prairie Creek with curb and gutter design, versus Prairie Creek at 30 feet with embankments.

There was a discussion of the two options being researched by staff and brought to the next meeting for Council review.

- b. Discuss, consider and possibly take action related to the appointment of members to Boards and Committees. (*City Secretary Simpson*)

No applications received for Boards and Committees. No action taken.

9. WORKSHOP ITEMS

TO DISCUSS 'NON-CONFORMING' STRUCTURES IN THE CITY OF GRANITE SHOALS

- a. Hear presentation from City Attorney Brad Young, City Code Compliance Officer Preston Williams and City Code Compliance Officer Mike Bishop related to the definition of 'Non-Conforming' structures, and hold workshop regarding ramifications of a 'Non-conforming' status on a structure related to using the structure, repairing the structure, selling or buying the structure and improving the structure.

City Attorney Brad Young made a presentation regarding the actual Ordinance regarding non-conforming structures. His presentation was legal and abstract, and there was a short discussion related to the role of Council to set policy for the city, specifically in regards to Zoning. Mr. Young provided definitions and explanations of both non-conforming uses, and non-conforming structures. A summary of this presentation is attached as Exhibit 'A' to these meeting minutes.

There was a brief discussion related to the increase in the number of cases being filed to go to the Board of Adjustments seeking variance relief for a certain non-conforming structure violation – eaves encroaching into setbacks.

Mr. Young explained that prior to Ord. 633, which passed in July 2015 and amended the Zoning Ordinance (Chapter 40 of the Code), setbacks could have an encroachment of up to 3 feet for house eaves. Since July, homes which previously had these eaves encroaching into the setback were allowed building permits for expansion without any issue. Now these structures cannot be enlarged without a variance being granted. At the Board of Adjustments Meeting 1 / 11 / 2016, the Board approved variances for two applicants, respectively. These cases involved this encroachment of eaves issue.

Mike Bishop, Code Compliance Officer for the City of Granite Shoals: introduced the Code Department's presentation and gave the staff report. Officer Bishop discussed the 'real-world'

applications of the non-conforming status on a structure or a use. This presentation is summarized in Exhibit 'B' to these minutes.

There was an extended discussion of concerns that the Council, staff and members of the audience had regarding the existing homes which were built compliant to the City Code, and now have the non-conforming status since Ord. 663. There was much concern related to additional work for Code Compliance staff to enforce this, as well as inconvenience, cost and confusion among homeowners and additional workload upon the Board of Adjustments.

There was an extended discussion that the Code Compliance staff, working with the City Attorney, must be consistent and uniform in application of the code. There was a short discussion regarding policy ramifications of zoning as a tool to improve quality of structures within the city. There were speakers from the audience who noted the following:

Scott F. Johnson, 2826 FM 1980, Marble Falls, owner of Life Space Homes: owns many rental properties in Marble Falls, Horseshoe Bay and the nearby areas. Spoke regarding his concern that he cannot build 'upgrades' to a manufactured home that he owns in Granite Shoals, specifically a porch/deck. The management company/rental property company he owns customarily adds this porch feature to their rental properties.

Jim Davant, 310 S. Shorewood, Granite Shoals, TX: spoke about his concerns that property owners rights be respected.

Local Realtor and Planning and Zoning Commissioner Shawna Riley Williams spoke related to her concerns that there be balance and compromise related to the proposed amending of the zoning ordinance, instead of emotion, so that the tool of zoning would be used fairly and for the improvement of the community and benefit of everyone.

Local Realtor and Vice Chair of Planning and Zoning Commission Susie Hardy noted that she did not, as a member of P&Z realize that changes from Ord. 663 would have the ramifications that we see today. Suggested that Council consider sending this back to Planning and Zoning for review and recommendations.

Don Bryant, member of the Board of Adjustments noted that the number of BOA cases has gone up in the last six months and the cases directly involve eave overhangs into setbacks.

David Hawkes from Impala Isle Drive: noted that he was on P&Z for many years, but recently discovered that his home is now considered 'non-conforming' and they therefore cannot add on to the structure.

There was an extended discussion of the question of how much of the issues with increasing number of non-conforming structures results from a change in measuring technique (measuring from the eave to the property line (today), versus measuring from the foundation of the structure to the property line (past city staff method) to determine setback compliance). There was also the issue of the changes brought about with Ord. 663.

There was an extended discussion regarding 'setback' versus 'easement'. It was noted that the City Council determines the city's utility easements and when they can be 'released'. The

setbacks are set forth in the Zoning Ordinance so BOA hears appeals for relief from the setback requirements.

There was a discussion that a new 'grandfathering' clause could be instituted in the Zoning Ordinance to allow homes which had been built in compliance of the Zoning Ordinance before Ord. 663 was passed, be considered conforming if the only issue with the structure is encroachment of eaves into the setback. There could be a 'date certain' instituted that all homes built after a certain date must measure setbacks from ground to sky and no structure 'or portion thereof' could encroach into setback or easement.

Mayor Brugger requested that Council members compose their questions, thoughts and concerns and submit them to Ken Nickel, to compile them into a report to be disseminated to Council and discussed at a future workshop on this issue.

TO DISCUSS SALES TAX OPTIONS

- c. Workshop to discuss all options available to the City for the May 7, 2016 Election related to consolidating sales tax levy for General Fund uses and the impact of HB 157, as discussed at the December 15, 2015 meeting.

The City Council members resumed their discussion of possible options for ballot propositions to place before the voters in May, regarding requesting that the voters approve 're-allocating' the Sales Tax revenue.

There is general consensus that reallocating the 'up to' 2 cent Sales Tax to General Fund uses would be the most flexible for the city and would be the easiest option for city accounting/financial transparency.

There was consensus that the Road Maintenance Sales tax, currently at .25, must be re-newed this year as required by the enabling legislation.

There is agreement that the 'property tax relief' use that was approved for .50 by the voters just nine months ago is difficult to manage accounting-wise.

There was a long discussion of the various options available. Mayor Brugger submitted his thoughts on a list that was disseminated. This list is Exhibit 'C' to these meeting minutes.

The Council asked City Attorney Young to return with the possible ballot language which would be required if they chose to propose to eliminate the property tax relief tax, and reallocate the proceeds to General Fund or to Street Maintenance Fund in various amounts.

There was uncertainty regarding how many ballot issues would be required.

City Attorney Young will consult with the tax election experts and return to City Council with ballot language. The Council named as their main priorities to 1.) renew the Street Maintenance Tax, 2.) to add the .25 % Sales Tax that is available to be levied under the current cap.

TO DISCUSS PUBLIC IMPROVEMENTS (ROADS)

- b. Road Improvements Workshop (follow-up workshops from Dec. 1st and Dec. 15th)
 1. Recap of Town Hall meeting held 11/14/2015 at Fire Hall.
 2. Update 2016 Multiyear Improvement Plan
 3. Update Proposed Arterial and Collector Road Prioritization.
 4. Discuss Financing options including but not limited to bond(s), grant(s), fees, assessments or other.
 5. Discuss Engineering contract from agenda item 8.a. and issues related to studies.
 6. Hear report from Mayor Brugger and City Manager Nickel regarding meeting(s) with State agencies related to possible grant opportunities.
 7. Election Options: May/November.
 8. Discuss draft document composed by Council Member Tanner, related to adding/modifying City's comprehensive plan for Transportation Planning.
- Meeting report from January 7, 2016, meeting with Economic Dev. Administration representative in Austin.

Mayor Brugger handed out a list of his thoughts related to this Roads Workshop, this is Exhibit 'D' to these meeting minutes. He also disseminated a list of what he considers the 'future steps' for the City Council related to this item. This list is attached as Exhibit 'E' to these meeting minutes.

The Council discussed the past accomplishments of the city on this issue since June 2015. City Manager Nickel gave a report on the meeting that he and the Mayor attended with the Economic Development Administration in Austin. This meeting was informative, but the agency has very narrow criteria for awarding grants. The city must prove that the road project will create (or save) a specific number of jobs. The improvements cannot be made in hopes that business will relocate.

There was an extended discussion of ideas related to when to propose a bond to the voters. There was little support for trying to formulate the bond package and rush to call the election for May 2016. There was more support for placing this on the November 2016 ballot. The Council members agreed that if the November election date was chosen, the Election should/could be called before the budget process ramped up. Mayor Brugger and Council then discussed the 'future steps' handout and considered options for trying to accomplish these items before calling a November election, possibly in April or early May 2016.

Mayor announced that he and City Manager Nickel would be attended another meeting, this time with representatives from USDA Rural Development, tomorrow at the City Hall.

This item will return on a future agenda.

Jim Davant submitted a note, read by Susie Hardy in his absence. 'Regarding any road improvement financial plan; please remember if the citizens vote against the proposal, it doesn't necessarily mean they don't want the roads repaired. It may mean the plan is rejected'.

10. Executive Session:

The City Council may, or may not, go into Executive (Closed) Session as authorized by Texas Government Code Sections 551.071 (consultation with attorney) and 551.076 (deliberations about security devices) to consult with the City Attorney related to security in city-owned facilities.

Mayor Brugger recessed the Open Meeting and convened the Council into Executive Session for consult with Attorney Young at 10:37 PM.

Mayor Brugger adjourned the Executive Session and reconvened the Open Session at 10:51 PM.

There was no action taken.

11. Future Meetings and Agenda Items

- Review Agenda Calendar
- Identification of future agenda items

The Agenda calendar was reviewed and the Sales Tax issue will be brought back to City Council, the Drought management plan, the cost estimates for the drainage on Prairie Creek, three (or as needed) options for Sales Tax ballot language will be brought from Attorney Young for Council review and there will be another Road Workshop at a future meeting.

12. Adjournment

With no further business, and no objections from Council, Mayor Brugger adjourned the meeting at 10:58 PM pm.

Approved by City Council on the 26th of January, 2016

By: _____
Carl J. Brugger, Mayor

Attest:

Elaine Simpson, City Secretary

Ordinance No. 409 – Granite Shoals Zoning Ordinance

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

▪ (a) Regulations. The lawful use of any building, structure or land existing on the effective date of the ordinance from which this chapter is derived may be continued, although such use does not conform with the provisions of this chapter . However, the right to continue such nonconforming use shall be subject to the following regulations:

- (1) Normal repairs and maintenance may be made to a nonconforming building or structure; provided, that no structural alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.
- (2) Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the zoning district in which such building or structure is located.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

- (3) A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the zoning district in which it is to be located.
- (4) If a nonconforming building or structure is damaged or destroyed to an extent of less than 60 percent of its fair market value by fire, explosion, act of God or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than 60 percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the zoning district in which it is located, and it shall be treated as a new building.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

(5) A vacant, nonconforming building or structure lawfully constructed before the day of enactment of the ordinance from which this chapter is derived may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the effective date of the ordinance from which this chapter is derived. The use of a nonconforming building or structure lawfully constructed before the date of enactment of the ordinance from which this chapter is derived which becomes vacant after the effective date of said, may be reoccupied by the use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the building or structure become vacant. All such buildings after 90 days of vacancy, shall be converted to a conforming use.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

b) Nonconforming buildings may not be changed or expanded. The nonconforming use of a building or structure may be continued as hereinafter provided:

(1) The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the zoning district in which it is located.

(2) A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a

conforming use, any future use of such building or structure or portion thereof shall conform to the regulations of the zoning district in which such building or structure is located.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

(c) Continuation of existing uses. The nonconforming use of land existing at the time of the effective date of the ordinance from which this chapter is derived may continue as hereinafter provided.

(1) Nonconforming use of land shall not be expanded, extended or changed to some other use not in compliance with the regulations of the zoning district in which the land is situated.

(2) If a nonconforming use of land or any portion thereof, is voluntarily discontinued for a period of 90 days any future use of such land or portion thereof shall be in conformity with the regulations of the zoning district in which such land or portion thereof is located.

(3) Any sign, billboard or poster panel which lawfully existed and was maintained at the time of the effective date of the ordinance from which this chapter is derived, may be continued, although such uses do not conform with the provision of this chapter; provided, however, that no structural alterations are made thereto.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

(d) Abandonment. The nonconforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(1) The intent of the owner to discontinue the use is apparent.

(2) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days.

(3) A nonconforming building, structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of 90 days.

(4) A nonconforming use has been replaced by a conforming use.

▪ **Sec. 40-18. - Nonconforming buildings and uses.**

(e) Change in zoning district boundaries. Wherever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another zoning district, or when the boundaries of zoning districts are changed as the result of annexation of new territory, or changed in the regulations or restrictions of this chapter, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may be or become nonconforming.

(Ord. No. 409, § XVII, 8-24-2004)

Role of City Attorney/Team Approach

Training for city staff

Consult with staff on individual cases

Advise Zoning Board of Adjustment

January 12, 2016

Nonconforming Ordinance Granite Shoals January 2016

Understanding the ordinance

How it affects property owners

How it affects city moving forward

2012 resident survey

Council priority

Top response was "clean up Granite Shoals" at 20%

What is Nonconforming Use? (Sec. 4-18)

Doing something in a particularly zoned district that is not allowed in that district.

GB-2 business in a GB-1 district

M-1 in an R-1 district

What is nonconforming structure?

(Sec. 4-18)

Size of structure. Must meet minimum standards.

Location of structure(s) on property. (Ordinance 663)

Encroaching into public utility easement(s) with any portion of structure.

Encroaching into front, rear and/or side yard setbacks.

How are nonconforming use and structure issues being enforced?

Strictly to the minimum standards of the law/ordinances.

Consistency, consistency, consistency.

What can be done with or to nonconforming structures?

They can be brought into compliance.

Normal maintenance and repairs can be performed.

Replace roof

Replace *material that has been lost to rot*

Replace windows and doors (like for like)

Paint, etc.

Internal remodeling if permits are NOT required for:

Plumbing

Electrical

Building for structural alterations – these permits will be granted in order to perform projects for needed upgrades for safety reasons (e.g. 'upgrade aluminum wiring with copper wiring').

Workshop – Sales Tax

*Exhibit 'C' City Council
Mtg. Minutes 1-12-16*

1. As a reminder – on July 21, we discussed HB 157 which gives cities new options for collecting sales tax.
 - a. Can now collect up to 2% for the general revenue sales tax
 - b. Can also increase any dedicated sales tax from its prior statutory limit to 2%.
 - c. Copy of details of HB 157 were made available at the December 15 meeting. See page 100
2. At the December 15, three options were presented;
 - a. A 2% sales tax going into the general fund. Page 52
 - i. Requires ballot language to terminate the 0.5% property tax relief passed last year.
 - ii. Advantage – All funds go into the general fund providing flexibility. If passed, it is permanent. Increases sales tax collections by \$30,000 plus. This is true for all options.
 - b. A 1% sales tax going into the general fund and a 1% sales tax for street maintenance. Page 53
 - i. Requires ballot language to terminate the 0.5% property tax relief passed last year.
 - ii. Advantage – Emphasizes road maintenance which likely would be popular with voters. Dedicates approximately \$133,000 to road maintenance. With extra \$30,000, road maintenance could be increased to \$200,000.
 - iii. Disadvantage – 1% sales tax for road maintenance expires every four years.
 - c. A 1% sales tax going to the general fund, 0.5% going to street maintenance and 0.5% going to property tax relief.
 - i. Does not require ballot language to change property tax. Only required language to approve increasing the expiring ¼% road maintenance sales tax to ½%.
 - ii. Advantage – Least controversial, since it only addresses road maintenance. Increases road maintenance by ¼%, or \$30,000.
 - iii. Disadvantage – 1% sales tax for road maintenance expires every four years.
 - d. Then we discussed a fourth option, a variant of the 1% for the general fund – 1% road maintenance by changing the GF to 1.5% and having 0.5 for road maintenance.
 - i. Requires ballot language to terminate the 0.5% property tax relief passed last year.
 - ii. Advantage – Emphasizes road maintenance which likely would be popular with voters. Provide intermediate flexibility with 1.5% going into the general fund.
 - iii. Disadvantage – 0.5% sales tax for road maintenance expires every four years.
3. Two options not discussed would be to 1) let the ¼% road sales tax expire, or 2) just ask the voters to renew the ¼% sales tax on roads.

Past Accomplishments

- June 2015
 - Mayor introduced three citizens' concerns, one of which was road improvements.
- June/July 2015
 - City Staff completed a traffic survey on the three arterial roads with non-holiday one way traffic loads of for Prairie Creek 2250, Valley View 1550 and Phillips Ranch Road of 1500.
 - Council established 2015/16 budgetary goals, with emphasis on roads.
- July/August 2015
 - Council increased 2015/16 road maintenance budget by \$50,000 to \$150,000.
 - Meeting held with local TXDOT engineer and maintenance superior on Phillips Ranch Road. Recommendation was for a new road base and wear surface.
- August 2015
 - Engaged engineer, SD Kallman, LP, for an estimate for reworking Phillips Ranch Road. Estimate was \$162 per linear foot, or \$1.3 million (FM 1431 to Bluebrair Dr). Road section lengths and widths were measured.
- September 2015,
 - Council participated in TML's annual conference.
- October 2015
 - From TML presentations, Mayor developed and presented a list of 10 best practices for a bond initiative.
- November 2015
 - Obtained a cost estimate for Phillips Ranch Road from Greg Haley at \$1.60 per linear foot.
 - Held Town Hall meeting jointly with SWAG committee. Engineer, Greg Haley participated as a presenter.
 - Reviewed traffic surveys
 - Presented two cost estimates
 - Presented financing options – with costs for \$100,000 valuation.
 - Bonds
 - Fees
 - City Property Sales
 - Discussed Arterial & Collector street definitions and specific roads listed in the Comprehensive Plan.
 - Discussed a multiyear arterial and collector road plan.
 - Added and deleted specific roads listed in the comprehensive plan.
 - Establish refurbishment priorities
 - Discussed action plan for 2016 bond election.
 - Requested review of road grant options from Langford Community Management Services.

- December 2015
 - Realized that proceeds from the sale of a city park could not be used to fund anything but parks.
 - Council refined list of arterial & collector roads. See page 73 & 76 of packet.
 - Selected First Southwest as city's financial advisor. Requested & received \$1.5 & \$2.5 million bond proposals with varying payback times. See pages 85 – 89 of packet.
 - Discussed and realized the problems of allocating fees to citizens for bond repayment in order that there as fair and logical as possible.
 - Met with bond council, Mr. Richard Donoghue, of McCall, Parkhurst & Norton L.L.P.
 - Selected engineering firm KC Engineering, Inc. to provide engineering services.
 - Approved Resolution 503, Official Intent to Reimburse Certain Expenditures.
 - Received response from Langford Community Management Services. See pages 90 & 91 of packet.
 - Community Development Block Grant (CDBG) Program
 - USDA Rural Development – Community Facilities Direct Loan & Grant
 - Economic Development Administration (EDA)
 - Mayor/City Mgr. agreed to meet with USDA & EDA.
 - Council Member, Eric Tanner, agrees to write an update to the Comprehensive Plan for roads.
 - Legal counsel provided transportation plans for five local Texas cities. See page 77 of packet.
- January 2015
 - Mayor/City Mgr. met with EDC & USDA.
 - Reviewed Comprehensive Plan update. See pages 78 – 84 of packet.
 - Hold discussion as to which election date, May or November, should be used to request approval of a bond proposal. Last day to call a special election for May is

Workshop – City Road Improvements – January 12, 2016

Exhibit 'E'
Jan 12, 2016
City Council Mtg.
Mayor Bruggis notes.

Future Activities

- Obtain an estimate for Prairie Creek from KC Engineering, Inc.
- Determine grant funding options from the USDA.
- Request review of Comprehensive Plan update for roads by Planning & Zoning and SWAG.
- Amend the Comprehensive Plan by ordinance.
- Develop formal strategy for road improvements perhaps in the form of a resolution, in support of the amended comprehensive plan.
- Complete road improvement planning by approving an ordinance calling for a November special election.
 - Last day to call a November special election falls in the late August.
 - With budgeting starting in June, suggest targeting passing an ordinance in April.
- Hold an informative town hall meeting on the road improvement plan.

ORDINANCE NO. 679

'CALLING THE MAY 7, 2016 GENERAL OFFICERS ELECTION'

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2016 TO ELECT THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, on May 7, 2016 there shall be elected the following officials for the City of Granite Shoals (the "City"): three City Council Members; and

WHEREAS, the Texas Election Code is applicable to said election and this ordinance establishes procedures consistent with the Code, and designates the voting place for the election; and

WHEREAS, the City of Granite Shoals, Texas (hereinafter the "City") has made provision to contract with Burnet County to conduct the City's general election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), jointly with Marble Falls Independent School District and any other political subdivisions that hold elections on the same day in Precinct 3 and/or Precinct 18, as authorized in *Chapter 271, Tex. Elec. Code*.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS

SECTION 1. The General Election of the City shall be held on Saturday, May 7, 2016 to elect three City Council Members; Place 2, Place 4 and Place 6, to serve a term of two (2) years each. Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City, at City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas 78654, between 8:00 a.m. on January 20, 2016 and 5:00 p.m. on February 19, 2016. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary.

SECTION 2

Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Burnet County Elections Administrator for use on the voting devices and ballots used by Burnet County.

SECTION 3. The Burnet County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Elections Administrator. Early voting shall commence on Monday, April 27, 2015, and continue through Tuesday, May 5, 2015. Early voting extended hours shall be held as established by Burnet County Elections Administrator.

SECTION 5. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Elections Administrator shall tabulate and provide the election returns for the election.

SECTION 6 The City Secretary, or designee, is instructed to aid the Burnet County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Elections Administrator shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm the election judges and alternate election judges that are appointed by Burnet County for the election.

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election twice, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in the official newspaper of the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 9. The election shall be held and conducted by the Burnet County Elections Administrator in compliance with state law and the Election Agreement. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 10. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED this 26th day of January, 2016

Carl Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary



THE COUNTY OF BURNET
Burnet, Texas 78611

June 29, 2015

Addressee List – Burnet County Local Political Subdivisions

Re: Contracts for Election Services, Joint Election Agreements, and November 2015

Dear friends in Burnet County:

Please read the enclosed contract and joint election agreement which are effective August 2015 to July 2016 and let me know if you have questions. The only change from last year is the wording of the Joint Election Agreement under Cost Sharing, section III. Typically we consolidate precincts for odd year November Constitutional Amendment elections but this year there may be a county-wide local option election which would force us to open all 20 county voting precincts for Election Day.

Your entity may sign and return the Contract and Joint Election Agreements at any time and they will be effective for the November 2015 and/or the May 2016 elections.

If you anticipate holding a November 2015 election, please contact me for the early voting schedule, a cost estimate and your Election Day polling locations. The complete election calendar for November is posted on the Texas Secretary of State's website at:

<http://www.sos.state.tx.us/elections/laws/november-election-calendar-2015.shtml>.

Thank you. We look forward to working with you this fall or in the spring of 2016. Please call or e-mail me your questions.

Best Regards,

Doug Ferguson
Burnet County Elections Administrator
220 S. Pierce
Burnet, TX 78611
512-715-5288

CONTRACT FOR ELECTION SERVICES

THIS CONTRACT FOR ELECTION SERVICES (this "Contract") is made and entered into by and between the ELECTIONS ADMINISTRATOR OF BURNET COUNTY, TEXAS ("Contracting Officer") and the Local Political Subdivision set forth on the signature page of this Contract (the "LPS") pursuant to the authority under Section 31.092(a) of the Texas Election Code.

RECITALS

WHEREAS, the LPS expects to order an election during the term of this Contract and during any renewal term of this Contract (the "Election");

WHEREAS, the LPS desires that certain election services for the Election be provided by the Contracting Officer pursuant to Chapter 31, Subchapter D of the Texas Election Code and;

WHEREAS, the Contracting Officer and the LPS desire to enter into a contract setting out the respective responsibilities of the parties;

NOW, THEREFORE, the parties to this Contract agree as follows with respect to the coordination, supervision, and conduct of the Election.

I. GENERAL PROVISIONS.

- A. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of the LPS. For purposes of this Contract the term "Election" will include any resulting recount or election contest. It will also apply to any election to resolve a tie.
- B. The Contracting Officer is hereby appointed to serve as the LPS's Election Officer and Early Voting Clerk to conduct the Election for those areas of the LPS located in Burnet County. As Election Officer and Early Voting Clerk, the Contracting Officer will coordinate, supervise and conduct all aspects of administering voting in connection with the Election in compliance with all applicable law except as otherwise provided in this Contract.
- C. The LPS agrees to commit the funds necessary to pay for election-related expenses for the LPS's election.
- D. The Contracting Officer has the right to enter into agreements with other entities at any time and may require that authorities of LPSs holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in Chapter 271 of the Texas Election Code. The LPS agrees to enter into a joint election agreement required by Burnet County.

II. **RESPONSIBILITIES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

- A. ***Nomination of Presiding Judges and Alternate Judges.*** The Contracting Officer shall recruit and appoint Election Day presiding and alternate judges, central accumulation station

H. Notice at Previous Polling Place. The Contracting Officer shall post notices of a change in a polling place at the entrance to the previous polling location. Section 43.062 of the Texas Election Code provides that the notice shall state the location has changed and give the location of the new polling place.

I. Election Equipment. The Contracting Officer shall prepare and distribute the Direct Record Electronic (DRE) voting system components from Hart InterCivic, Inc. ("Hart") for the election. This voting system includes the equipment referred to as "eSlates" and "Judge's Booth Controllers" (JBCs). Each polling location will have at least one voting machine that is accessible to disabled voters and provides a practical and effective means for voters with disabilities to cast a secret ballot.

J. Ballots. The Contracting Officer or designee shall be responsible for the preparation, printing, programming and distribution of English and Spanish ballots and sample ballots, including the mail ballots, based on the information provided by the LPS, including names of the candidates, names of the offices sought, order of names on the ballot, propositions on the ballot, and the Spanish translation of the offices and any propositions. The ballot will be prepared in these formats: DRE, paper and auditory.

K. Early Voting. In accordance with Sections 31.096 and 32.097(b) of the Texas Election Code, the Contracting Officer shall serve as Early Voting Clerk for the election.

1. The Contracting Officer shall supervise and conduct early voting by mail and by personal appearance and shall secure personnel to serve as Early Voting Deputies.
2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations as determined by the Contracting Officer.
3. The Contracting Officer shall receive mail ballot applications on behalf of the LPS. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or deputies at the Records Building, located behind the Burnet County Courthouse Annex at 1701 E. Polk St., Burnet, TX. Applications for mail ballots erroneously sent to the LPS shall be faxed promptly to the Contracting Officer for timely processing then the original application shall be forwarded to the Contracting Officer for proper retention.
4. Early voting ballots shall be secured and maintained at the Records Building at 1701 E. Polk St., Burnet, TX and in accordance with Chapter 87 of the Texas Election Code. The Early Voting Ballot Board shall meet at the same location unless posted differently.

L. Election Day Polling Locations. The Election Day polling locations are determined by the Contracting Officer in consultation with the LPS and in accordance with the Texas Election Code. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of the polling location including tables, chairs and voting booths.

M. Election Day Activities.

1. The Contracting Officer and staff shall be available from 6:00 am until the completion of vote counting on Election Day to render technical support and assistance to voters and

to be conducted. The LPS shall reimburse the Contracting Officer for the cost of such count which is not included in the original invoice.

S. *Schedule for Performance of Services.* The Contracting Officer shall perform all election services in accordance and compliance with the time requirements set out in the Texas Election Code.

T. *Contracting with Third Parties.* In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third parties for election services and supplies. The cost of such third-party services and supplies will be paid by the Contracting Officer and reimbursed by the LPS.

U. *Department of Justice Preclearance for General Elections.* If required by law, any changes to the general conduct of voting in Burnet County will be pre-cleared through the United States Department of Justice by the Contracting Officer with copies of the submission and response e-mailed to the LPS.

III. RESPONSIBILITIES OF THE LPS. The LPS shall perform the following responsibilities:

A. *Applications for Mail Ballots.* The LPS shall date stamp and then as promptly as possible fax to the Contracting Officer all applications for mail ballots that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Contracting Officer.

B. *Election Orders, Election Notices, and Canvass.* The LPS shall be responsible for preparing, adopting, publishing, and posting all required election orders, resolutions, notices and other documents, including bilingual materials, evidencing action by the governing authority of the LPS necessary to the conduct of the election. The LPS shall be responsible for conducting the official canvass of the election.

C. *Map/ Annexations.* The LPS shall provide the Contracting Officer with an updated map and street index of its jurisdiction in an electronic or printed format and shall advise the Contracting Officer of any annexations or de-annexations.

D. *Department of Justice Preclearance for Special Elections.* If required by law, the LPS shall be individually responsible for obtaining appropriate preclearance from the United States Department of Justice for any special elections.

E. *Ballot Information.* The LPS shall prepare the text for the LPS's official ballot in English and Spanish and provide to the Contracting Officer as soon as possible at the end of the period for ordering the election or filing for candidacy. The ballot information shall include a list of propositions showing the order and the exact manner in which the candidates' names and the propositions are to appear on the ballot. The LPS shall promptly review for correctness the ballot when requested by the Contracting Officer to do so prior to finalization and shall approve by e-mail or by signature in person.

F. *Precinct Reports to the Texas Secretary of State.* Based on information provided by the Contracting Officer, the LPS shall prepare and file all required precinct reports with the Texas Secretary of State.

hereof and shall continue thereafter in full force and effect for one year, subject to the termination rights set forth herein.

- B. **Renewal.** Subject to the termination rights set forth herein, this Contract shall automatically renew for a one-year term.
- C. **Termination.** If either party wishes to terminate this Contract for convenience or for cause the party must provide thirty (30) business days' written notice to the other party and allow for discussion of the desired outcome and options to reach the desired outcome. In the event of termination, it is understood and agreed that only the amounts due to the Contracting Officer for services provided and expenses incurred will be due and payable.

VII. MISCELLANEOUS PROVISIONS

- A. **Nontransferable Functions.** In accordance with Section 31.096 of the Texas Election Code, nothing in this Contract shall authorize or permit a change in:
 - 1. The authority with whom or the place at which any document or record relating to the election is to be filed;
 - 2. The officers who conduct the official canvass of the election returns;
 - 3. The authority to serve as custodian of voted ballots or other election records; or
 - 4. Any other nontransferable function specified under Section 31.096 or other provisions of Texas law.
- B. **Cancellation of Election.** If the LPS cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be entitled to receive an administrative fee of \$75. The Contracting Officer shall submit an invoice for the administrative fee as soon as reasonably possible after the cancellation, and the LPS shall make payment therefore in a manner similar to that set forth in V. PAYMENT above.
- C. **Contract Copies to Treasurer and Auditor.** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this Contract with the County Treasurer and the County Auditor of Burnet County, Texas.
- D. **Election to Resolve a Tie.** In the event that an election is necessary to resolve a tie vote, the terms of this Contract shall extend to the second election, except:
 - 1. The LPS and the Contracting Officer will agree upon the date of the election and the early voting schedule subject to provisions of the Election Code and with regard to other elections conducted by the Contracting Officer.
 - 2. The LPS will be responsible for any Department of Justice preclearance submission under Section 5 of the Federal Voting Rights Act.
 - 3. An attempt will be made to use election workers that worked in the first election; those poll workers will not have additional training provided by the Contracting Officer.

WITNESS BY MY HAND THIS THE 29th DAY OF June, 2015.

CONTRACTING OFFICER:

Doug Ferguson
Doug Ferguson, Elections Administrator
Burnet County, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 20____.

THE LOCAL POLITICAL SUBDIVISION:

Name of Entity: _____

By: _____

Printed Name: _____

Official Capacity: _____

ATTEST: _____

JOINT ELECTION AGREEMENT 2015-2016

FOR BURNET COUNTY LOCAL POLITICAL SUBDIVISIONS

Whereas, the undersigned local political subdivisions, collectively referred to hereafter as the "LPSs", each anticipate holding election(s) from August 2015 to July 2016; and

Whereas, each of the LPSs is located partially or entirely within Burnet County, Texas (the "County"); and

Whereas, the County has contracted or is contracting with each LPS to conduct and provide election services for such LPS's election(s) from August 2015 to July 2016; and

Whereas, the LPSs all desire to enter into a joint election agreement for the purpose of sharing election equipment, costs, services of election officials, and sharing precinct polling locations and election ballots where appropriate.

NOW THEREFORE, the LPSs agree as follows:

- I. **Scope of Joint Election Agreement.** The LPSs enter this Joint Election Agreement ("Agreement") for the conduct of the elections to be held from August 2014 through July 2015.
- II. **Appoint Election Officer.** The LPSs appoint the Burnet County Elections Administrator to serve as the Election Officer for each LPS in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2014 through July 2015.
- III. **Early Voting Polling Locations.** The Early Voting locations for the elections will be at the main Burnet Courthouse, 220 S. Pierce, Burnet, TX 78611 and the Courthouse South Annex in Marble Falls, 810 Steve Hawkins Pkwy., Marble Falls, TX 78654. The costs incurred in connection with the Burnet Courthouse Early Voting location will be shared only by the Burnet Consolidated Independent School District, the City of Burnet, the City of Bertram, the Central Texas Groundwater Conservation District (CTGCD) and Burnet County. The costs incurred in connection with the Courthouse South Annex Early Voting location will be shared only by the Marble Falls Independent School District, the City of Marble Falls, the City of Granite Shoals, the City of Cottonwood Shores, the City of Meadowlakes, the City of Highland Haven, the City of Horseshoe Bay, the CTGCD and Burnet County.
- IV. **Election Day Polling Locations.** Election Day voting shall be held in common precincts where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of each LPS. Those will be decided within one week after the last day to order an election.
- V. **Cost Sharing.** The LPSs agree to the cost sharing provisions below. This includes Burnet County, the school districts of the county, the cities of the county, and the Central Texas Groundwater Conservation District. Other entities pay a lump sum of \$1,000 for their election.
- VI. **Effective Date.** This Agreement becomes effective upon execution by the participating LPSs.
- VII. **Amendments.** This Agreement may not be amended or modified except in writing and executed by each LPS.

COST SHARING – NOVEMBER UNIFORM ELECTION DATE

- I. The following expenses will be shared equally by all LPSs holding an election including Burnet County: the newspaper notice for the Logic and Accuracy Test of the ballots, consumable election supplies, and ballot programming.
- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:
 - a. The county will bear at least 70% of these election costs at each voting location. The remaining 30% will be shared so that 20% is paid by the Independent School District (ISD) or CTGCD associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs. If both the ISD and CTGCD are holding elections, they each pay 10%, with any/all cities equally sharing the remaining 10%.
 - b. If there is no city election, the ISD or CTGCD associated with the polling place pays 20% or 10% each and the county the remaining 80%. Subsequently, if there is no ISD or CTGCD election, any/all cities pay 10% of the costs associated with the polling place and the county pays 90%.
 - c. If there is no city, no ISD and no CTGCD election, the county pays 100% of the costs.
- III. It is acknowledged that cost sharing expenses will fluctuate depending upon the number of required polling locations and poll workers required as General Elections, held on even-numbered years, typically require more resources than Constitutional Amendment elections, held on odd-numbered years.

COST SHARING – MAY UNIFORM ELECTION DATE

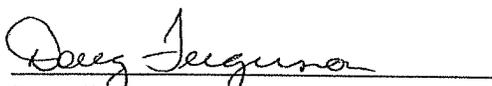
- I. The following expenses will be shared equally by all LPSs holding an election including Burnet County: the newspaper notice for the Logic and Accuracy Test of the ballots, consumable election supplies, and ballot programming.
- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:
 - a. For polling locations conducting elections of the county: the county will bear 50% of the election costs at each voting location. The remaining 50% will be shared so that 40% is paid by the Independent School District (ISD) associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs.
 - b. If there is no city election, the ISD associated with the polling place pays 50%. Subsequently, if there is no ISD election, any/all cities pay 50% of the costs equally.
 - c. If there is no city or ISD election the county pays 100%.
 - d. For polling locations NOT conducting elections of the county: the ISD pays 80% and any/all cities pay 20% equally.
 - e. If there is no city election, the ISD pays 100%.
 - f. If there is no ISD election, any/all cities pay 100% equally.

A cost estimate for the LPS election will be submitted separately.

APPROVED BY THE GOVERNING BODY OF _____ in its meeting held the
____ day of _____, 201_, and executed by its authorized representative.

By: _____
Name: _____
Title: _____

ACKNOWLEDGED BY:



Doug Ferguson
Elections Administrator, Burnet County, Texas

6-29-15
Date



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: 7. Special Agenda items – Release of Easement requests
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

7. Special Agenda Items

- a. Discuss, consider and possibly take action related to request for Release of City Easement of Mr. and Mrs. Strehlow to cure existing encroachment(s) of house, and of eaves, respectively, that extend into the required city easements at 2820 Lakeview Drive, Granite Shoals, TX. *(City Manager Nickel)*
- b. Discuss, consider and possibly take action related to request of Mr. Blythe for a Release of City Utility Easement to cure existing encroachment of house eaves that extend into the city's easement at his home at 513 Briarway, Granite Shoals, TX. *(City Manager Nickel)*

Both of these applicants have secured Release of Easement Documents from other utility providers, as appropriate.

They both presented cases to the Granite Shoals Board of Adjustments on Monday, Jan 11, 2016 to seek variance relief for the encroachment(s) listed above, into the respective zoning setbacks. Both of the variance requests were granted unanimously by the BOA.



City of Granite Shoals
 2221 N. Phillips Ranch Road
 Granite Shoals, TX 78654
 830-598-2424 office • 830-598-6538 fax

EASEMENT RELEASE APPLICATION

Date: Nov. 23, 2015

Please print all the following information-Please complete the entire application

Property Owner's Name: Nancy & Robert Strehlow Phone 210-887-0376
 Email: nancystrehlow@gmail.com
 Mailing Address: 8 Corby Lane, San Antonio State: TX ZIP: 78218
 Release Situs Address: 2820 Lakeview Lane, Granite Shoals

Legal Description of Property: Lots: 133, plus Block: _____ Subdivision: Sherwood Shores
 Property Zoning: R13 .024 acre fill

Purpose of Easement Release: The existing house, which was built before we purchased the property, has side yards that are too narrow to meet required set-backs. We would like to improve and add on to the house, but because the existing structure is non-compliant, we cannot do so unless we get easement waivers. We have obtained waivers from PEC and Verizon. We are seeking a waiver from the City of Granite Shoals of its side-yard utility easement. If it is granted, we request a minor replat to reflect the waivers.*

Applicants/representatives (surveyors) must attend the scheduled City Council meeting to present easement release request.

The following must be submitted with this application:

1. Appropriate fee for release
2. Recorded survey
 - a. Copies must show, building setbacks
 - b. Street to street lots and/or waterfront
 - c. Public utility easements
 - d. Physical improvements
 - e. Structures and their overhang
 - f. Retaining wall(s), flat work etc.
3. Tax certificate showing legal ownership
4. PEC release of easements

Owner statement (if the applicant is not the owner) I HEREBY CERTIFY THAT THE APPLICANT LISTED ABOVE IS AN AGENT FOR ME IN THE MATTERS PERTAINING TO THIS EASEMENT RELEASE APPLICATION.

Nancy Strehlow Robert Strehlow 11/23/2015
 Owner's Signature Applicant's Signature Date

*Please note: All additions and improvements will comply with the set-back requirements.



**Application for
Variance from
Board of
Adjustments**

City of Granite Shoals, TX
2221 North Phillips Ranch Road
Granite Shoals, TX 78654
phone (830) 598-2424 x 303
www.graniteshoals.org

**FOR OFFICE USE
ONLY**

CASE NO.: _____

Application Received By: _____ Receipt No: _____ Date: _____

Fee: \$ _____ Zoning: _____ Meeting Date _____

- Completed application and fee - (Granite Shoals City Code. Ordinance 646)
\$350 for variance or adjustment, \$100 for appeals.
- Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable.)
- If request is for an APPEAL OF DECISION of a city official, submit copy of decision as issued and a detailed statement explaining the grounds for the appeal.
- Proof of Ownership of the Property/tax appraisal information (available from Burnet County Central Appraisal District)

Variance to Section(s) No.: _____

Checklist: Metes & Bounds/Survey _____ Notarized Owner Signature: _____

Please write legibly in black or blue pen, or type.

Owner: Nancy A, Strehlow & Robert Strehlow, V	Applicant (if different than owner):
Address: 2820 Lakeview Lane	Address:
Granite Shoals	
Telephone: 210-887-0376	Telephone:
Email*: nancystrehlow@gmail.com	Email*:

**Email should only be provided if you consent to your email address becoming a part of public record.*

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by the Zoning Ordinance to other parcels of land in the particular zoning district. No variance may be granted that results in undue hardship upon another parcel of land.

Location of the Property: (address/legal description)

Lot # 133+ of Block # _____ of the Bel Air Section
.026 fill

of Sherwood Shores Subdivision. Commonly known as

2820 Lakeview Lane Granite Shoals, Texas 78654

(if applicable) Abstract # 530 Survey Name: Arthur Luckey Survey 23

Size of property: .260 acres

Metes and Bounds description - if applicable: please attach on separate page to this application.

Zoning of property: Residential

Present Use of Property: Residential

State the SPECIFIC PROVISION of the zoning ordinance for which you are requesting a variance. (You may give the Section number and paragraph, OR you may DESCRIBE the regulation/requirement.)

See Attachment A

Describe SPECIFICALLY the variance you are seeking:

See Attachment B

In order for your request to be granted, the Board of Adjustment must cast at least FOUR out of five votes in support of your application.

In order for the Board members to vote in support of your application, you must prove several things by your application.

Your application must clearly show that your property has SPECIAL CONDITIONS- for instance - AREA, SHAPE or SLOPE of the property that distinguish it from other properties within the same zoning district and must explain how these conditions prevent your property from being appropriately developed without a variance. (This section may not be necessary for appeal of decision cases, complete if applicable)

Describe the SPECIAL CONDITIONS of the property that distinguish it from other properties in the same zoning district:

See Attachment C

Explain how these SPECIAL CONDITIONS prevent the property from being appropriately developed without a variance:

See Attachment D

Additionally, in order for the Board members to vote in support of your application, it must be shown that the SPECIAL CONDITIONS that you have described are NOT the result of your own actions (*See City of Dallas v. Vanesko*, 189 S.W.3d 769 (Tex. 2006)).

Explain how the SPECIAL CONDITIONS affecting your property came to be, AND how they ARE NOT the result of YOUR OWN ACTIONS, (This section may not be necessary for appeal of decision cases, complete if applicable):

See Attachment E

Furthermore, you must demonstrate that the variance you are seeking will permit you to enjoy the same rights with respect to the use of your property that are presently enjoyed by other properties in the same vicinity or zone as your property.

Explain how the City's ordinance requirement(s) prevent you from enjoying a right to use your property that is presently enjoyed by other properties in the same vicinity or zone as your property:

See Attachment F

Additionally, you must demonstrate that the granting of a variance will not adversely affect the land use pattern as outlined in the City's zoning map and will not adversely affect any other feature of the City's comprehensive use plan.

Explain how your request for a variance will not adversely affect the City's land use pattern or any other feature of the City's comprehensive use plan: (This section may not be necessary for appeal of decision cases, complete if applicable)

See Attachment G

Finally, you must demonstrate that the granting of the variance will not be a material detriment to the public welfare or injure the use, enjoyment or value of the properties in the vicinity of your property.

Explain how the granting of a variance will not be injurious to the public welfare or to the use, enjoyment or value of the properties in the vicinity of your property (This section may not be necessary for appeal of decision cases, complete if applicable):

See Attachment H

Required Acknowledgements

Please read the following statements carefully and initial each line. By placing your initials next to the statements below, you, **the property owner**, are stating that you agree with and will abide by these requirements (please initial acknowledging adherence).

Initial

RS YAS By filing this request for a variance, I understand that any construction that requires said variance shall cease until such time that the variance is approved, if applicable. Should the Board of Adjustment deny the request, I may pursue an appeal or bring my property into compliance in accordance with any and all City codes **within 30 days**.

RS YAS I understand and agree that prior to the hearing of this case by the Board of Adjustment, staff will conduct a thorough site visit in order to take photographs of the property for use at the public hearing. This site visit may necessitate complete access to the subject property. Staff will make a reasonable attempt to contact the property owner prior to visiting the site. I hereby agree to allow staff to enter the property for the purposes of conducting the site visit, and I understand that it is my responsibility to ensure that conditions at the subject site will not create a hindrance to city staff. If site conditions are not conducive to staff completing the necessary task during the site visit, I understand that my case may be delayed.

RS YAS Any exhibits submitted by the applicant (audio, visual, document, or otherwise) must be submitted to staff at least five (5) business days prior to the public hearing, and will not be returned.

RS YAS Refunds will not be issued.

RS YAS I understand that I may be represented at the hearing, either personally or through the agent of my choosing. I understand that the Board may deny requests for which the applicant or an agent do not appear to provide testimony.

RS YAS I understand that letters will be sent to neighboring property owners, and that information from this application will be published in the *Highlander News*, to notify the public and interested parties about this case.

RS YAS I understand that all Board of Adjustment Hearings are noticed and held in open session and that citizens will be given a chance to be heard.

YOUR RIGHT TO APPEAL THE BOARD'S DECISION.

If you are dissatisfied with the Board's decision, you have a right to seek judicial review pursuant to Texas Local Government Code § 211.011.

Granite Shoals Board of Adjustments operates under applicable sections of the Local Government Code Section 211. This Code is available on the internet at the State of Texas website.

The BOA may authorize a variance from the Zoning Ordinance only upon finding:

- (1) There are special circumstances or conditions peculiar to the property;
- (2) The strict application of the terms of the Zoning Ordinance will impose upon the applicant unusual and practical difficulties or a particular hardship that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the Ordinance;
- (3) The proposed variance is in harmony with the Ordinance;
- (4) The proposed variance is in the public interest and will ensure that substantial justice will be done;
- (5) The granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty for the applicant;
- (6) The proposed variance not confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district;
- (7) The surrounding property will be properly protected and there are sufficient remaining regulations adequate to govern the project.

STATEMENT REGARDING RESTRICTIVE COVENANTS/DEED RESTRICTIONS

I have diligently searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants that apply to the property that would be in conflict with this Variance Request, except as follows:

Copy here or attach any restrictive covenant(s) that apply to your request. If there are none, then enter the word "NONE".

NONE

Definition:

“Restrictive Covenants and/or Deed Restrictions” are legal restrictions on the use of land in a subdivision, and are conditions under which you received title. These restrictions were made by the original developer and can be different for each subdivision. The City of Granite Shoals is not legally a party to these conditions and does not enforce restrictive covenants, but the owner of any property in the subdivision may have the right to file litigation if you violate a restrictive covenant. Restrictive Covenants/Deed Restrictions are on file at the Burnet County Courthouse and are also contained in the property abstract.

(Additional information may be deemed necessary by staff for processing this request.) This application must be completed in full, and all information requested must be provided, or this application will be declared incomplete and the case will not be scheduled.

Any additional information applicant wishes to provide regarding this request (optional):

See Attachment I

I hereby certify that the information provided is true and correct to the best of my knowledge.

Date: DEC. 3, 2015

Signed: Nancy A. Strehlow Print Name: NIANCY A. STREHLOW

ATTACHMENTS TO APPLICATION FOR VARIANCE

BY NANCY & ROBERT STREHLOW

Attachment A (Applicable Code Provision)

We are seeking a variance from Section 40-18 (Nonconforming Buildings and Uses) of the Granite Shoals Code of Ordinances, which states that "...no structural alterations shall be made..." to a nonconforming building or structure.

Attachment B (Variance Sought)

Our house at 2820 Lakeview Lane is too close to the property lines to comply with the city's side yard setback requirement and the existing structure thus is "nonconforming." We are seeking permission to upgrade the house, but the improvements would involve structural alterations, and we therefore cannot do them without a variance from Section 40-18.

More specifically, we are seeking permission to make internal improvements to the house by converting part of an existing laundry room and hallway into a third bathroom, and permission to make external improvements, as follows: 1) replacing the existing metal pole, metal-roofed carport with a attached garage and bedroom, which would be finished in stone and siding to match the existing house; 2) expanding the existing den in back, which expansion would be finished in siding and stone to match the existing house; and 3) covering the existing wood deck with a roof, which would match the existing roof.

We are not seeking a variance to allow us to build into any setbacks or easements, or permission to do any nonconforming work. The proposed additions would be set back further from the property line than the existing house, and all of the work would fully comply with all Code provisions and regulations, including the side yard and front yard setbacks. We cannot proceed with the improvements, however, unless we receive a variance from Section 40-18.

Attachment C (Special Circumstances or Conditions)

The special circumstance or condition that distinguishes our property from other properties in the same zoning district is that our house was built in such a way that it is impossible for us to bring it into compliance with the side setback requirements without either tearing it down or buying land from our neighbors. The portion of the building on each side that is within the setback area contains the main load-bearing walls of the house, plus the plumbing for the two existing bathrooms. We have looked at trying to slice a foot or two off each side of the building, and it would create such structural issues and costs that it is not reasonably feasible.

Originally, the car port in front of the house was also noncompliant, but we paid to have it narrowed to make it compliant. We would be willing to do the same thing with the house if it were reasonably feasible, but it is not.

We also have made repeated attempts to buy a strip of land from our neighbor to bring the side yard into compliance, but, although our neighbor does not object to our improvements, he is not interested in selling us any land.

Attachment D (Impact of the Special Conditions)

If we had to bulldoze the house, it would be a huge waste, as well as major financial blow to us. The house is not fancy, but it isn't a tear down. It has about 2000 square feet, is solidly built, and has a classic stone fireplace and a nice game room.

When we bought the house, however, we knew we would have to upgrade it to accomplish our needs. We bought it intending to use it as family gathering spot and a retirement haven. We have three grown children, one of whom is already married and expecting a baby, and we need the additional bedroom to be able to host family gatherings at the lake. For retirement, we really want a master bathroom (which would be made possible by adding the hall bath) and a garage, since my husband wants to build and tinker in his free time. If we can't make the requested improvements, the house won't really be usable for the purpose for which we purchased it.

Furthermore, if we cannot improve it, the house will not be up to the standards of neighboring houses. It is situated on a lovely (and pricey) piece of lakefront property, on a street with nicely upgraded homes. In comparison to those homes, our house, with its cheap metal carport, looks somewhat shabby, and its low “street appeal” probably brings down the value of nearby homes. The improvements we propose would bring our house into alignment with other nearby homes.

If we cannot get a variance from Section 40-18, we will suffer a serious, demonstrable hardship, because we will be locked into a house that doesn’t meet our needs. The public interest also will not be furthered, because a street with nice-looking houses will be stuck with one that is not up to its standards.

Attachment E (Origin of the Special Conditions)

The special conditions creating this problem arose for two reasons. First, the people who originally built the house believed that the City’s required side yard setback was measured from the foundation of the property, and they placed the foundation five feet from the property line. The house’s location was approved by the City at the time, but the City has now clarified that side yard setbacks must be measured from the edge of the overhang roof eave, rather than the foundation. For that reason, the house is noncompliant on the west side, because its roof eave hangs 18” into the five-foot side yard. Second, a previous property owner later sold an additional 18” strip of land to the neighbor on the east side. That sale and re-plat apparently were approved by the City, even though it created further side yard setback issues. When we bought the house, we were told that the narrow side yard on the existing house was “grandfathered” and therefore was not an issue.

We did not cause the overly-narrow side yard issue, because we did not build the house, or sell the additional strip of land. To the contrary, we have done everything we could (short of bulldozing the house) to ameliorate the issue. We narrowed the carport to make it compliant. We have tried to buy additional land along the side of the house. And, we have obtained easement waivers from PEC and Verizon, even though PEC required us to move our electrical meter and bury our lines (which cost several thousand dollars) before they would grant the easement.

Attachment F (Enjoyment of Rights, Unnecessary Hardship and Substantial Justice)

The City's ordinance prohibiting structural changes to noncomplying buildings, in our case, prevents us from enjoying our property like the properties around us. The house sits on a lovely piece of waterfront property, and most of the houses around us have been improved in the way we would like to improve ours. Upgrading the house to add a bedroom, bath, garage, larger living area and cover to the deck would make the house comparable to similarly-situated lakefront homes. We bought the house because we wanted to create a family retreat and retirement haven, we loved the location and the core of the house, and we thought we could improve it. Unless we can get a variance so that we can make improvements, however, we won't be able to use the house for those purposes.

It would truly create an unnecessary hardship if we are denied a variance. It is understandable if the City wants to take a hard line on people who seek permission to build inside setbacks, or to otherwise build structures that are noncompliant with the code. In our case, however, our proposed improvements would not encroach into any setbacks, or otherwise violate any code provisions or regulations. We are just seeking relief from a provision that, if strictly applied in our unusual circumstances, materially affects our ability to enjoy the property by essentially freezing it in its current condition, including the tacky car port. We genuinely believe that substantial justice would be served, in this case, by granting us a variance from Section 40-18.

Attachment G (No Effect on Land Use Patterns).

The land currently is used as a single-family residence, and it will continue to be so used if the variance is granted. There would be no adverse effect on the City's land use pattern.

Attachment H (No Detriment to the Public Welfare or Other Properties)

The granting of the proposed variance would not create any detriment to the public welfare or other properties. To the contrary, it would allow us to improve the property and make it more compatible with the existing lakefront homes around it. Having a larger house, with a nicely-

finished, attached garage, in place of the current car port, would enhance the value of the nearby homes.

We are not seeking any special privileges, such as the ability to build higher than our neighbors, or to use materials different than those specified by the code. The existing Code regulations will apply to all our work and improvements and will continue to protect other property owners.

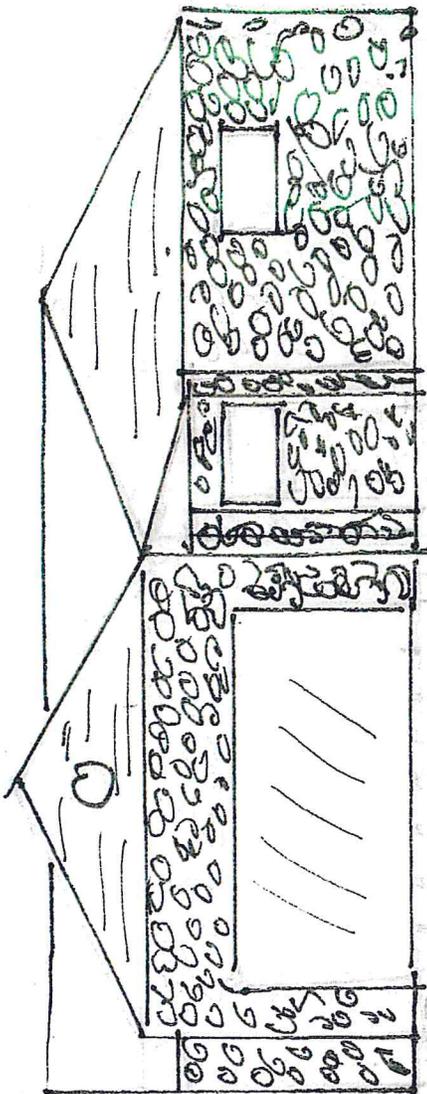
One of the main purposes of the Code is to encourage homeowners to upgrade their properties to the standards of the properties around them. In this case, however, if Section 40-18 is literally applied, it will prevent us from engaging in such upgrades.

Attachment I (Additional Information, and Alternative Relief)

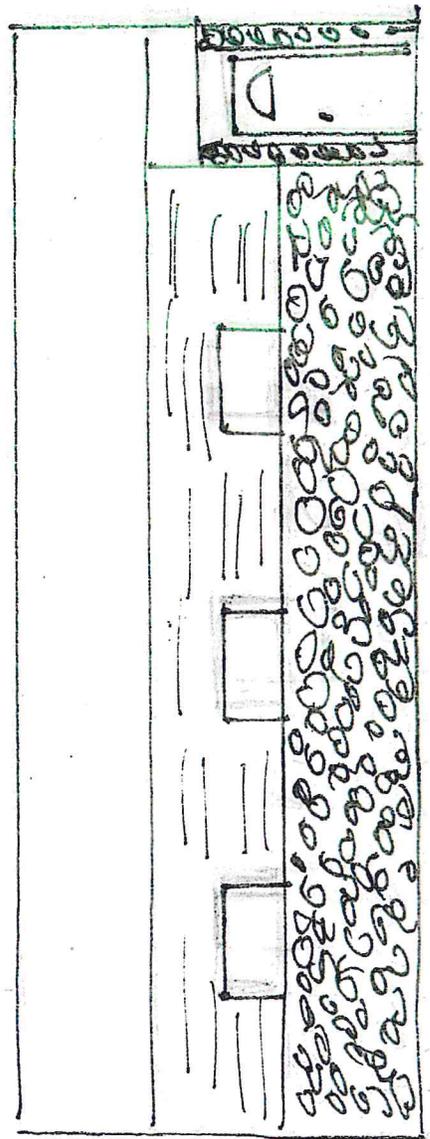
If the Board declines to grant the full relief requested, we respectfully request that the Board alternatively grant us a variance to just allow us to do the internal work proposed (converting part of a laundry room into a hall bath). That work is technically deemed to be a “structural alteration” under the code because it involves plumbing and electrical changes. It would not, however, affect the size or shape of the structure, and it would no impact at all on the exterior of the house.

The reasoning stated above also applies to the interior work, but we believe that “substantial justice” would be served even more in the case of the interior work, since it involves more minor changes that often are not thought of as “structural alterations.” For that reason, if the full variance is not granted, we ask the Board consider granting the variance just as to the interior work, so that work can be performed.

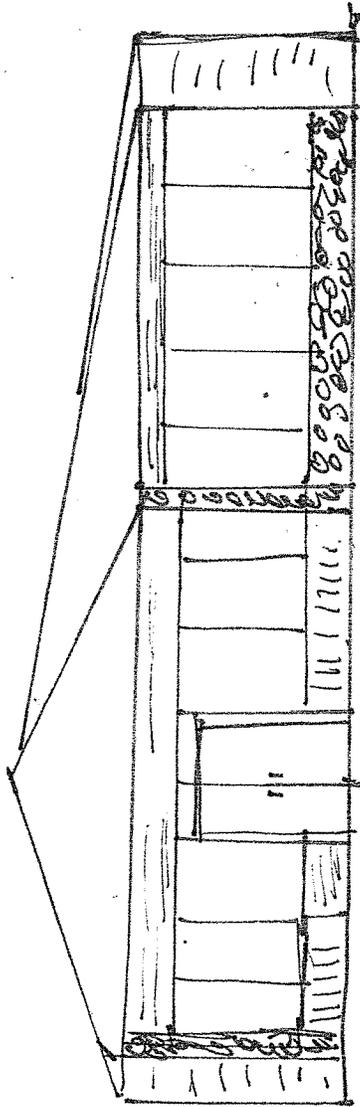
FRONT OF HOUSE



WEST SIDE OF
GARAGE
ADDITION

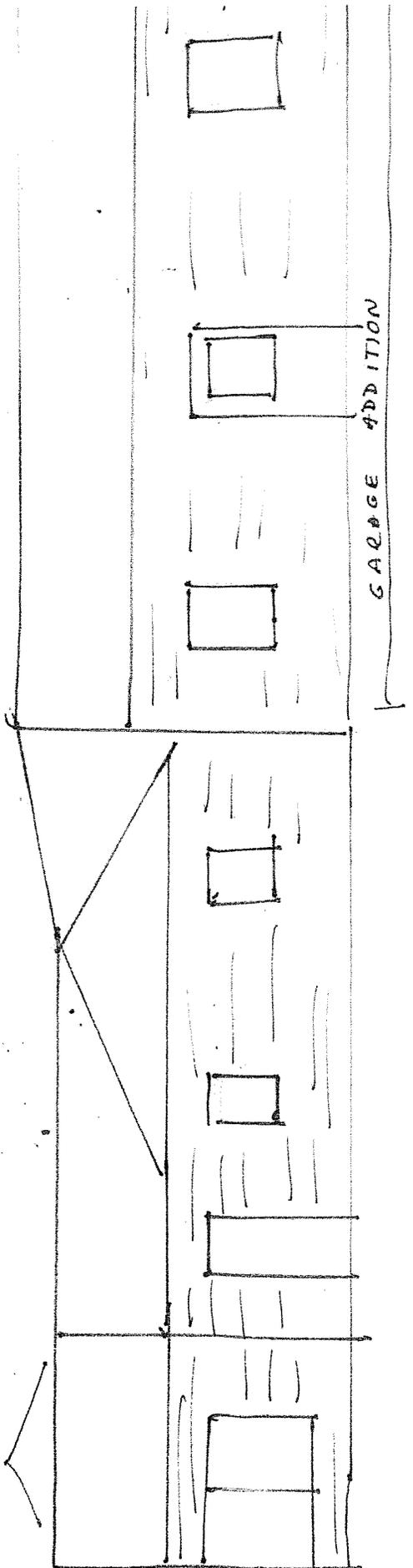


BACK OF HOUSE

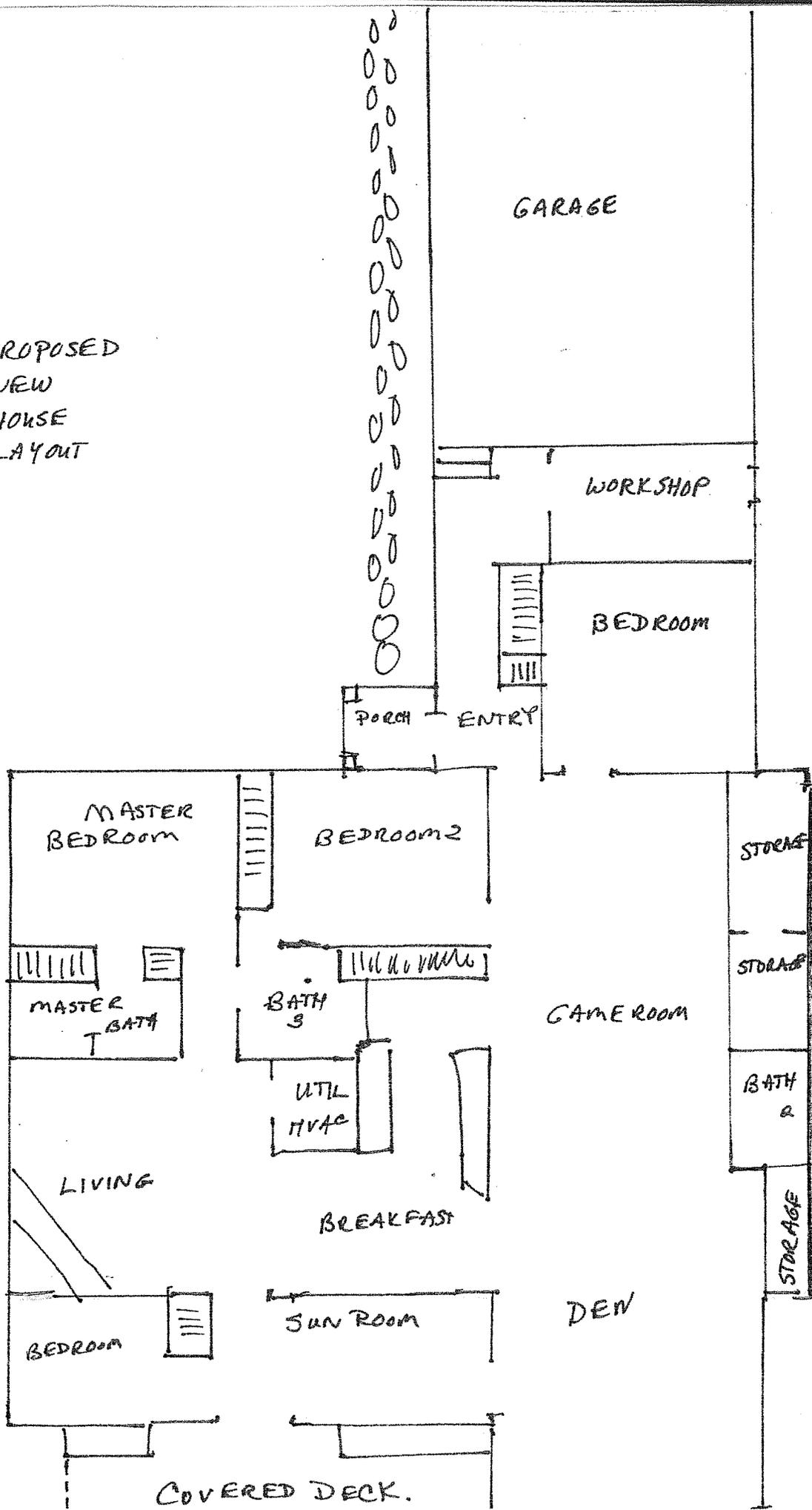


EAST SIDE OF HOUSE

DEN ADDITION

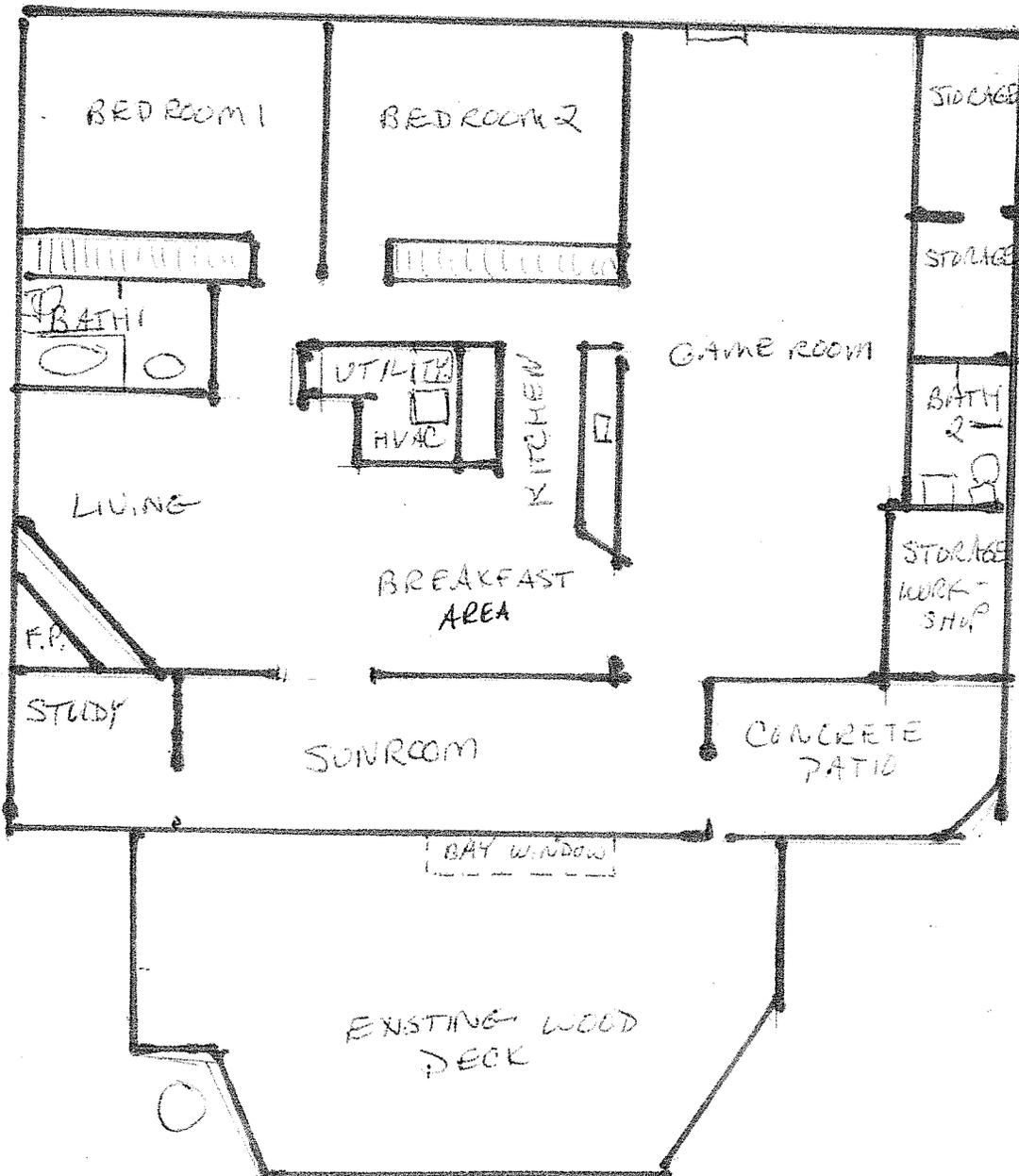


PROPOSED
NEW
HOUSE
LAYOUT



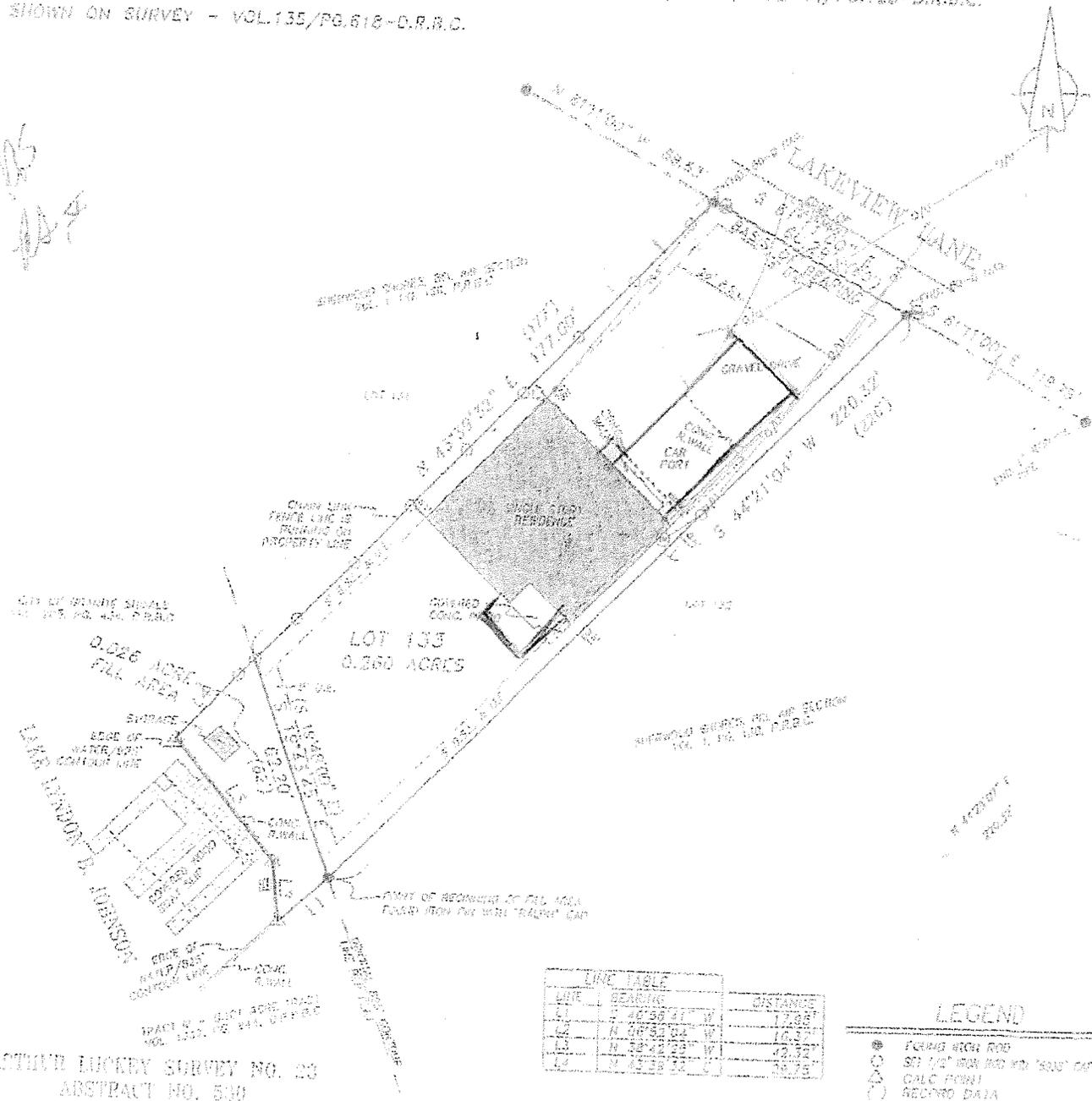
STREHLOW
EXISTING
HOUSE
LAYOUT

CAR PORT



RESTRICTIONS ARE LISTED AS FOLLOWS:
 SUBJECT TO - RESTRICTIVE COVENANTS AS SHOWN ON - VOL.135/PG.618-D.R.B.C.
 SUBJECT TO - EASEMENTS AND SETBACKS AS SHOWN ON - VOL.107/PG.41, VOL.144/PG.120-D.R.B.C.
 SHOWN ON SURVEY - VOL.135/PG.618-D.R.B.C.

MAS
11/2/08



LINE	BEARING	DISTANCE
1-1	S 46° 36' 41" W	17.86'
1-2	N 06° 50' 02" W	16.37'
1-3	N 39° 42' 28" W	23.52'
1-4	N 43° 38' 32" E	16.75'

LEGEND	
	FOUND HIGH ROAD
	50' 1/2' HIGH AND WIDE '50/50' C&G
	CALC POINT
	RECORD DATA
	UTILITY EASEMENT
	BUILDING SETBACK LINE
	DRAINAGE EASEMENT
	CITY WIRE
	UTILITY POLE
	LIGHT POLE
	FIRE HYDRANT
	WATER VALVE
	CHAIN LINK FENCE
	WOOD PRIVACY FENCE
	WIRE FENCE
	OVERHEAD UTILITY LINE
	ELECTRIC METER
	CABLE TV PEDESTAL
	WATER METER
	SANITARY
	WELL
	CLEARCUT
	AIR CONDITIONING UNIT
	TELEPHONE PEDESTAL
	ELECTRIC PEDESTAL
	ELECTRIC PAD WITH TRAILS

ACTIVE LUCKY SURVEY NO. 23
 ABSTRACT NO. 530

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT MINIMUM STANDARDS FOR A LAND TITLE SURVEY AS ESTABLISHED BY THE TEXAS BOARD OF LAND SURVEYORS.



KRPC and *11/2/08*
 KYLE D. COUPLIN, R.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 GREAT BRANCH NO. 523F
 COUPLIN & ASSOCIATES, INC.

SHEET NO. 00553 DATE: 11/2/08 SCALE 1" = 40' 30	PREPARED FOR LAND TITLE SURVEY	PREPARED BY COUPLIN & ASSOCIATES 5010 WEST BR 14TH, SUITE 6 WINDLAND, TEXAS 75087 PHONE: 281-386-1300	DATE: 11/2/08 NO. 1 DESCRIPTION:
---	--	--	--

RELEASE of EASEMENT



August 14, 2015

GTE Southwest, Incorporated d/b/a/ Verizon Southwest Inc. a Texas Corporation, for the good and valuable consideration, hereby releases and relinquishes all right, title, and interest in that easement granted by Sherwood Shores Subdivision, Bel Air Section owned by Robert and Nancy Strehlow. On the 17th of August, 2015 and recorded under the Auditor's File Cabinet 1, Slide 35D of plat records situated in Burnet County, State of Texas and described as follows:

THAT TRACT OR PARCEL OF LAND BEING LOT NUMBER 133 LOCATED AT 2820 LAKEVIEW LN, GRANITE SHOALS, BURNET COUNTY, TEXAS ON ADJACENT LINES COMMON TO LOT 132 AND 134 AS SHOWN ON THE PLAT RECORDED IN CAB 1, SLIDE 35D, BURNET COUNTY, TEXAS.

WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper authority on the 17th day of August, 2015.

GTE Southwest Incorporated d/b/a Verizon Southwest, Inc.

BY Kathy Heiner
Kathy Heiner

ITS Supv-Ntwk Eng & Ops
Verizon Southwest, Inc.

STATE OF TEXAS
COUNTY OF BURNET

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for the State of Texas, duly commissioned and sworn, personally appeared _____ of Verizon Southwest, Inc., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NA
NOTARY PUBLIC in and for the State of Texas

PARTIAL RELEASE OF EASEMENT

STATE OF TEXAS ∞
COUNTY OF BURNET ∞

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the previous owners/developers of the lots in Sherwood Shores Subdivision, Bel Air Section, a subdivision in Burnet County, Texas according to the map or plat thereof, heretofore granted utility easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Sherwood Shores Subdivision, Belaire Section, said utility easements being recorded in Volume 1, Page 138 in the Plat Records and Volume 144, Page 120 in the Deed Records of Burnet County, Texas; and,

WHEREAS, said utility easements referred to hereinabove include and are comprised of all lots within Sherwood Shores Subdivision, Bel Air Section, in Burnet County, Texas; and,

WHEREAS, Robert Strehlow and Nancy Strehlow, as current owners of Lot 133 and .026 acre fill area, desires that the five foot (5') utility easement along the westerly property line be partially abandoned and released save and except the first 70' from the road of Lot 133 and the five foot (5') utility easement along the easterly property line be partially abandoned and released save and except the first 85' from the road of Lot 133, Sherwood Shores Subdivision, Bel Air Section, Burnet County, Texas; and;

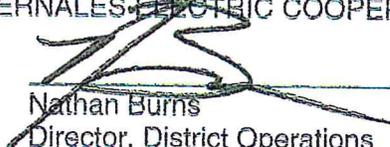
WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have an adequate easement to said property through the remaining utility easements as granted above;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby partially release the five foot (5') utility easements as referenced above, Sherwood Shores Subdivision, Bel Air Section, Burnet County, Texas.

EXECUTED: October 28, 2015

PEDERNALES ELECTRIC COOPERATIVE, INC.

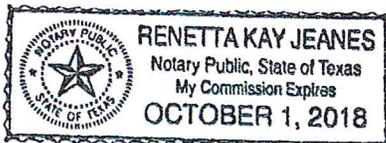
BY:


Nathan Burns
Director, District Operations

THE STATE OF TEXAS ∞
COUNTY OF BURNET ∞

BEFORE ME, the undersigned authority, on this day personally appeared Nathan Burns, Director, District Operations of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE October 28, 2015.




Notary Public in and for the State of Texas



City of Granite Shoals

2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
830-598-2424 office • 830-598-6538 fax

EASEMENT RELEASE APPLICATION

Date: 11-30-15

Please print all the following information-Please complete the entire application

Property Owner's Name: STEPHEN & LYNN BLYTHE Phone: 254/760-0431 ; 254/721-4277

Email: twoblythes@yahoo.com

Mailing Address: P.O. BOX 2088 TEMPLE State: TX ZIP: 76508

Release Situs Address: 513 E. BRIARWAY, GRANITE SHOALS

Legal Description of Property: Lots: 995 Block: _____ Subdivision: MYSTIC CASTLE SECTION, SHERWOOD SHORES

Property Zoning: RES.-1

Purpose of Easement Release: TO ALLOW CONSTRUCTION OF CARPORT ON FRONT OF HOME ON EXISTING DRIVEWAY. EASEMENT RELEASE IS NECESSARY AS EXISTING ROOF EAVES EXTEND INTO THE 5 FT. SIDE SETBACK ON WEST SIDE OF PROPERTY. WE HAVE ALREADY OBTAINED A RELEASE OF EASEMENT FROM PEDERNALES ELECTRIC COOPERATIVE INC. WE HAVE ALREADY REQUESTED A VARIANCE BE GRANTED BY BOARD OF ADJUSTMENT TO COMPLY WITH ORN. NO 40-6-9.

Applicants/representatives (surveyors) *must* attend the scheduled City Council meeting to present easement release request.

The following must be submitted with this application:

1. Appropriate fee for release
2. Recorded survey
 - a. Copies must show, building setbacks
 - b. Street to street lots and/or waterfront
 - c. Public utility easements
 - d. Physical improvements
 - e. Structures and their overhang
 - f. Retaining wall(s), flat work etc.
3. Tax certificate showing legal ownership
4. PEC release of easements

Owner statement (if the applicant is not the owner) I HEREBY CERTIFY THAT THE APPLICANT LISTED ABOVE IS AN AGENT FOR ME IN THE MATTERS PERTAINING TO THIS EASEMENT RELEASE APPLICATION.

[Signature]
Owner's Signature

[Signature]
Applicant's Signature

11-30-15
Date

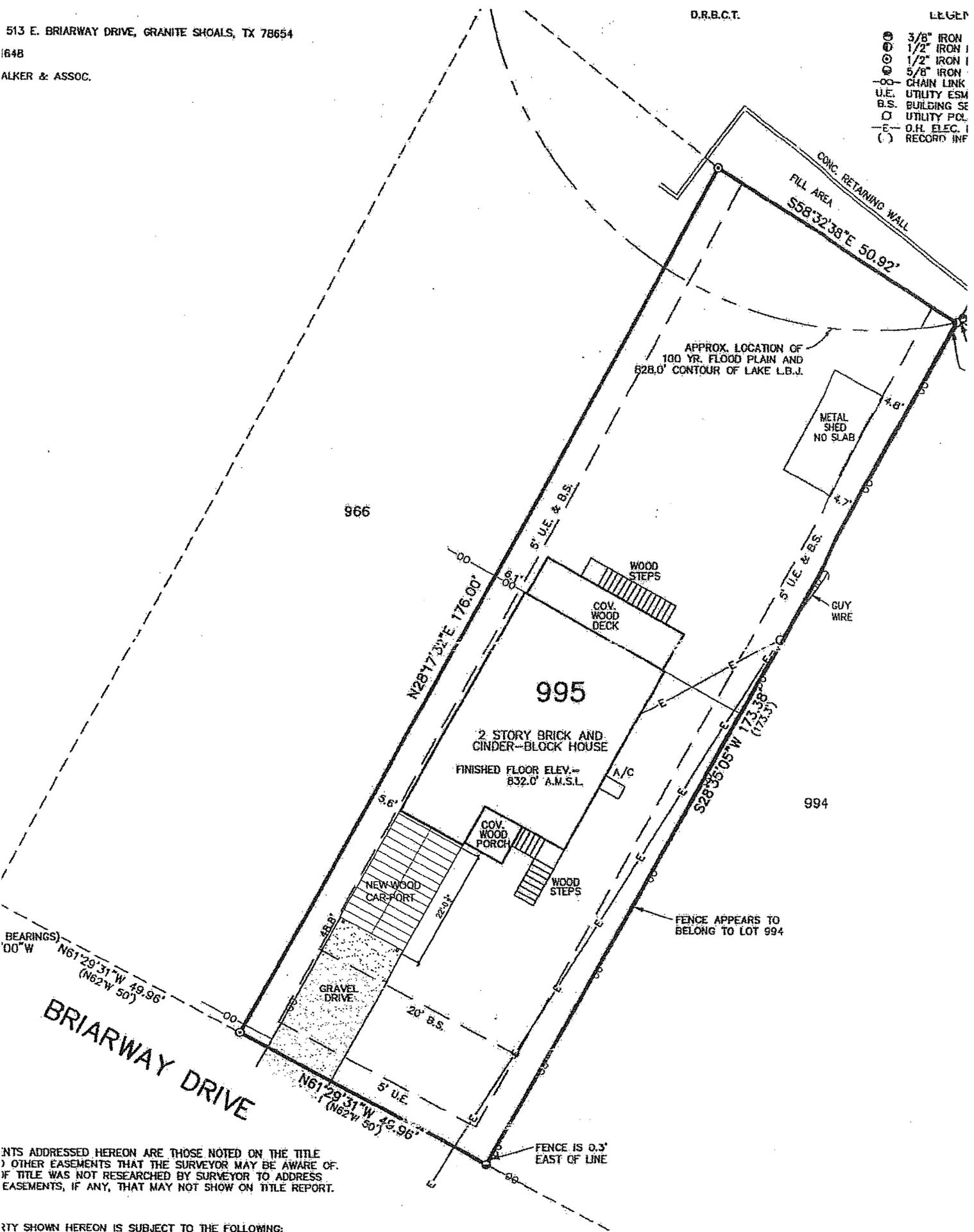
513 E. BRIARWAY DRIVE, GRANITE SHOALS, TX 78654

1648
ALKER & ASSOC.

D.R.B.C.T.

LEGEND

- ⊙ 3/8" IRON
- ⊙ 1/2" IRON
- ⊙ 1/2" IRON
- ⊙ 5/8" IRON
- 0-0- CHAIN LINK
- U-E- UTILITY ESM
- B.S. BUILDING SET
- UTILITY PCL.
- E- O.H. ELEC. L
- () RECORD INF



NOTES ADDRESSED HEREON ARE THOSE NOTED ON THE TITLE
) OTHER EASEMENTS THAT THE SURVEYOR MAY BE AWARE OF.
IF TITLE WAS NOT RESEARCHED BY SURVEYOR TO ADDRESS
EASEMENTS, IF ANY, THAT MAY NOT SHOW ON TITLE REPORT.

PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING:

SETBACKS AND BLDG. SETBACKS AS SHOWN HEREON AND IN VOL. 5 D.R.B.C.T.

NOTE:
A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE WITHIN THE 100 YEAR FLOOD PLAIN OF LAKE L.B.J.

Variance Request Form for Board of Adjustment



City of Granite Shoals, Texas
2221 N. Phillips Ranch Road, Granite Shoals TX 78654 ~ 830-598-2424

Name STEPHEN & CINDY BLYTHE

Address 513 E. BRIARWAY (MAIL: P.O. BOX 2088)
GRANITE SHOALS, TX TEMPLE, TX 76503

Phone number 254/760-0431 ; 254/721-4277

Email twoblythes@yahoo.com

What is the request for variance?

WE HAVE FILED FOR A BUILDING PERMIT TO CONSTRUCT A CARPORT ON FRONT OF HOUSE ON EXISTING DRIVEWAY. PERMIT HAS BEEN DENIED BECAUSE THE EAVES OF HOUSE EXTEND INTO THE 5 FT. SETBACK ON SIDE OF HOUSE. HOUSE WAS BUILT IN APPROX. 1970. WE HAVE OBTAINED RELEASE OF EASEMENT FROM PEDERNALES ELEC. COOP. INC. ON THE WESTERLY PROPERTY LINE. WE REQUEST THAT A VARIANCE BE GRANTED TO ALLOW THE NEW CONSTRUCTION TO PROCEED WITHOUT BRINGING THE EXISTING ROOFLINE INTO COMPLIANCE.

Reason for request of variance?

THE VARIANCE IS REQUESTED SO THAT WE MAY PROCEED WITH CONSTRUCTION OF CARPORT EVEN THOUGH EXISTING ROOF EAVES EXTEND INTO THE 5 FT. SETBACK ON WEST SIDE OF HOUSE. WE REQUEST A VARIANCE BE GRANTED FROM APPLICATION OF ORDINANCE NO. 40-6(g) TO ALLOW THE NEW CONSTRUCTION.

Signature

Print Name

STEPHEN E. BLYTHE

Date

11/30/15

Fee: There is a nonrefundable fee of \$100 for the first appeal and \$50 for each additional.

Location of the Property: (address/legal description)

Lot # 995 of Block # _____ of the MYSTIC CASTLE Section

of SHEERWOOD SHORES Subdivision. Commonly known as

513 E. BRIARWAY Granite Shoals, Texas 78654

(if applicable) Abstract # _____ Survey Name: _____

Size of property: 50' X 176'

Metes and Bounds description - if applicable: please attach on separate page to this application.

Zoning of property: R-1

Present Use of Property: RESIDENTIAL

State the SPECIFIC PROVISION of the zoning ordinance for which you are requesting a variance. (You may give the Section number and paragraph, OR you may DESCRIBE the regulation/requirement.)

SIDE YARD SETBACK (ORD. 663, SECTIONS L AND Q)

Describe SPECIFICALLY the variance you are seeking:

WE HAVE BEEN DENIED A BUILDING PERMIT TO CONSTRUCT A CARPORT ON FRONT
OF HOUSE ON A PORTION OF EXISTING DRIVEWAY BECAUSE THE ^{EXISTING} ROOF EAVES
EXTEND INTO THE 5' SIDE SETBACK. THE HOUSE WAS BUILT IN 1970
OR EARLIER. WE REQUEST A VARIANCE FROM APPLICATION OF SETBACK
REQUIREMENT. WE HAVE OBTAINED A RELEASE OF EASEMENT FROM
PENABNALES ELEC, COOP, INC ON THE WESTERLY SIDE EASEMENT (ALL
ELECTRICAL SERVICE LINES ARE ON EASTERN SIDE OF HOUSE).

In order for your request to be granted, the Board of Adjustment must cast at least FOUR out of five votes in support of your application.

In order for the Board members to vote in support of your application, you must prove several things by your application.

Your application must clearly show that your property has SPECIAL CONDITIONS- for instance - AREA, SHAPE or SLOPE of the property that distinguish it from other properties within the same zoning district and must explain how these conditions prevent your property from being appropriately developed without a variance. (This section may not be necessary for appeal of decision cases, complete if applicable)

Describe the SPECIAL CONDITIONS of the property that distinguish it from other properties in the same zoning district:

THE EXISTING ROOF EAVES EXTEND APPROX. 2 1/2 FT INTO THE 5' SIDEYARD SETBACK. HOUSE WAS BUILT IN 1970 OR BEFORE. THE BUILDING INSPECTOR HAS ADVISED OUR CONTRACTOR THAT ANY NEW CONSTRUCTION (THE PROPOSED CARPORT) CANNOT PROCEED UNTIL THE HOUSE (ROOF EAVES) ARE BROUGHT INTO COMPLIANCE.

Explain how these SPECIAL CONDITIONS prevent the property from being appropriately developed without a variance:

IT WOULD NOT BE PRACTICAL AND WOULD BE COST PROHIBITIVE TO CONFORM THE ROOF EAVES.

Additionally, in order for the Board members to vote in support of your application, it must be shown that the SPECIAL CONDITIONS that you have described are NOT the result of your own actions (See *City of Dallas v. Vanesko*, 189 S.W.3d 769 (Tex. 2006)).

Explain how the SPECIAL CONDITIONS affecting your property came to be, AND how they ARE NOT the result of YOUR OWN ACTIONS, (This section may not be necessary for appeal of decision cases, complete if applicable):

OUR HOUSE WAS PURCHASED IN ITS PRESENT CONDITION IN 2005.

AS STATED THE ^{HOUSE} WITH THESE ROOF EAVES HAVE BEEN IN

PLACE SINCE APPROX. 1970.

Furthermore, you must demonstrate that the variance you are seeking will permit you to enjoy the same rights with respect to the use of your property that are presently enjoyed by other properties in the same vicinity or zone as your property.

Explain how the City's ordinance requirement(s) prevent you from enjoying a right to use your property that is presently enjoyed by other properties in the same vicinity or zone as your property:

MANY HOMES IN OUR AREA USE EXTERNAL PARKING COVERS

(CARPORTS) OF VARIOUS STYLE AND SHAPE. MANY HOMES IN OUR

AREA HAVE SIMILAR ROOF EAVES EXTENDING INTO THE SIDE SETBACK

AREA.

Additionally, you must demonstrate that the granting of a variance will not adversely affect the land use pattern as outlined in the City's zoning map and will not adversely affect any other feature of the City's comprehensive use plan.

Explain how your request for a variance will not adversely affect the City's land use pattern or any other feature of the City's comprehensive use plan: (This section may not be necessary for appeal of decision cases, complete if applicable)

CONSTRUCTION OF OUR CARPORT WITHOUT BRACING ROOF EAVES
INTO COMPLIANCE WOULD NOT IMPACT THE CITY IN ANY WAY.

Finally, you must demonstrate that the granting of the variance will not be a material detriment to the public welfare or injure the use, enjoyment or value of the properties in the vicinity of your property.

Explain how the granting of a variance will not be injurious to the public welfare or to the use, enjoyment or value of the properties in the vicinity of your property (This section may not be necessary for appeal of decision cases, complete if applicable):

GRANTING OF THE VARIANCE WILL NOT INJURE PUBLIC WELFARE
AND WILL NOT IMPACT ANY ADJOINING PROPERTIES IN OUR AREA. MY
NEIGHBOR ON WEST SIDE OF OUR PROPERTY IS AWARE OF AND
SUPPORTIVE OF OUR REQUEST AND PROPOSED CONSTRUCTION.

Required Acknowledgements

Please read the following statements carefully and initial each line. By placing your initials next to the statements below, you, **the property owner**, are stating that you agree with and will abide by these requirements (please initial acknowledging adherence).

Initial

SB CB By filing this request for a variance, I understand that any construction that requires said variance shall cease until such time that the variance is approved, if applicable. Should the Board of Adjustment deny the request, I may pursue an appeal or bring my property into compliance in accordance with any and all City codes **within 30 days**.

SB CB I understand and agree that prior to the hearing of this case by the Board of Adjustment, staff will conduct a thorough site visit in order to take photographs of the property for use at the public hearing. This site visit may necessitate complete access to the subject property. Staff will make a reasonable attempt to contact the property owner prior to visiting the site. I hereby agree to allow staff to enter the property for the purposes of conducting the site visit, and I understand that it is my responsibility to ensure that conditions at the subject site will not create a hindrance to city staff. If site conditions are not conducive to staff completing the necessary task during the site visit, I understand that my case may be delayed.

SB CB Any exhibits submitted by the applicant (audio, visual, document, or otherwise) must be submitted to staff at least five (5) business days prior to the public hearing, and will not be returned.

SB CB Refunds will not be issued.

SB CB I understand that I may be represented at the hearing, either personally or through the agent of my choosing. I understand that the Board may deny requests for which the applicant or an agent do not appear to provide testimony.

SB CB I understand that letters will be sent to neighboring property owners, and that information from this application will be published in the *Highlander News*, to notify the public and interested parties about this case.

SB CB I understand that all Board of Adjustment Hearings are noticed and held in open session and that citizens will be given a chance to be heard.

YOUR RIGHT TO APPEAL THE BOARD'S DECISION.

If you are dissatisfied with the Board's decision, you have a right to seek judicial review pursuant to Texas Local Government Code § 211.011.

Granite Shoals Board of Adjustments operates under applicable sections of the Local Government Code Section 211. This Code is available on the internet at the State of Texas website.

The BOA may authorize a variance from the Zoning Ordinance only upon finding:

- (1) There are special circumstances or conditions peculiar to the property;
- (2) The strict application of the terms of the Zoning Ordinance will impose upon the applicant unusual and practical difficulties or a particular hardship that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the Ordinance;
- (3) The proposed variance is in harmony with the Ordinance;
- (4) The proposed variance is in the public interest and will ensure that substantial justice will be done;
- (5) The granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty for the applicant;
- (6) The proposed variance not confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district;
- (7) The surrounding property will be properly protected and there are sufficient remaining regulations adequate to govern the project.

STATEMENT REGARDING RESTRICTIVE COVENANTS/DEED RESTRICTIONS

I have diligently searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants that apply to the property that would be in conflict with this Variance Request, except as follows:

Copy here or attach any restrictive covenant(s) that apply to your request. If there are none, then enter the word "NONE".

NONE

Definition:

“Restrictive Covenants and/or Deed Restrictions” are legal restrictions on the use of land in a subdivision, and are conditions under which you received title. These restrictions were made by the original developer and can be different for each subdivision. The City of Granite Shoals is not legally a party to these conditions and does not enforce restrictive covenants, but the owner of any property in the subdivision may have the right to file litigation if you violate a restrictive covenant. Restrictive Covenants/Deed Restrictions are on file at the Burnet County Courthouse and are also contained in the property abstract.

(Additional information may be deemed necessary by staff for processing this request.) This application must be completed in full, and all information requested must be provided, or this application will be declared incomplete and the case will not be scheduled.

Any additional information applicant wishes to provide regarding this request (optional):

NONE

I hereby certify that the information provided is true and correct to the best of my knowledge.

Date: 12-1-15

Signed:

Stephen E Blythe

Cindy Blythe

Print Name:

STEPHENE E. BLYTHE

CINDY BLYTHE

513 E. BRIARWAY DRIVE, GRANITE SHOALS, TX 78654

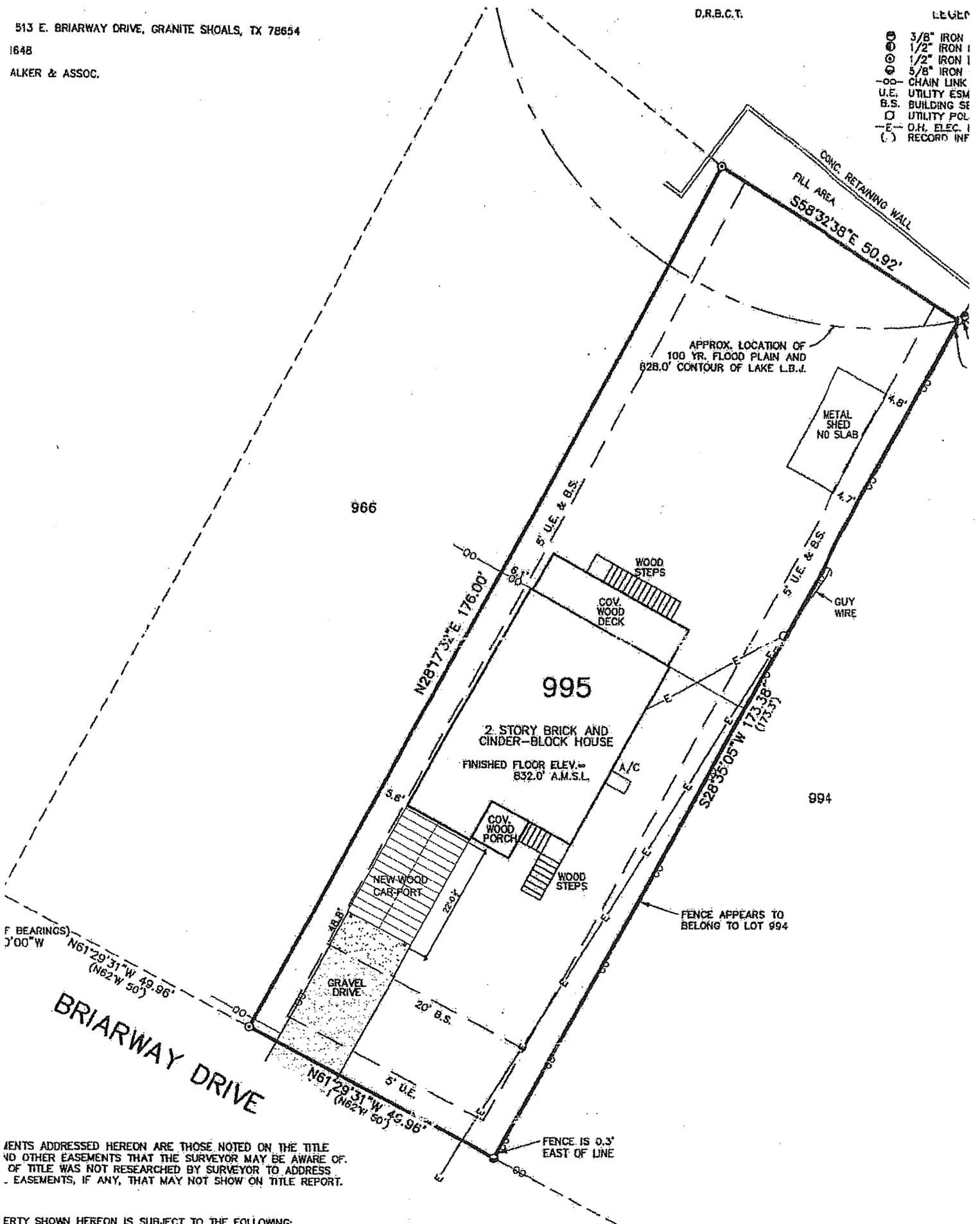
1648

ALKER & ASSOC.

D.R.B.C.T.

LEGEND

- ⊙ 3/8" IRON
- ⊙ 1/2" IRON
- ⊙ 1/2" IRON
- ⊙ 5/8" IRON
- 00- CHAIN LINK
- U.E. UTILITY ESM
- B.S. BUILDING SET
- UTILITY POL.
- E- D.H. ELEC. I
- () RECORD INF



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PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING:

EASEMENTS AND BLDG. SETBACKS AS SHOWN HEREON AND IN VOL. 125 D.R.B.C.T.

NOTE: A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE WITHIN THE 100 YEAR FLOOD PLAIN AND 628.0' CONTOUR OF LAKE L.B.J.

STAN HEMPHILL - CHIEF APPRAISER
P. O. Box 908 Burnet, Texas 78611
Phone: 512-756-8291
Fax: 512-756-7873

BURNET CENTRAL APPRAISAL DISTRICT

2015 TAX STATEMENT

STATEMENT NUMBER	62171
PROPERTY ID NUMBER	32361
PROPERTY GEOGRAPHICAL ID	06560-0000-00995-000
PROPERTY SITUS / LOCATION	513 E BRIARWAY DR

NAME & ADDRESS	PROPERTY DESCRIPTION
Owner ID: 107000 Pct: 100.000% BLYTHE STEPHEN E AND CINDY A PO BOX 2088 TEMPLE, TX 76503-2088	S6560 MYSTIC CASTLE (SHERWOOD SHORES) LOT 995 Acreage: 0.0000 Type: R

LAND MARKET VALUE	IMPROVEMENT MARKET VALUE	AG/TIMBER USE VALUE	AG/TIMBER MARKET	ASSESSED VALUE
115,000	167,408	0	0	282,408

100% Assessment Ratio Appraised Value: 282,408

Taxing Unit	Assessed	Homestead Exemption	OV65 or DP Exemptions	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
**WATER CONSERV DIST O	282,408	0	0	0		282,408	0.009100	25.70
*MARBLE FALLS ISD	282,408	0	0	0		282,408	1.280000	3,614.82
*CO SPECIAL, ROAD & BR	282,408	0	0	0		282,408	0.042400	119.74
*BURNET COUNTY	282,408	0	0	0		282,408	0.360100	1,016.95
*CITY OF GRANITE SHOAL	282,408	0	0	0		282,408	0.520700	1,470.50

CITY TAXES REDUCED BY SALES TAX \$45.75

Total Taxes Due by Jan 31, 2016 6,247.71

Penalty & Interest if paid after Jan 31, 2016		
If Paid in Month	P&I Rate	Tax Due
February 2016	7%	6,685.06
March 2016	9%	6,809.99
April 2016	11%	6,934.97
May 2016	13%	7,059.92
June 2016	15%	7,184.86

Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes.

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED, AND YOU OCCUPY THE PROPERTY DESCRIBED IN THIS DOCUMENT AS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

www.burnet-cad.org

DETACH HERE AND RETURN WITH PAYMENT

Make check payable to:

STAN HEMPHILL - CHIEF APPRAISER
BURNET CENTRAL APPRAISAL DISTRICT
PO BOX 908
223 SOUTH PIERCE
BURNET, TX 78611



Owner Name and Address	Statement Number
BLYTHE STEPHEN E AND CINDY PO BOX 2088 TEMPLE, TX 76503-2088	2015 62171
	Prop ID Number
	32361
	Geographical ID
	06560-0000-00995-000

See payment schedule below for tax due.

If Paid in Month	Tax Due
October 2015	6,247.71
November 2015	6,247.71
December 2015	6,247.71
January 2016	6,247.71
February 2016	6,685.06
March 2016	6,809.99
April 2016	6,934.97
May 2016	7,059.92
June 2016	7,184.86

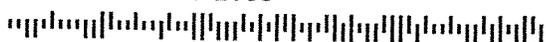
In January Pay
6,247.71

Taxes are payable October 1, 2015 and become delinquent on February 1, 2016

14489



BLYTHE STEPHEN E AND CINDY A
PO BOX 2088
TEMPLE TX 76503-2088



2005020233B-HB

WARRANTY DEED WITH VENDOR'S LIEN

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.

Date: March 1, 2005

Grantor: SAJAL, LTD

Grantee: STEPHEN E. BLYTHE AND WIFE, CINDY A. BLYTHE

Grantee's Mailing Address (including county):

3409 CHISHOLM TRAIL
SALADO, TEXAS 76571

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration and note of even date executed by Grantee payable to the order of LRS FINANCIAL NETWORK, INC. DBA HNB MORTGAGE ("Lender"), in the amount of \$ 167,500.00 the note being secured in whole or in part by vendor's lien and superior title retained in favor of Lender in this deed and also secured by a deed of trust of even date from Grantee to REBECCA SUZANNE SMITH, Trustee;

and a note dated 03/01/05 executed by Grantee payable to the order of M. T. JOHNSTON ("Lender"), in the amount(s) of \$ 40,000.00 the note being secured in whole or in part by vendor's lien retained in favor of Lender in this deed and also secured by a deed of trust of even date from Grantee to JACK M. TARVER, Trustee.

Property (including any improvements):

BEING THE SURFACE RIGHTS ONLY IN AND TO LOT NO. NINE HUNDRED NINETY-FIVE (995), MYSTIC CASTLE SECTION, SHERWOOD SHORES, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 150, PLAT RECORDS OF BURNET COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR ALL PERTINENT PURPOSES.

Reservations from and Exceptions to Conveyance and Warranty:

All valid easements, restrictions, covenants, mineral reservations and maintenance fund liens, if any, applicable to the above described property as shown by the records of the County Clerk of the county in which said real property is located.

1315 0058
OFFICIAL PUBLIC RECORD
BURNET COUNTY, TEXAS

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns, as the case may be, forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns, as the case may be, to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute. The vendor's lien and superior title are transferred to Lender without recourse on Grantor.

When the context requires, singular nouns and pronouns include the plural.

SAJAL, LTD
—Seller

By: [Signature]
Its:

State of TEXAS
County of ~~BURNET~~ LLANO DC

§
§

This instrument was acknowledged before me on the 1 day of March, 2005
by Charles, the Pres. of SAJAL, LTD on behalf of said Limited Partnership

[Signature]
Notary Public

(Printed Name)

My commission expires



DARLENE RILEY
Notary Public
STATE OF TEXAS
My Commission
Expires 05/03/2005

OFFICIAL PUBLIC RECORD
BURNET COUNTY, TEXAS
1315 0059



RELEASE OF EASEMENT

STATE OF TEXAS ∞
COUNTY OF BURNET ∞

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the previous owners/developers of the lots in Sherwood Shores Subdivision, Mystic Castle Section, a subdivision in Burnet County, Texas according to the map or plat thereof, heretofore granted utility easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Sherwood Shores Subdivision, Mystic Castle Section, said utility easements being recorded in Volume 1, Page 150 in the Plat Records of Burnet County, Texas; and,

WHEREAS, said utility easements referred to hereinabove include and are comprised of all lots within Sherwood Shores Subdivision, Mystic Castle Section, in Burnet County, Texas; and,

WHEREAS, Steve Blythe, as current owner of Lot 995, desires that the five foot (5') utility easement along the most westerly property line of Lot 995, Sherwood Shores Subdivision, Mystic Castle Section, Burnet County, Texas be abandoned and released in full; and,

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have an adequate easement to said property through the remaining utility easements as granted above;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby release the five foot (5') utility easement along the most westerly property line of Lot 995, Sherwood Shores Subdivision, Mystic Castle Section, Burnet County, Texas, and referred to hereinabove.

EXECUTED: October 7, 2015

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY:

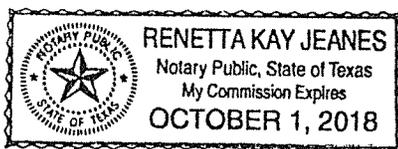
Nathan Burns
Nathan Burns
Director, District Operations

THE STATE OF TEXAS ∞
COUNTY OF BURNET ∞

BEFORE ME, the undersigned authority, on this day personally appeared Nathan Burns, Director, District Operations of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE October 7, 2015.

Renetta Kay Jeanes
Notary Public in and for the State of Texas

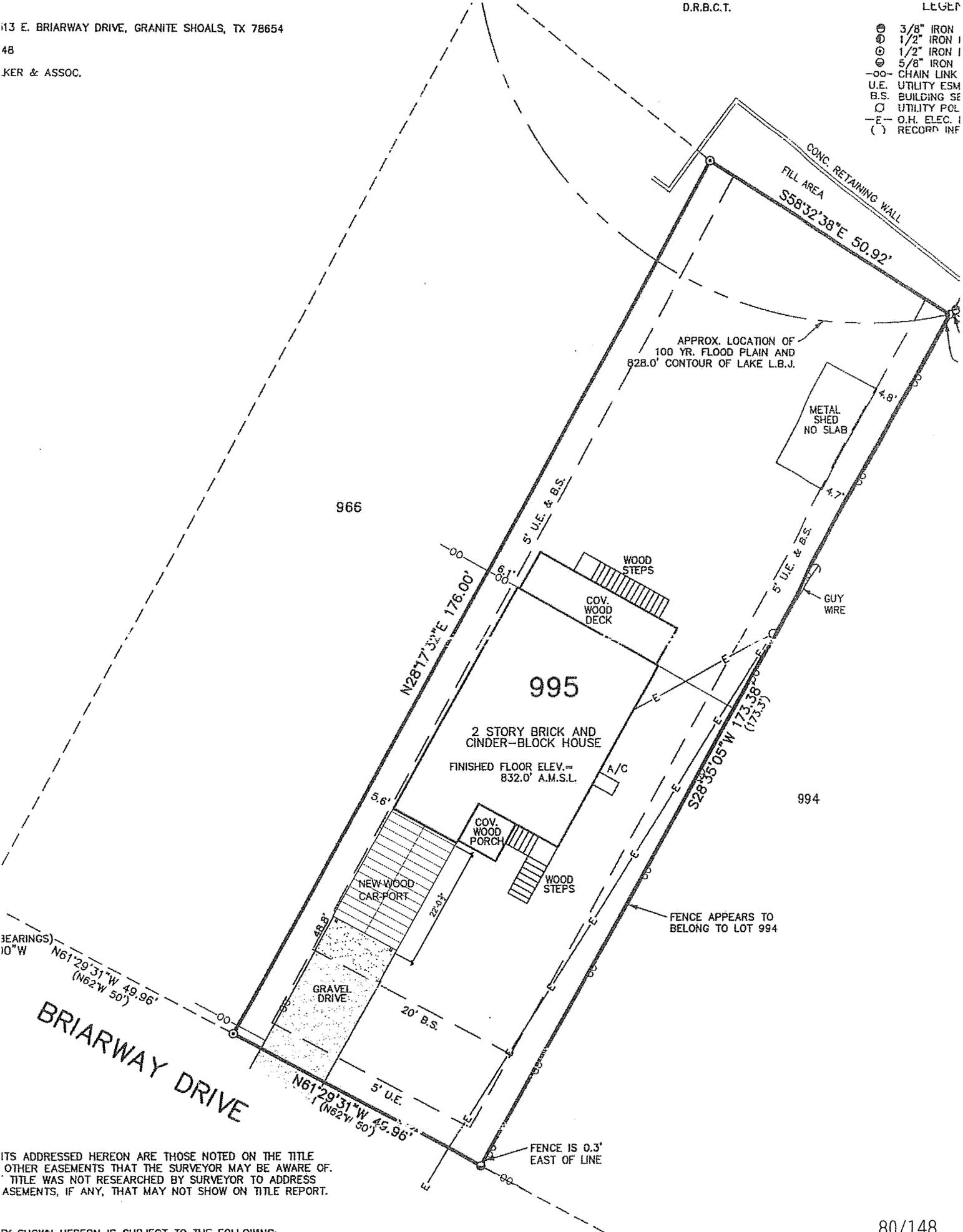


- ⊙ 3/8" IRON
- ⊙ 1/2" IRON
- ⊙ 1/2" IRON
- ⊙ 5/8" IRON
- 00- CHAIN LINK
- U.E. UTILITY ESM
- B.S. BUILDING SET
- UTILITY PCL
- E- O.H. ELEC. L
- () RECORD INF

113 E. BRIARWAY DRIVE, GRANITE SHOALS, TX 78654

48

KER & ASSOC.



ITS ADDRESSED HEREON ARE THOSE NOTED ON THE TITLE
 OTHER EASEMENTS THAT THE SURVEYOR MAY BE AWARE OF.
 TITLE WAS NOT RESEARCHED BY SURVEYOR TO ADDRESS
 ASEMENTS, IF ANY, THAT MAY NOT SHOW ON TITLE REPORT.

TY SHOWN HEREON IS SUBJECT TO THE FOLLOWING:
 MTS. AND BLDG. SETBACKS AS SHOWN HEREON AND IN VOL.
 D.R.B.C.T.

NOTE:
 A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE WITHIN THE 100

002606

FILED

2005 MAR -7 PM 12:17

JANET PARKER
COUNTY CLERK
BURNET COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BURNET

I hereby certify that this instrument was FILED on this date
and at the time stamped hereon by me and was duly
RECORDED in the OFFICIAL PUBLIC RECORDS
OF BURNET COUNTY, TEXAS in the volume
and Page as shown.



Janet Parker
County Clerk
Burnet County, Texas
By *[Signature]*
DEPUTY

Any provision herein which restricts the sale, rental or use
of the described real property because of color or race is
invalid and unenforceable under federal law.

OFFICIAL PUBLIC RECORD
BURNET COUNTY, TEXAS
1315 0060



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: 8. Special WORKSHOP – Joint City Council and WAC
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

8. SPECIAL JOINT WORKSHOP Special meeting with Wildlife Advisory Committee of Granite Shoals

To discuss reports, updates, and recommendations of the Wildlife Advisory Committee related to plans for a City Urban Deer Management program. This was discussed at the December 15, 2015 Regular City Council meeting, including discussion of proposed Ordinances to regulate Deer Feeding in the city limits, to establish a deer management program, and to modify the current ordinance related to use of Firearms (bows and arrows) within the city limits in conjunction with this program, respectively.

The WAC is meeting in special workshop session on 1 19 2016 to refine the proposal they wish to make to the City Council related to Urban Deer Management.

CITY OF GRANITE SHOALS, TEXAS

2016-2017 PILOT WILDLIFE MANAGEMENT HARVESTING PROGRAM

WILDLIFE HARVESTING TEAM REQUIREMENTS AND TESTING

TEAM MEMBERS:

1. 10 MEMBERS ON THE TEAM WITH 2/3 ALTERNATES
2. PREFERRED LOCAL RESIDENCE

REQUIREMENTS:

1. MINIMUM 21 YEARS OF AGE
2. POSSESS A BOW OR CROSSBOW WITH MINIMUM 60 POUNDS OF DRAW WEIGHT
3. POSSESS A TEXAS HUNTING LICENSE
4. POSSESS A TEXAS BOWHUNTER EDUCATION CERTIFICATE
5. POSSESS A CELL/SMART PHONE WITH CAMERA AND TEXTING OR EMAIL ABILITY
6. POSSESS A VALID TEXAS DRIVERS LICENCES AND THEIR OWN TRANSPORTATION
7. ATTEND AN OVERVIEW OF THE OVERALL WILDLIFE MANAGERMENTS PROGRAM GOALS, REQUIREMENTS AND THE LAW

PROFICIENCY DECISION TEST REQUIRMENTS:

1. 15 QUESTION EXAMINATION WILL BE ADMINISTERED WITH A 100% PASSING SCORE REQUIRED (MAXIMUM 2 ATTEMPTS)
 - A. 10 PHOTOS PICTURES WITH SHOOT OR NO SHOOT SITUATIONS
 - B. WHEN TO CALL FOR ASSISTANCE
 - C. WHEN TO SAY "NO" TO A SITUATION

PROFICIENCY SHOOTING TEST REQUIREMENTS

1. SHOOT BOW OR CROSSBOW WITH MINIMUM 1-1/2" FIXED OR MECHANICAL BROADHEAD
2. SHOOT WITH GAME TRACKER MODEL 2500 PROFESIONAL UNIT STRING ATTACHED TO ARROW
3. SHOOT WITH LIGHTED ARROW OR BOLT NOCK
4. SHOOT FROM MINIMUM 8 FT. TALL HUNTING TYPE PLATFORM

PROFICIENCY SHOOTING REQUIREMENTS:

1. SHOOT THREE ARROWS FULLY OUTFITTED WITH BROADHEAD AND GAME TRACKER STRING INTO A 3-INCH DIAMETER BULLSEYE. TWO ATTEMPTS TO BE 100% WITH ALL THREE ARROWS OR BOLTS.
2. SHOOT AT A DISTANCE OF 15 - 20 YARDS.

REGULAR MONTHLY PROFICIENCY MAINTENANCE REQUIREMENTS:

1. MONTHLY, EACH TEAM MEMBER WILL HAVE TO PASS THE PROFICIENCY SHOOTING REQUIREMENTS TO MAINTAIN THEIR ABILITY TO PARTICIPATE.
 - A. IF A MEMBER DOES NOT PASS THEY CAN ATTEMPT TO BE AN ALTERNATE IN THE NEXT MONTHS MONTHLY PROFICIENCY SHOOTING TEST.
2. ATTEND AN OVERVIEW OF THE OVERALL WILDLIFE MANAGERMENTS PROGRAM GOALS AND REQUIREMENTS.

The City of Granite Shoals urban deer management program guidelines and schedule of events.

April approval from City Council of NO Feeding Ordinance

July deer census to be completed by WAC.

August 1 WMPs for selected harvest locations submitted to TPWD biologist. Any WMP submitted after Aug. 15 would be reviewed as time allows with no guarantee that tags would be issued prior to season.

August- Any occupied dwelling within 75 yards of harvest location to be contacted regarding retrieval of animals, written permission form completed.

September harvest locations to be constructed and secured

September: All MLD level 1 permits are issued from TPWD to the individual property owner. It is then the property owners' duty to ensure that the guest harvester has registered with the City of Granite Shoals.

MLD level 1 permit hunting starts Sept. _____ thru Feb _____.

No hunting locations are to be active during the Holidays.

Harvesting to be done by means of MLD level 1 tags only. It is unlawful to harvest any buck within the city limits. Antlerless only deer to be harvested, at this time NO antlered deer to be taken. Any hunter that harvests an antlered deer will have their hunting privileges revoked immediately.

All hunt stations will be predetermined locations, and may be monitored by GSPD hunting outside of one of these locations will be considered poaching and appropriate action will be taken.

Stands will be no more than 8' elevated, no shot to be more than 20 yds.

Archery Proficiency exam must be completed and passed prior to any harvesting, and may be completed using any lawful archery means as described by TPWD.

Any hunter not hunting on their own property to have a placard on dash of vehicle.

Any animal that expires on an occupied property hunter to make every attempt to notify owner for permission to retrieve expired animal.

All hunters must sign liability waiver upon registration.

The WAC can without prejudice revoke ones hunting privileges if at any time they feel that anyone is compromising the integrity of the program, even if it cannot be proven without reasonable doubt.

All hunters must provide proof of a valid hunting license.

All animals harvested must be cared for in accordance to state law, anyone caught violating these requirements will be turned over to the appropriate authority.

All hunters must dispose of deer carcasses appropriately. I.e. double bag and taken to local landfill or waste disposal company pick up.

All hunters to keep record of approximate yardage that the deer ran from shot location to its place of expiration.

The program is a one shot program, once you shoot a deer that deer is to be recovered before another shot can be taken. Furthermore hunter must make every attempt to recover their arrow/bolt.

All hunters must be registered with the Granite Shoals Police Dept. even if harvesting is being done on private property.

A hunter discharging any archery equipment shall use reasonable care to ensure the arrow does not cross any property line and enter any other property on which the hunter does not have permission to hunt. The discharge of an arrow across or

over the boundaries of other property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted within reasonable care and the hunters' privileges may be revoked.

Archery Equipment

All archery equipment and hunting apparel (i.e. camouflauge) to be stored inside of vehicle or dwelling while recovery process is taking place. A hunter may carry a knife to dispatch deer if needed.

All hunters are required to use a string tracking device, and illuminated nock on arrows or bolts.

All harvesters must provide their own Safety harness, and safety harness must be used at all times even if hunter is on private land. Any hunter caught not using a safety harness will be asked to leave the hunt location and their hunting privileges may be revoked.

All hunters must shoot expandable broad head with minimum 1.5" cutting width.

I _____ hereby agree to the terms of the program and understand that a violation of these terms could result in revocation and or legal charges.

Signature _____

Date _____

GSPD Registration Form for Deer Management Program

(Form required to be submitted every year and at least 7 days prior to harvesting)

Date _____

Name (first, last) _____

Address _____

Phone _____

Vehicle _____

Make _____

Model _____

Color _____

License plate # _____

TXDL # _____

Harvester's Signature _____ Date _____

Police Chief/Designated agent _____ Date _____

City of granite shoals urban deer management program registration form.

Date _____

Name _____

Address _____

Phone number _____

Email address _____

Have you registered with Granite Shoals police chief Yes No

How many years have you been archery hunting? _____

Do you have a valid hunting license? Yes. No.

License # _____ exp. Date _____

Have you completed the international bow hunter education program? Yes No

Certification card # _____ date issued _____

Type of bow you will be using. Compound. Crossbow

I, _____ Agree to comply with all of the program guidelines, and acknowledge that my privileges may be revoked at any time should the WAC feel that I have acted in a manner that jeopardizes the integrity of the program, even if it cannot be legally proven beyond reasonable doubt.

Signature _____

Date _____

ORDINANCE NO ____
“No Deer Feeding Ordinance”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 4 (ANIMALS) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES TO ADD A NEW SECTION 4-15 (FEEDING OF DEER PROHIBITED); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Granite Shoals, Burnet County, Texas ("Council") seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, on or about March 11, 2015, the Council established a Wildlife Committee to study the desirability and feasibility of managing the wildlife populations, with emphasis on white-tailed deer, within the City consistent with the laws and regulations of the State of Texas; and

WHEREAS, the Wildlife Committee has worked diligently and continues to work diligently to accomplish its purposes; and

WHEREAS, the Wildlife Committee has conducted a citizen survey, held a town hall meeting, reviewed data, and worked closely with the Texas Parks and Wildlife Commission to formulate recommendations regarding wildlife management within the City; and

WHEREAS, the Wildlife Committee has recommended that the Council adopt a regulation prohibiting the feeding of deer within the city limits; and

WHEREAS, the Council finds that it is in the best interest of the public to impose reasonable regulations on the feeding of deer; and

WHEREAS, as authorized under law, and in the best interest of the citizens of Granite Shoals, Texas, the Council deems it expedient and necessary to establish the following rules and policies for the feeding of deer within the city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I
FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II AMENDMENT

Chapter 4 (Animals) of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 4-15 (Feeding of Deer Prohibited) of the City of Granite Shoals Code of Ordinances is hereby created as follows:

“Sec. 4-15. Feeding of Deer Prohibited.

- (a) No person shall purposely feed or provide food (as described in subsection (c) below), through a ground-feeding station, salt lick or by other means, to wild deer in the city on any public or private land.
- (b) For the purpose of this section, a deer shall be deemed to be wild unless it is legally kept in an enclosed barn, fence or other structure on private property sufficient to prevent the deer from leaving the confines of such enclosed area.
- (c) A person shall be deemed to have purposely fed or caused deer to be fed if the person places wheat, pelleted livestock food, corn in any form, fruit, vegetables, hay or alfalfa, human food scraps, any form of commercially sold wildlife feed, birdseed or livestock feed, or any other edible matter that deer will consume (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of deer (not including birdseed in a bird feeder). This prohibition shall not apply to edible matter located either in an enclosed building or stored in a securely sealed package.
- (d) The prohibition of this section shall not apply to any peace officer, animal control officer, or other agent of the city acting pursuant to a deer control program approved by the City Council.
- (e) Penalties. A person who violates the proscription set forth in the Deer Feeding Ordinance commits a misdemeanor punishable under the General Penalty provision, Section 1-10 of the City of Granite Shoals Code of Ordinances.”

SECTION III SAVINGS

Any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION IV
SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V
REPEALER**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION VI
EFFECTIVE DATE**

This ordinance will become effective on [____]. Penalties will not be assessed pursuant to this ordinance until two months after the effective date.

**SECTION VII
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ, PASSED, AND ADOPTED THIS ___ DAY OF _____, 2016.

By: _____

Carl Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Brad Young, City Attorney



City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016

Agenda Item: Item 9a. Board and Committee Member Appointments
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

Discuss, consider and possibly take action regarding making appointments Boards and Committees, if appropriate. *(City Secretary Elaine Simpson)*

BACKGROUND

This item is a 'standing' item on agendas during such time as the Council is attempting to fill several vacancies.

There have not been any applications, as of the time this agenda packet 'went to press', submitted for Council consideration on January 22, 2016. If there are no applications received by Council Meeting time, this agenda item will be skipped.

The following Boards and Committees have vacancies:

	Board of Adjustment 1 vacancy
1	Stephen Carter - VICE CHAIR
2	Don Bryant
3	Bill Farr
4	Jon R. Campbell
5	Larry Crochet
6	Ted Gulden - CHAIR
7	
	At Least Five Members and No more than Seven
	Planning and Zoning Commission – 1 vacancy
1	Shannon Wilson, Chair
2	Susie Hardy, Vice Chair
3	

4	Shawna Williams
5	Paul Fletcher
6	Claudine Gonzales
7	Terry Scott
	At Least 7 members - 4 is a quorum

	Airport Advisory Committee – committee is not active.
	George Forster
	Neil Haverlah
	Al Buschorn
	Jeffrey Hunt

	Beautification Advisory Group - up to 11 vacancies
1	Donna Maier-Chair
2	Carol Carter
3	
4	Merilyn Nations
5	Julie A. Brugger
	No fewer than 3 nor more than 15 members
	3 members, or 1/3 of the appointed membership is quorum, whichever is greater

	Parks Advisory Committee 2 vacancies
1	
2	Wolf S. Williams
3	Seth Smith - Chair
4	Brad Williams - Vice Chair
5	Nelly Griffin
6	Katie Logan
7	ADVISORY CAPACITY - Council Member Shirley King
8	Diana Marichalar
9	
	Not Fewer than 4 members, no more than 9 and four is a quorum

	Street and Water Advisory Group - Ord. 630 1-14-2014 1 vacancy
1	Billy Cauley
2	Susie Hardy - Chair
3	Claudine Gonzales
4	Charles R. Myers
5	Jim Davant
6	
7	George LaChance
	No fewer than 5 members no more than 7, 4 is quorum

	Wildlife Committee - 2 vacancies
	Ord. 639 adopted 3-11-2014
1	Robbie Boswell
2	Jason Brady - Chair
3	Steve Hougen
4	Dennis Jowers
5	Willie Pack - Secretary
6	
7	Doug Ripple - Vice Chair
8	
9	Mary Jane Waters
	ADVISORY CAPACITY - Council Member Todd Holland
	At least 5 and no more than 9, quorum is 4 members
	50th Anniversary Planning Committee - 1 vacancy
1	Bessie Jackson - appointed by A. Hisey
2	Dennis Maier - appointed by Full Council
3	Patie Campbell - appointed by Eric Tanner
4	Pastor Tomas Dominguez - appointed by Full Council
5	Glynis Smith - appointed by Full Council
6	Brenda Davis - appointed by Full Council
7	Merilyn Nations - appointed by Mayor Brugger
8	At- Large - Rev. Jackie English
9	



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
Date: January 26, 2016**

Agenda Item: 9b. # May 7, 2016 Election options for the Sales Tax
Prepared/Submitted By: Elaine Simpson for Brad Young

AGENDA CAPTION

b. Discuss, consider and possibly take action on an Ordinance #681 related to calling a Special Election for the May 7, 2016 uniform election date related to proposing to voters a measure or measures for renewing, increasing, re-allocating or otherwise modifying the city's sales tax levy as provided for in HB 157, as discussed at the December 15, 2015 meeting and the January 12, 2016 meetings, respectively. (*City Attorney Brad Young*)

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

1. Continue to provide a safe Community
6. Continue to improve the City's Financial Stability
9. Planning and Vision for the future
11. Improve Communications to the citizens of Granite Shoals

BACKGROUND

The City Council has discussed the option of placing a proposition on the May 7, 2016 ballot to allow the City of Granite Shoals to modify the Sales Tax currently levied. Under new law, this Sales Tax can be earmarked for the General Fund, which would give the Council more flexibility in using the revenue for needed items. The Sales Tax levy adopted by the voters in May 2015 for property tax relief could be 're-allocated' to the General Fund, if voters allow. The current 'property tax relief' sales tax is complex, whereas, the 'all to General Fund' sales tax would be easily understood by all voters.

At the last meeting of City Council, meeting minutes of are in this agenda packet tonight, the Council tasked City Attorney Brad Young to bring back options for reallocation of Sales Tax for the May 7, 2016 Special Election.

Current Sales Tax Allocation: 1.0 % General Fund
.5% Property Tax Relief
.25% Street Maintenance (expires 9/16)

Option 1: 1.5 % General Fund
.5% Road Maintenance

PROPOSITION 1: The adoption of a local sales and use tax in the City of Granite Shoals at the rate of one and one half percent, the adoption of a local sales and use tax in the City of Granite Shoals at the rate of one fourth of one percent to provide revenue for maintenance and repair of municipal streets, and the abolition of the additional sales and use tax within the city.

PROPOSITION 2: The reauthorization of the local sales and use tax in the City of Granite Shoals at the rate of one fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

Option 2: 1.25% General Fund
.75% Road Maintenance

PROPOSITION 1: The adoption of a local sales and use tax in the City of Granite Shoals at the rate of one and one fourth percent, the adoption of a local sales and use tax in the City of Granite Shoals at the rate of one half of one percent to provide revenue for maintenance and repair of municipal streets, and the abolition of the additional sales and use tax within the city.

PROPOSITION 2: The reauthorization of the local sales and use tax in the City of Granite Shoals at the rate of one fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

Option 3: 1 % General Fund
1 % Road Maintenance

PROPOSITION 1: The adoption of a local sales and use tax in the City of Granite Shoals at the rate of one percent, the adoption of a local sales and use tax in the City of Granite Shoals at the rate of three fourths of one percent to provide revenue for maintenance and repair of municipal streets, and the abolition of the additional sales and use tax within the city.

PROPOSITION 2: The reauthorization of the local sales and use tax in the City of Granite Shoals at the rate of one fourth of one percent to continue providing revenue for maintenance and repair of

municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

Vernon's Texas Statutes and Codes Annotated

Tax Code (Refs & Annos)

Title 3. Local Taxation

Subtitle C. Local Sales and Use Taxes

Chapter 321. Municipal Sales and Use Tax Act (Refs & Annos)

Subchapter E. Tax Election Procedures

V.T.C.A., Tax Code § 321.404

§ 321.404. Ballot Wording

Effective: September 1, 2015

Currentness

(a) In an election to adopt the tax, the ballot shall be printed to provide for voting for or against the applicable proposition: "A sales and use tax is adopted within the city at the rate of _____ percent" (insert appropriate rate) or "The adoption of an additional sales and use tax within the city at the rate of _____ percent to be used to reduce the property tax rate" (insert appropriate rate).

(b) In an election to repeal the tax, the ballot shall be printed to provide for voting for or against the applicable proposition: "The local sales and use tax within the city is abolished" or "The abolition of the additional sales and use tax within the city."

(c) In a municipality that does not impose a property tax, the ballot at an election to adopt the additional municipal sales and use tax shall be printed to provide for voting for or against the following proposition: "The adoption of an additional sales and use tax within the city at the rate of _____ percent" (insert appropriate rate).

(d) In an election to reduce or increase the tax, the ballot shall be printed to provide for voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of _____ (insert appropriate rate)."

Credits

Added by Acts 1987, 70th Leg., ch. 191, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 2, § 14.14(b), eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 184, § 7, eff. May 24, 1991; Acts 2015, 84th Leg., ch. 1246 (H.B. 157), § 16, eff. Sept. 1, 2015.

V. T. C. A., Tax Code § 321.404, TX TAX § 321.404

Current through the end of the 2015 Regular Session of the 84th Legislature

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Vernon's Texas Statutes and Codes Annotated

Tax Code (Refs & Annos)

Title 3. Local Taxation

Subtitle C. Local Sales and Use Taxes

Chapter 321. Municipal Sales and Use Tax Act (Refs & Annos)

Subchapter E. Tax Election Procedures

V.T.C.A., Tax Code § 321.409

§ 321.409. Combined Municipal Sales Tax Ballot Propositions

Effective: September 1, 2005

Currentness

(a) Notwithstanding any provisions of this code or other state law, a municipality may by a combined ballot proposition lower or repeal any dedicated or special purpose municipal sales tax, including the additional sales tax for property tax relief, and by the same proposition raise or adopt any other dedicated or special purpose municipal sales tax, including the additional sales tax for property tax relief.

(b) A combined sales tax proposition under this section shall contain substantially the same language, if any, required by law for the lowering, repealing, raising, or adopting of each tax as appropriate.

(c) A negative vote on a combined sales tax proposition under this section shall have no effect on either the sales tax to be lowered or repealed by the proposition or the sales tax to be raised or adopted by the proposition.

(d) This section does not apply to sales tax elections called by any method other than by the governing body.

(e) This section shall not be construed to change the substantive law of any sales tax, including the allowed maximum rate or combined rate of local sales taxes.

Credits

Added by Acts 2005, 79th Leg., ch. 1313, § 1, eff. Sept. 1, 2005.

Vernon's Texas Statutes and Codes Annotated
Tax Code (Refs & Annos)
Title 3. Local Taxation
Subtitle C. Local Sales and Use Taxes
Chapter 327. Municipal Sales and Use Tax for Street Maintenance

V.T.C.A., Tax Code § 327.006

§ 327.006. Election Procedure

Effective: September 1, 2015

Currentness

(a) An election to adopt the tax authorized by this chapter is called by the adoption of an ordinance by the governing body of the municipality.

(b) At an election to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to provide revenue for maintenance and repair of municipal streets."

Credits

Added by Acts 2001, 77th Leg., ch. 464, § 1, eff. June 11, 2001. Amended by Acts 2003, 78th Leg., ch. 403, § 4, eff. June 20, 2003; Acts 2015, 84th Leg., ch. 1246 (H.B. 157), § 19, eff. Sept. 1, 2015.

V. T. C. A., Tax Code § 327.006, TX TAX § 327.006
Current through the end of the 2015 Regular Session of the 84th Legislature

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V. T. C. A., Tax Code § 321.409, TX TAX § 321.409
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Vernon's Texas Statutes and Codes Annotated
Tax Code (Refs & Annos)

Title 3. Local Taxation

Subtitle C. Local Sales and Use Taxes

Chapter 327. Municipal Sales and Use Tax for Street Maintenance

V.T.C.A., Tax Code § 327.0065

§ 327.0065. Rate Change

Effective: September 1, 2015

Currentness

(a) A municipality that has adopted a sales and use tax under this chapter may by ordinance decrease the rate of the tax in increments of one-eighth of one percent.

(b) A municipality that has adopted a sales and use tax under this chapter may by ordinance increase the rate of the tax to any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 327.003(b) if the increase is authorized at an election held in the municipality.

(c) The ballot for an election to increase the tax shall be printed to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to provide revenue for maintenance and repair of municipal streets."

Credits

Added by Acts 2003, 78th Leg., ch. 403, § 5, eff. June 20, 2003. Amended by Acts 2015, 84th Leg., ch. 1246 (H.B. 157), § 20, eff. Sept. 1, 2015.

V. T. C. A., Tax Code § 327.0065, TX TAX § 327.0065
Current through the end of the 2015 Regular Session of the 84th Legislature

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated

Tax Code (Refs & Annos)

Title 3. Local Taxation

Subtitle C. Local Sales and Use Taxes

Chapter 327. Municipal Sales and Use Tax for Street Maintenance

V.T.C.A., Tax Code § 327.007

§ 327.007. Reauthorization of Tax

Effective: June 10, 2015

Currentness

(a) Unless imposition of the sales and use tax authorized by this chapter is reauthorized as provided by this section, the tax expires on:

(1) the fourth anniversary of the date the tax originally took effect under [Section 327.005](#);

(2) the first day of the first calendar quarter occurring after the fourth anniversary of the date the tax was last reauthorized under this section if, at that election, the voters approved the imposition of the tax for a period that expires on that anniversary;

(2-a) if the tax is imposed in a municipality that is intersected by two interstate highways, that has a population of 150,000 or more, and in which at least 66 percent of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the tax favored adoption or reauthorization, and that tax has not expired as provided by Subdivision (1) or (2) since the first of those two consecutive elections, the last day of the first calendar quarter occurring after the eighth anniversary of the date the tax was last reauthorized under this section if, at that election, the voters approved the imposition of the tax for a period that expires on that anniversary instead of the period described by Subdivision (2); or

(3) if the tax is imposed in a general-law municipality with a population of 10,000 or more surrounded entirely by a municipality with a population of 1.3 million or more, the last day of the first calendar quarter occurring after the 10th anniversary of the date the tax was last reauthorized under this section if, at that election, the voters approved the imposition of the tax for a period that expires on that anniversary instead of the period described by Subdivision (2).

(b) An election to reauthorize the tax is called and held in the same manner as an election to adopt the tax under [Section 327.006](#), except the ballot proposition shall be prepared to permit voting for or against the proposition: "The reauthorization

of the local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the (insert fourth, eighth, or 10th) anniversary of the date of this election unless the imposition of the tax is reauthorized.”

(c) If an election to reauthorize the tax is not held before the tax expires as provided by Subsection (a), or if a majority of the votes cast in an election to reauthorize the tax do not favor reauthorization, the municipality may not call an election on the question of authorizing a new tax under this chapter before the first anniversary of the date on which the tax expired.

(d) Not later than the 10th day after the date the municipality determines that the tax will expire as provided by Subsection (a), the municipality shall notify the comptroller of the scheduled expiration. The comptroller may delay the scheduled expiration date if the comptroller notifies the municipality that more time is required. The comptroller must provide a new expiration date that is not later than the last day of the first calendar quarter occurring after the notification to the comptroller.

Credits

Added by Acts 2001, 77th Leg., ch. 464, § 1, eff. June 11, 2001. Amended by Acts 2003, 78th Leg., ch. 403, § 6, eff. June 20, 2003; Acts 2013, 83rd Leg., ch. 1322 (S.B. 475), § 1, eff. June 14, 2013; Acts 2015, 84th Leg., ch. 385 (H.B. 2853), § 1, eff. June 10, 2015.

V. T. C. A., Tax Code § 327.007, TX TAX § 327.007

Current through the end of the 2015 Regular Session of the 84th Legislature

ORDINANCE NO. 681

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS CALLING A SPECIAL ELECTION TO BE HELD JOINTLY WITH THE GENERAL ELECTION ON MAY 7, 2016 FOR VOTER AUTHORIZATION OF A LOCAL SALES AND USE TAX AND THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, Texas House Bill 571, which became effective on September 1, 2015, permits the voters to reallocate municipal sales tax rates in an amount that does not exceed two percent; and

WHEREAS, the City of Granite Shoals (City) currently has a sales tax rate of 1.0% local sales and use tax that goes into the City's general fund, .25% local sales and use tax that is dedicated to maintenance and repair of the City's streets; and .5% additional local sales and use tax for property tax relief; and

WHEREAS, pursuant to section 327.007 of the Texas Tax Code, the .25 % sales tax for street maintenance will expire in September 2016 unless it is reauthorized by the voters at the May 7, 2016 election; and

WHEREAS, the City Council wishes to give the voters the opportunity provided by HB 571 to reallocate the City's remaining sales tax rates in order to increase the amount of sales tax that is dedicated to street repair and maintenance, increase the amount of sales tax that supports other city projects through the City's general fund, and abolish the dedicated sales tax for property tax relief; and

WHEREAS, Texas Tax Code section 321.409 allows the City to combine separate sales tax propositions on the ballot but requires the City to use substantially the same language, if any, required by law for the lowering, repealing, raising, or adopting of each tax as appropriate; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be authorized to reallocate its sales tax rates in the manner described by the Attached Exhibit A, which is incorporated herein for all purposes; and

WHEREAS, the City hereby finds and determines that an election should be held to determine whether it shall be authorized to reauthorize the .25 % sales tax for street repair and maintenance in the manner described by the Attached Exhibit A, which is incorporated herein for all purposes; and

WHEREAS, in accordance with state law, the City Council of the City of Granite Shoals, Texas, calls a special election to be held jointly with the general election to be held on May 7, 2016, and add to the ballot for voter consideration the ballot measures on the attached Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

Section 1. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Date of Election. A Special Election (“Election” or “Special Election”) shall be held in the City of Granite Shoals on the 7th day of May, 2016, which is the next succeeding uniform election date and is not less than 30 days after the passage of this ordinance. At such Election the ballot shall be printed to provide for voting for or against the ballot measures on the attached Exhibit A.

Section 3. Conduct of Election: Pursuant to Chapter 31 of the Texas Election Code, the Council orders that the Election be held under an Election Services Contract with the Burnet County Clerk.

Pursuant to Chapter 271 of the Texas Election Code, the Council orders that this Election be conducted under the terms and conditions of an Agreement to Conduct Joint Elections with other political subdivisions holding an election on the same date.

The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election. The voting at such election shall be by DRE electronic voting device. Early voting at such election shall also be DRE electronic voting device. Early Voting by Mail will be by paper ballots.

Section 4. Election Day Precincts, Polling Places, Precinct Officials and Voting Times: The presently existing boundaries and territory of the respective Burnet County Election Precincts that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts of the City for the Election.

On election day, the polls shall be open from 7:00 AM to 7:00 PM.

The returns for precincts in Burnet County will be provided by precinct for the Special Election, and the Burnet County Elections Administrator shall tabulate and provide the election returns for all remaining election items.

Section 5. Early Voting: Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Elections Administrator. Early voting shall commence on Monday, April 25, 2016, and continue through Tuesday, May 3, 2016. Early voting extended hours shall be held as established by Burnet County.

Section 6. Appointment of Election Officials. Appointments of the Election Day Presiding Judge and Alternate Presiding Judge will be made by approval of the City Council subsequent to adoption of this ordinance.

Section 6. Notice of Election: The City Secretary is hereby authorized and directed to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law. The City Secretary is directed to publish notice of the election in the City's official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the tenth (10th) day before the date of the election. To the extent applicable, the City Secretary shall also provide public notice of the election in accordance with the Texas Election Code.

Section 7. Severability: Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 8. Repealer: The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 9. Authorization to Execute: The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 10. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 11. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON this the _____ day of _____, 2016.

APPROVED:

Carl Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Brad Young, City Attorney



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: 9. c. Proposed Ord. 682 Regulation of Alcoholic Beverages
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary, for City Attorney Brad Young

AGENDA CAPTION

9.c. Discuss, consider and possibly take action related to proposed Ordinance #682 for the Regulation of Alcoholic Beverages in the city. *(City Attorney Brad Young)*

Ordinance No. 682

“Regulation of Alcoholic Beverages”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, REPEALING ORDINANCE NO. 85 RELATING TO THE SALE OF ALCOHOLIC BEVERAGES AND INCORPORATING THE RELEVANT PORTIONS INTO THE CITY OF GRANITE SHOALS CODE OF ORDINANCES BY AMENDING CHAPTER 3 (ALCOHOLIC BEVERAGES); AND INCORPORATING THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Granite Shoals, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code, and

WHEREAS, City staff is recommending the creation of rules and regulations relating to the sale of alcohol within the city limits of the City of Granite Shoals, Texas; and

WHEREAS, the City Council of the City of Granite Shoals, Texas (“Council”) has a substantial interest in protecting the health, safety, welfare, and convenience and enjoyment of the general public from injury which may be caused by the unregulated sale and distribution of alcoholic beverages; and

WHEREAS, the Texas Alcoholic Beverage Code authorizes the City of Granite Shoals by ordinance to restrict the sale of alcoholic beverages under certain statutory conditions; and

WHEREAS, the City Council of the City of Granite Shoals hereby finds that the creation of rules and regulations relating to the sale of alcohol within the city limits of the City of Granite Shoals, Texas is in the best interests of the citizens of the City of Granite Shoals, Texas, and

WHEREAS, the meeting at which this Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENT AND REPEAL

Ordinance No. 85 is hereby repealed, and Chapter 3 (Alcoholic Beverages) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“Chapter 3 – ALCOHOLIC BEVERAGES

Sec. 3-1. Definitions.

For the purpose of this Article, all definitions of words, terms, and phrases set forth in the Texas Alcoholic Beverage Code, as it exists now or as it may be hereafter amended, are hereby adopted and made a part thereof.

Sec. 3-2. Location restricted near church, school or hospital.

- (a) No person may sell any alcoholic beverage within 300 feet of a church, public or private school, or public hospital.
- (b) The measurement of the distance between the place of business where the alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (c) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

- (d) An applicant may apply for, and the city council may approve, a variance from the provisions of this section if the council determines that the enforcement of this section in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
- (e) This section does not apply to the holder of:
 - (1) A license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 - (2) A license or permit covering a premise where minors are prohibited from entering under V.T.C.A., Texas Alcoholic Beverage Code § 109.53 and that is located within 300 feet of a private school.
- (f) For purposes of this section, the term "private school" means a private school, including a parochial school, that:
 - (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
 - (2) Has more than 100 students enrolled and attending courses at a single location.

Sec. 3-3. Location restricted in residential area.

The sale of liquor and beer is prohibited in all residential sections or areas of the City, as designated by any zoning ordinance or Comprehensive Plan of the City. The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law.

Sec. 3-4. City permit requirements.

- (a) An applicant or holder of a TABC license shall remit to the City a municipal permit fee equal to one-half the state's fee for each license.
- (b) The permit fee shall be collected by the City and shall be paid by every permittee or licensee before engaging in such business. The city shall issue to the applicant the proper license or permit, which shall state on its face:
 - (1) The activity for which it is issued;
 - (2) The date on which it will expire;
 - (3) The name of the permittee or licensee;

- (4) The trade name, if any, of the permittee or licensee;
 - (5) The address where such business is to be conducted;
 - (6) The place where the license or permit is to be kept, and
 - (7) What type of business is to be permitted under the license or permit.
- (c) It shall be unlawful for any person to operate, cause, or allow to be operated, on any premises within the City, an establishment allowing the retail sale of alcoholic beverages unless it has first obtained, prior to commencement of such operation, a permit from the City pursuant to this chapter, in addition to such permits or licenses required under the Texas Alcoholic Beverages Act.

Section 3-5. Display of Permit.

The permit issued by the City pursuant to this chapter shall be displayed at all times in a conspicuous place within the permitted place of business.

Sec. 3-6. Civil and criminal penalties.

The City shall have the power to administer and enforce the provisions of this section as may be required by governing law. Any person violating any provision of this section is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this section is hereby declared to be a nuisance.

- (a) Criminal prosecution. Any person found to be violating this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine as provided by section 1-10 of this Code.
- (b) Civil remedies. Nothing in this section shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this section and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the section or to require specific conduct that is necessary for compliance with the section; and
 - (2) A civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the section and after receiving notice committed acts in violation of the section or failed to take action necessary for compliance with the section; and
 - (3) Other available relief.”

SECTION III. SAVINGS

The repeal of Ordinance No. 85 or any other ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance, including Ordinance No. 85, are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 26th day of January, 2016.

Carl Brugger
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Brad Young,
City Attorney

Elaine Simpson

From: Brad Young <BYoung@bickerstaff.com>
Sent: Thursday, January 14, 2016 3:59 PM
To: 'Elaine Simpson'; 'Ken Nickel'
Cc: 'Peggy Allen-Smith'; 'Mayor@graniteshoals.org'
Subject: RE: DRAFT Alcoholic Beverages Ordinances

I know, but I thought council might want to. All you really can do now is make sure they have a TABC permit – I took out all of those other requirements that are in Ordinance 85.

Bradley B. Young

Attorney

Bickerstaff Heath Delgado Acosta LLP

3711 S. MoPac Expy | Building One | Suite 300 | Austin, TX 78746

Phone 512.472.8021 | Fax 512.320.5638 | www.bickerstaff.com



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From: Elaine Simpson [<mailto:citysecretary@graniteshoals.org>]
Sent: Thursday, January 14, 2016 3:47 PM
To: Brad Young <BYoung@bickerstaff.com>; 'Ken Nickel' <citymanager@graniteshoals.org>
Cc: 'Peggy Allen-Smith' <gspw@graniteshoals.org>; 'Mayor@graniteshoals.org' <mayor@graniteshoals.org>
Subject: RE: DRAFT Alcoholic Beverages Ordinances

My only note at this time is that the City of Granite Shoals currently doesn't issue city liquor permits. I did do this in Garland, so I would have to review rates and etc. Also, it would necessitate a new Fee on the General Fee Schedule for Municipal Liquor License fee(s), I believe.

Thanks!

Elaine Simpson

From: Brad Young [<mailto:BYoung@bickerstaff.com>]
Sent: Thursday, January 14, 2016 3:22 PM
To: 'Ken Nickel'
Cc: 'Elaine Simpson'; 'Peggy Allen-Smith'; 'Mayor@graniteshoals.org'
Subject: DRAFT Alcoholic Beverages Ordinances

Ken,

Attached for your review is the draft alcoholic beverage ordinance.

Note that under the current code, the sale of alcohol is prohibited within 500 feet of a school. The city can prohibit alcohol within 1000 feet from a school upon request by the school board. Tex. Al. Bev. Code 109.33(a). You may want to check the city's files to see if there is any record of the city having received such a request in the past. If not, I bet that the school board would be willing to submit one now.

Please give me a call if you would like to discuss.

Thanks,
Brad

Bradley B. Young

Attorney

Bickerstaff Heath Delgado Acosta LLP

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City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
Date: January 26, 2016

Agenda Item: 10# *Workshop(s) to discuss public improvements
City Roads Improvements*
Prepared/Submitted By: *Elaine Simpson for Mayor Brugger*

AGENDA CAPTION

10. REGULAR WORKSHOP

TO DISCUSS PUBLIC IMPROVEMENTS (ROADS) (follow-up workshops from Dec. 1st, Dec. 15th and January 12th)

- a. Update 2016 Multiyear Improvement Plan, with updated map.
- b. Update Proposed Arterial and Collector Road Prioritization.
- c. Discuss Financing options including but not limited to bond(s), grant(s), or other.
- d. Discuss Engineering issues related to drainage studies and cost options for 'curb and guttering plan' compared to '30 foot plan with embankments'.
- e. Hear report from Mayor Brugger and City Manager Nickel regarding meeting(s) with State and Federal agencies related to possible grant opportunities.
- f. SWAG and P&Z review of plans schedule.
- g. Discuss multi-road grant application with the USDA.

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

1. Continue to provide a safe Community
6. Continue to improve the City's Financial Stability
9. Planning and Vision for the future
10. Identify new grants for the city and execution on the current grants
11. Improve Communications to the citizens of Granite Shoals

BACKGROUND

Workshops were held on Dec. 1st, December 15th of 2015 and January 12, 2016. The meeting minutes from the January 12, 2016 meeting are included in tonight's agenda packet.

List of the items behind this cover sheet:

- Recommended items for reference from Mayor Brugger:
 - Mayor's notes from USDA meeting.
 - Councilman Tanners update to Transportation Plan with map.

UPDATE TO TRANSPORTATION PLAN - 2016

While the transportation plan prepared in 2010 is laudable and has significant value, this update is being prepared with a more objective assessment of Granite Shoals' current and projected short to midrange financial positions. It presents a more accurate picture of what is achievable in the near term. As part of the update, we have modified the Functional Street Classifications in the table below:

Major Arterial Street	Streets that provide a high degree of mobility, service relatively high traffic volumes, have high operational speeds, and service a significant portion of through travel or cross-town trips. Arterial roadways serve as connections between major traffic generators and land use concentrations. Currently, the only major arterial street in Granite Shoals is RR 1431.
Minor Arterial Street	Streets that provide a high degree of mobility, service moderately high traffic volumes, and support a significant portion of through travel or cross-town trips. Arterial streets serve as connections between collectors and regional highways.
Collector Street	Existing minor arterial streets include Phillips Ranch Road, Prairie Creek Road, and Valley View Lane. Serve as connections between local/residential streets and arterials serving to collect and distribute traffic to the arterial network. Collectors also serve to provide direct access to neighborhoods, commercial developments, and other local areas. Their design may involve site specific considerations. Collectors accommodate smaller volumes of traffic over shorter distances and may border or traverse neighborhood boundaries. Collector streets should be discontinuous to discourage cut-through traffic through neighborhoods.
Local Street	Existing collector streets include E. Granitestate and Sherwood Forest Drives to Woodland Hills, E. Bluebriar Dr., Hillcrest Dr. to W. Maple Dr., Belaire Dr (and part of Hilldale Dr.), Baker Dr., N. Castlehills Dr., Kings Circle, Valley West, Lake Dr. and Kingswood Dr. Provide direct access to abutting property and to collect/distribute traffic from individual parcels. These streets are intended for short, low volume and slow speed traffic movements. One example of a local street would be Green Acres Drive.

Table 4-1, below, describes the most important characteristics of the various functional street classes. These planning guidelines should be utilized in developing or redeveloping areas to form a basic framework for the thoroughfare system.

Table 4.1 Updated Roadway Functional Classifications and General Planning Guidelines

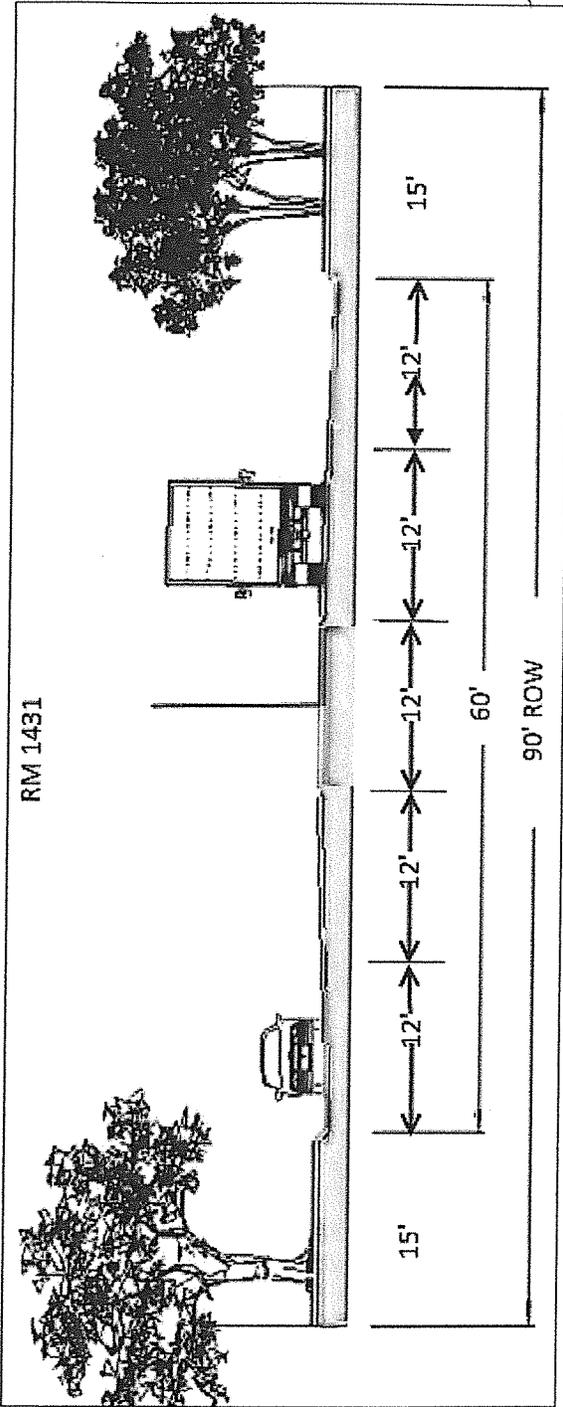
Roadway Type	Function	Spacing (1)	Direct Land Access	Roadway Intersection Spacing (3)	Daily Traffic Volume	Speed Limit	Planning Level of Service	Parking	Remarks
Arterial, Major	Moderate distance inter-community traffic movement. Primary function is mobility.	.5-1.5 mi. (2)	Safety controls; controlled access.	.125 - .25 mi.	>5k	50-55 mph	C-E	N/A	Four 12' lanes, undivided, w/center turn lane, striped at center and pavement edges.
Arterial, Minor	Moderate distance intra-community traffic movement. Primary function is mobility.	.5-1.5 mi. (2)	Safety controls; limited regulation.	.125 - .25 mi.	<5k	35-45 mph	C-E	N/A	"Backbone" of street system, arterials provide route and spacing continuity. Two 12' lanes, undivided, striped at center and edges.
Collector	Provide access within & between neighborhoods, connecting local streets & arterials.	.25-.5 mi. (2)	Safety controls; limited regulation.	300 feet	1-3k	30-40 mph	B-C	Limited	Two 12' lanes, undivided, striped at center. Connects locals to arterials.
Local	Local access only. Connects to other local streets and collectors.	2 lot lengths (1 block)	Safety controls only.	300 feet	<100	25-30 mph	A-B	Permitted	Two 10' lanes, undivided, unstriped. Through traffic should be discouraged on locals.

(1) Spacing determination should also include consideration of (travel within the area or corridor based upon) ultimate anticipated development.

(2) Denser spacing needed for commercial and high density residential districts.

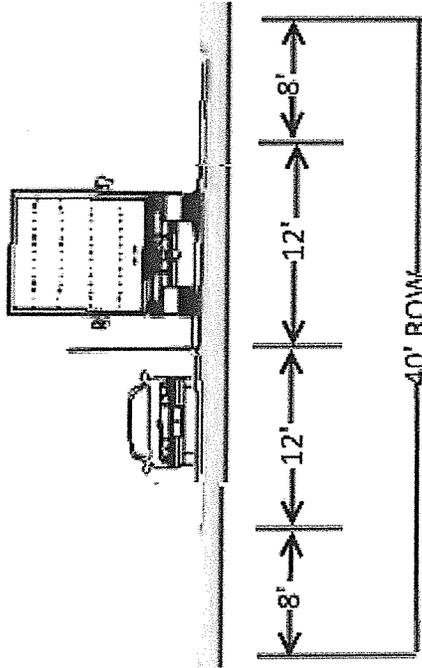
(3) Spacing and intersection design should be in accordance with state and local thoroughfare standards.

Figure 4-1. Cross Section and Classification Characteristics - Major Arterial



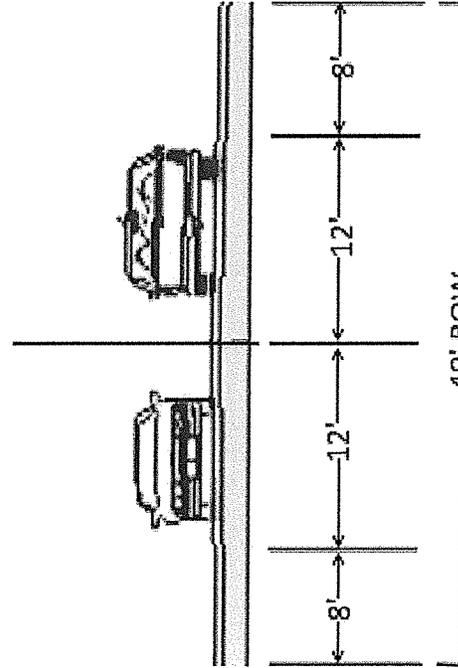
Roadway Type	Major Arterial
ROW	90'
Lanes & Width	2 @ 12'
Left-Turn Lane	Center Turn Lane, 12'
Striping	Center turn, lane divider, edge of pavement
Pavement Width (edge to edge)	60'
Median Width	N/A
Curbs & Gutters	Yes
Sidewalks	2 Optional
Parkway Width	N/A
Design Speed (mph)	50+

Figure 4-2. Cross Section and Classification Characteristics – Minor Arterial



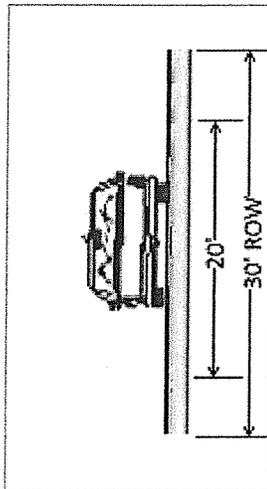
Roadway Type	Minor Arterial
ROW	40'
Lanes & Width	2 @ 12', undivided
Left-Turn Lanes	N/A
Striping	Center lane divider, edge of pavement
Pavement Width (edge to edge)	24'
Median Width	N/A
Curbs & Gutters	Optional
Sidewalks	1 Optional
Parkway Width	N/A
Design Speed (mph)	35-45

Figure 4-3. Cross Section and Classification Characteristics - Collector



Roadway Type	Collector (Striped)
ROW	40'
Lanes & Width	2 @ 12'
Left-Turn Lanes	N/A
Striping	Center lane divider
Pavement Width (edge to edge)	24'
Median Width	N/A
Curbs & Gutters	Optional
Sidewalks	1 Optional
Parkway Width	N/A
Design Speed (mph)	30-40

Figure 4-4. Cross Section and Classification Characteristics - Local Street



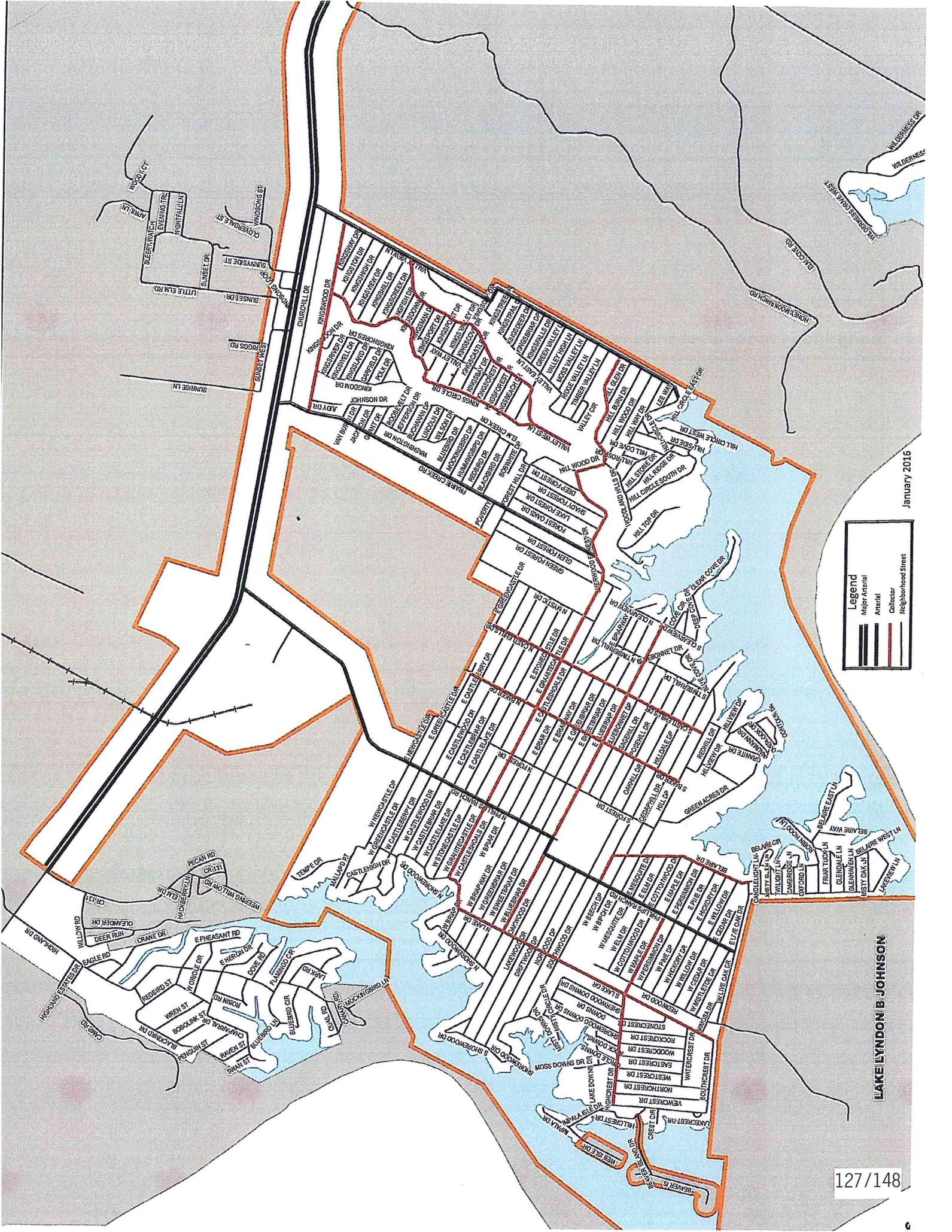
Roadway Type	Local
ROW	30'
Lanes & Width	2 @ 10'
Left-Turn Lane	N/A
Striping	N/A
Pavement Width (edge to edge)	20'
Median Width	N/A
Curbs & Gutters	N/A
Sidewalks	N/A
Parkway Width	N/A
Design Speed (mph)	25-30

Short Term Recommendations

Given traffic volumes recorded in the 2015 survey, the conditions of the arterials, Phillips Ranch Road, Prairie Creek Road, Valley View Lane, and public input, it is clear that the arterials are past due for upgrades and/or replacement. However, given current budget constraints it is unlikely that all the arterials will be addressed in the next 2-3 years. It is recommended that priorities be established for these roads, that budgetary and other financing be obtained and that these major streets be improved before the year 2020.

Long Range Future Considerations

The Texas Department of Transportation has recently approved a study regarding the feasibility/desirability of placing a bridge across the Colorado River just below Wirtz Dam. At such time the bridge funding is approved and bridge construction begun, the City should consider acquiring sufficient rights of way to construct a new major arterial street to connect North Wirtz Dam Road to the City. East of Valley View Lane, considering that there is no or limited development there, the new arterial should be built to the same standard as RM 1431, multi-lane with turn lanes, curbs and gutters. Should this arterial be extended west of Valley View Lane, existing development may constrict the roadway to being built to the same standard as Phillips Ranch Road.



January 2016

LAKE LYNDON B. JOHNSON

January 13, 2016

TO: Council Members

CC: Ken Nickel, Elaine Simpson, Peggy Smith, Brad Young

FM: Carl Brugger

Ken Nickel and I met today, Wednesday, January 13, 2016, with Rick Florence, Area Director – Rural Development of the United States Department of Agriculture in city hall's conference room concerning grant opportunities with emphasis on our arterial roads.

After brief discussions about our facility, community, city's status, and our plans for our arterial roads, Mr. Florence made it clear he could help with grants. It was clear that he had researched information on our city, particularly our size and average income level, and that he was very interested in us submitting an application in the next month or two so that he can get our request reviewed, scored, and prioritized at the state level resulting in funds earmarked for our project. He felt we might expect grant support at a 55% level.

He let us know that the US Dept. of Agriculture Secretary and Under Secretary were unhappy with lack of financial support for communities like ours in Texas in 2015. He also said that he had been involved with helping two families in Granite Shoals with their homes with USDA funds. It is my opinion, that it appears Mr. Florence clearly understood our city's housing and income levels which meet USDA grant guidelines and that we may be contacting them at an opportune time that meets their objectives. In support of that conclusion, Mr. Florence provided us with an application package and explained what the initial requirements were.

Mr. Florence made it very clear that he could help us with roads, police cars, fire trucks, water line replacement, waste water systems and a community center, and encouraged us to submit multiple grant requests. He also encouraged us to request a grant that can be used by our citizens to build stick housing as a replacement to a mobile home, and gave us contact information on a grant received by Marble Falls. This type of grant does not require matching funds from the City. When I mentioned figures like \$500,000 for water lines, he said they would do more, such as \$1,500,000, on multiphase plan, and when I mentioned \$400,000 for a community center, he was okay with that.

After it was clear that USDA would support our road improvement plans, I threw out the idea of asking for an approximately \$4,000,000 grant, thinking by asking for funds for both Phillips Ranch Road and Prairie Creek, we could get a large enough grant payment for one road and pay for the second with a bond proposal of \$1,500,000. This idea was well received. The idea of requesting \$4,000,000, was okay with Mr. Florence, knowing that we would receive a percentage of that figure. I know this idea is new to you, will need to be discussed with you and will require your supporting vote. Mr. Florence understands that.

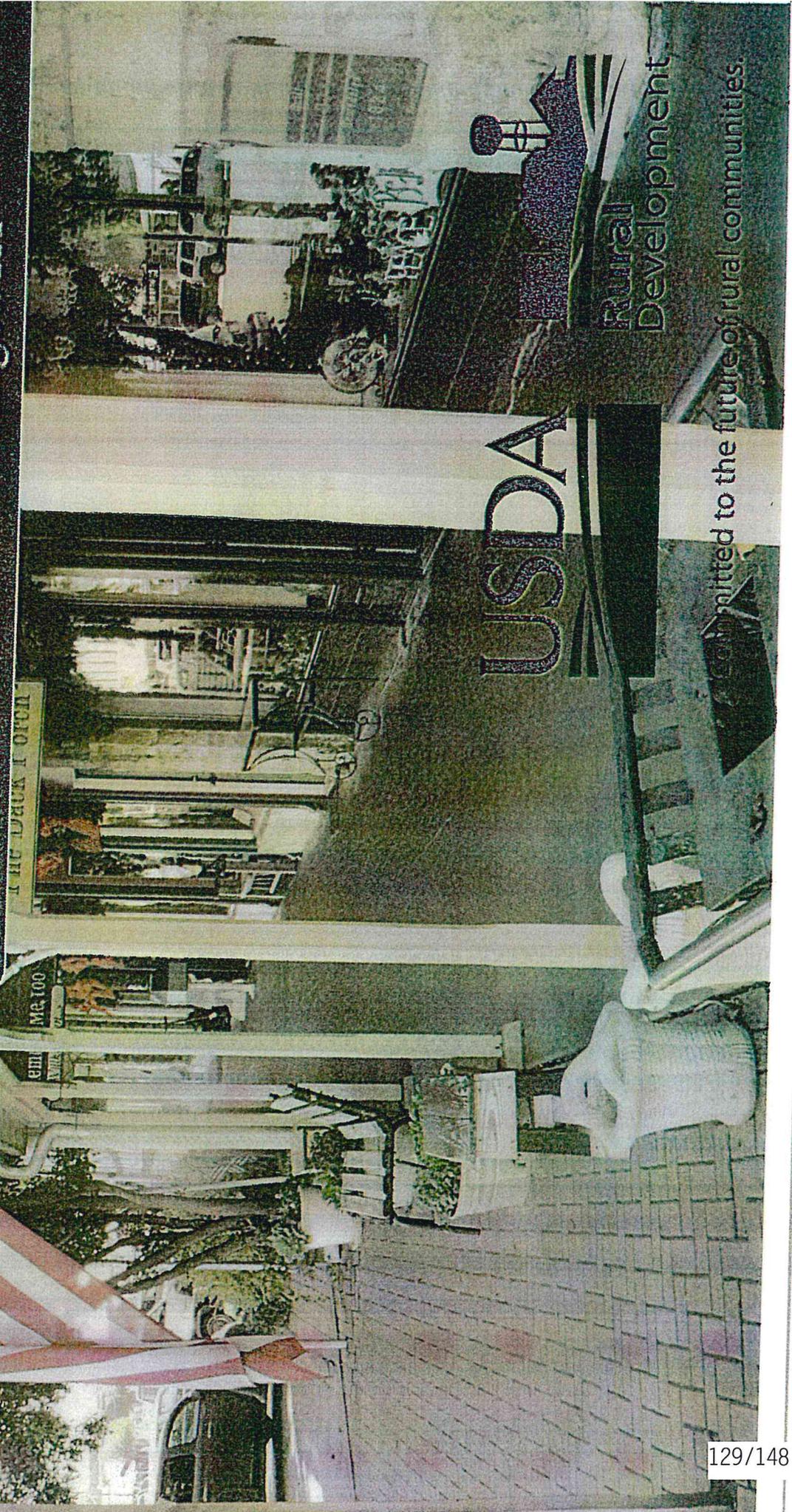
Ken and I believe that there is a window of opportunity that needs to be focused on using multiple grants to move the city forward and to offset future debt of the city.

Our meeting with Mr. Florence, was in such a contrast to our meeting with the EDC, in that the USDA was reaching out to us with positive comments, had multiple programs, had larger amounts of funds available and was willing to provide those funds in larger increments.

A summary statement might be, "We hit a home run" or "I felt like a kid in a candy store and the owner said take what you want." Reality check, we will need matching funds. It's fun to have a high on such positive information while hoping that all this comes true.

Working for Rural Communities Program Guide for Texas

www.rurdev.usda.gov/TX



Committed to the future of rural communities.

Creating Jobs in Rural America

USDA Rural Development Business & Cooperative Programs create rural job opportunities, facilitate the development of rural business, improve economic development, promote renewable energy and increase the energy efficiency of rural businesses.

The LaQuinta Inn & Suites in Kyle, Texas was purchased in 2009 by the Joint Hospitality Group, LLC. The group utilized a USDA Rural Development Business and Industry Guaranteed Loan through Plain State Bank, located in Houston.

Kyle, Texas, located approximately seven miles south of Austin, is one of the fastest growing communities in the state and was recently named the #1 Hot Spot between Austin and San Antonio. This location has contributed greatly to the success of the La Quinta Inn. The high occupancy rate can also be attributed to 66 guest rooms that offer high speed internet and cable TV, a fitness room, breakfast area and an outdoor pool.

The acquisition of the hotel created 12 jobs and greatly benefits the communities of Buda, Hays, Mountain City, Niederwald and Umland as the newest mid-priced hotel serving the areas.



Bosque County is home to the most GREEN energy sustainable winery in Texas, Red Caboose Winery, which generates 100% of its own electricity. With

the assistance of a grant through the REAP Program, Red Caboose created an electric generating system with 44 photovoltaic panels and 2 inverters, which generate 9.9 kWh of electricity. The system is tied to the grid and any excess electricity is fed back onto the grid.

The winery is an ideal business for cogenerating electricity because of the peak energy demand from July through August. The remainder of the year, electrical demand is low, so excess electricity can be fed to the grid. At the end of the year, the winery's goal is to balance demand and production of electricity so they have a "net zero" year-end result.

Red Caboose Winery is designed to produce 10,000 cases of wine annually. Funding provided by USDA Rural Development will allow it to grow without the burden of higher overhead expenses.

Business, Energy & Cooperative Programs

Program	Objective	Applicant	Uses	Eligible Areas	Terms/Conditions
Business and Industry Program loan guarantees	Create jobs and stimulate rural economies by providing financial backing for rural businesses.	USDA approved lenders on behalf of their qualified rural business borrowers.	Most legal business purposes except production agriculture. Include acquisition, start-up and expansion of businesses that create rural jobs.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	Lender and borrower negotiate terms. Interest rate tied to published rate that may change no more often than quarterly.
Rural Business Enterprise Program grants	Finance and facilitate the development of small and emerging private business enterprises.	Public bodies, private non-profits, and recognized tribes.	Buy and develop land, establish revolving loan funds, construct buildings, plants, equipment, access streets and roads, parking areas, utility and service extensions, and rural distance learning networks.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	When grant funds are used for revolving loan fund (RLF), the intermediary makes loans to businesses from its RLF on terms consistent with security offered.
Intermediary Relending Program loans	Finance business facilities and community development projects in rural areas.	Public bodies, non-profits, recognized tribes, and cooperatives.	Community development projects, establishment or expansion of businesses, creation or saving of rural jobs.	Rural areas and incorporated places with populations of less than 25,000.	The intermediary makes loans to businesses from its revolving loan fund on terms consistent with security offered. Intermediary pays 1 percent for 30 years.
Rural Economic Development Program loans & grants	Finance economic development and job creation in rural areas.	Electric and telephone utilities eligible for financing from the Rural Utilities Service.	Feasibility studies, business startup or expansion costs, business incubators, revolving loan funds and community facilities.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	The intermediary (electric or telephone cooperatives) makes loans to profit or non-profit business and public bodies for rural economic development and/or job creation projects. Loans are 0 percent for 10 years.
Rural Cooperative Development Program grants	Establish and operate centers for cooperative development to improve the economic condition in rural. Improve operations of existing coops.	Non-profit corporations and institutions of higher education.	To conduct feasibility studies, business plans, and applied research as well as provide training and other technical assistance to new and existing cooperatives and businesses.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	Applicants must meet specific selection criteria including a minimum 25 percent fund match. Grants are awarded on a competitive basis.
Value-Added Agricultural Product Market Development Program grants	Assist independent agricultural producers to enter into activities that add value to their commodities.	Independent producers, farmer and rancher cooperatives, and majority-controlled producer-based business ventures.	Planning purposes such as conducting feasibility studies or business plans or as working capital to help the operations cost of an agricultural business.	No population restriction.	Grants are awarded on a competitive basis. Funds cannot be used to build facilities or purchase equipment. Funds must be matched on a dollar-for-dollar basis.
Rural Business Opportunity Program grants	Finance technical assistance for business development planning in rural areas.	Public bodies, non-profits, recognized tribes, and cooperatives with members that are primarily rural residents.	Technical assistance, leadership training, establishment of business support centers, economic development plans.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	Must be completed within 2 years after project has begun.
Small Socially Disadvantaged Producer Program grants	Provide technical assistance to small, minority owned producers.	Coops or associations with a primary focus on providing assistance to small, minority producers. Governing board and/or membership must be at least 75% recognized minorities.	Technical assistance for market research and product/service improvement; legal assistance; feasibility study; business/marketing plans and training.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	Funds are to be used only for Technical Assistance. No match requirements.
Renewable Energy For America Program (REAP) loans & grants	Finance the purchase of renewable energy systems or to make energy efficiency improvements.	Agricultural producers and rural small businesses. NOTE: Urban agricultural producers may also be eligible.	Construction or improvements, purchase and installation of equipment, energy audits, financial, professional services fees, business plans, feasibility studies.	Any area except cities with populations over 50,000 or the adjacent urbanized area.	Grant cannot exceed 25% eligible project costs or \$25,000 for Energy Efficiency and \$50,000 for Renewable Energy. Loans cannot exceed 75% of total eligible costs.
Biomass Research and Development Initiative Program grants	Finance the research and development of biomass based products, bioenergy, biobuels, and related processes.	Institutions of higher education, national laboratories, federal or state research agencies, private sector entities, and non-profit organizations.	Research and development of biomass based products, bioenergy, biobuels, and related processes.	No population restriction.	A maximum of 20% cost sharing requirements apply, and may be up to 30%, depending on nature of project. Cost share must come from non-Federal sources.

For loan guarantees - ask your lender to contact Rural Development. For all other loans and grant programs - contact the local USDA Rural Business Opportunity Office that serves your community. For more information, visit www.usda.gov.

Affordable Homes in Rural America

USDA Rural Development Housing Programs ensure rural community members have access to safe, well built, affordable homes. Funds can be used to build, renovate or repair a home.



Ms. Porsha Coleman decided to relocate from Arizona to Texas to help care for her ill grandmother. She lived with her grandmother and her 13 year old son for several months in a small one-bedroom apartment. After establishing her employment in the Dallas area, she began looking for suitable rental housing but found the rates in desirable areas to be expensive.

After applying for financing with conventional lenders in the Metroplex where she was unable to meet down payment requirements, Ms. Coleman heard about the USDA Rural Development Section 502 Direct Loan Program. Utilizing the program, she purchased a newly constructed home in Red Oak, Texas with payments that were at least \$200 per month less than her anticipated rental payment in the same area. The family is happy in their affordable new home.



The Gulf Coast Trades Center was established in 1971 as a non-profit educational school. Their mission is to assist disadvantaged youth to develop vocational, academic and social skills needed to be productive in society.

Gulf Coast Trades Center and USDA Rural Development formed a partnership by building 12 single family homes in Willis, Texas using the Section 502 Single Family Housing Program. The Program assisted applicants with purchasing these student built homes. Conditional commitments, or written assurance from the Agency to a qualified builder, dealer-contractor, or seller that a dwelling to be constructed will be certified as acceptable for purchase by qualified loan applications that meet applicable conditions.

The homes are approximately 1500 square feet consisting of three bedrooms, two bathrooms, a two car garage, and include a refrigerator and stove. All homes are handicap accessible and down payment assistance is available. Homes are marketed for those applicants 62 years and over and/or disabled.

Rural Housing Programs

Program	Objective	Applicant	Uses	Eligible Area	Terms/Conditions
Single Family Homes (Section 502) direct loans	Safe, well-built, affordable homes for rural Americans. For very low and low income households or applicants.	Families and individuals. For low and very low income applicants.	Buy, build, improve, repair or rehabilitate rural home as the applicant's permanent residence.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Up to 100% of market value or cost, whichever is less. Loan amortized for 33-36 years. Applicant may be eligible for payment assistance (usually) on the loan.
Single Family Homes (Section 502) Loan Guarantee) loan guarantees	Assist eligible applicants in buying their homes by guaranteeing loans made by private lenders.	USDA Approved Lenders on behalf of their qualified home loan borrowers. For very low, low and moderate income applicants.	Purchase new or existing home to be used as the applicant's permanent residence.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	30 year. Fixed rate. Maximum interest rate based on Prime Rate + 40 day delivery rate. Loans up to 80% of market value plus guarantee fee.
Single Family Home Repairs (Section 504) direct loans and grants	To help very-low-income applicants remove health and safety hazards or to repair their homes.	Families and individuals who currently own their home. Grants available only to very low income applicants 62 years of age or older who cannot afford to pay 1% loan.	Repair or replace roof, water-using, purchase or repair of heating system, structural repairs, and water and sewer connect lines, and similar uses.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Loans terms to 20 years at 1%. Assessment to make final may not exceed \$7,500. Grants only available to very-low income applicants 62 years of age or older who cannot afford to pay 1% loan.
Mutual Self-Help Housing (Section 502) direct loans	Individual homes built by a group of applicants, with construction guidance from a non-profit organization.	Families and individuals. Apply to Rural Development. Loan applications are processed on an individual basis for each participating family.	Construction of a new house, in part by the applicant under supervision.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Individual families receive a direct loan from Rural Development. Participating non-profit housing organizations get a grant to hire a support crew and pay other administrative expenses.
Mutual Self-Help Housing (Section 523) grants	Assist lower income families in building their own homes. Owner's equity is achieved through "sweat equity" in construction of dwelling.	Non-profits and public bodies.	Technical assistance to qualify and supervise small groups of families to build each other's houses.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Grant agreement.
Multi-Family Rental Housing (Sections 515) direct loans	Safe, well-built, affordable rental housing for very-low and low income individuals and families.	Individuals, limited profit and non-profit organizations.	New construction and rehabilitation of existing multi-family rental housing in qualified rural areas.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Up to 100% of total development cost from-profit 97% after-profit. 30-year term with up to 50 year amortization. For the-profit organizations with Low-Income Housing Tax Credits, 95% of total development costs.
Multi-Family Rental Housing (Section 538) loan guarantees	Safe, well-built, affordable rental housing for low to moderate income individuals and families.	Individuals, partnerships, limited liability companies, trusts, state and local agencies and recognized tribes.	New construction, permanent loan or substantial rehabilitation of multi-family rental housing in qualified rural areas.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Up to 80% loan to value of loans made to for-profit entities, and up to 97% loan to value to loans made to non-profit entities. Repayment terms are 25 to 40 year amortization. Annual guaranteed fee may be applicable.
Housing Preservation Grants (Section 533) grants	Repair and rehabilitate housing owned or occupied by very-low and low-income rural families.	Public bodies and non-profit organizations that provide assistance to low to moderate income families or individuals.	Operation of a program which finances repair and rehabilitation activities for single family and small rental properties.	Rural areas with populations up to 10,000 if located in a metropolitan statistical area or up to 20,000 if not in a MSA.	Grant agreement.
Farm Labor Housing (Sections 514 & 516) direct loans and grants	Safe, well-built affordable rental housing for farm workers and their families.	Individuals, public and private non-profit organizations.	New construction or substantial rehabilitation of rental housing for farm workers and their families.	No population restriction.	Up to 100% of total development cost. Up to 33 years to repay at 2% interest.

For loan guarantees ask your lender to contact Rural Development. For all other loan and grant programs contact the local USDA Rural Development Office that serves your community. Information is subject to change, please call your local area office for the most up-to-date eligibility requirements.

Infrastructure in Rural America

USDA Rural Development Community Programs enhance economic opportunities and quality of life for rural Texans by funding programs that create or improve telecommunications, community facilities, and water and wastewater systems.

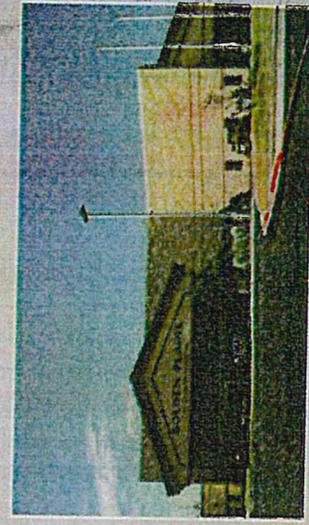


The Rural Utilities Service's Water and Waste Disposal program has allowed the City of Somersett to make much needed

improvements to their sewer system to bring it up-to-date as well as ensure the ability of the system to allow for future growth of the city.

Funding from Rural Development allows the city to increase the capacity of the wastewater treatment plant and allows for future growth within the city's rural population. With their close proximity to the Texas A&M University and the Toyota Manufacturing plant, new growth is most certainly projected and expected.

A groundbreaking ceremony was held in early 2012 to begin work on the new system.



The old Golden Plains Community Hospital in Borger, Texas, was showing its age and no longer met the medical needs of the community.

USDA Rural Development partnered with Happy State Bank to provide 28 million dollars to finance a new 66,000 square foot hospital and demolish the old hospital building.

The new facility consists of a 25 critical care bed hospital, along with expanded operating rooms, emergency services and support buildings. The new landing zone will allow patients to be transferred to and from the hospital by helicopter.

The whole community is excited about the new facility and the improved medical services that will be available. The new hospital will expand the services offered to the community, allowing Borger residents local access to quality health care and medical procedures without having to drive hours away from the community. The doctors, employees and patients moved into the new facility on October 24, 2011, where the first baby was delivered that same morning. Golden Plains Community Hospital is truly a story of new beginnings.

Rural Utilities and Community Programs

Program	Objective	Applicant	Uses	Eligible Area	Terms/Conditions
Water and Waste Disposal Program direct loans & grants	Finance water and waste disposal in rural areas to the most financially in need, resulting in reasonable user fees.	Public entities, recognized tribes, and non-profit corporations.	Build, repair, and improve public water systems, and waste collection and treatment systems and other related costs.	Rural areas, cities, and towns with a population up to 10,000.	Interest rates are set quarterly based on an index of current market yields for municipal obligations. The repayment period is a maximum of 40 years.
Water and Waste Disposal Program loan guarantees	Provide loan guarantees to lenders serving financially needy applicants.	USDA Approved Lenders on behalf of public entities, recognized tribes, and non-profits.	Conserv, repair, modify, expand, improve water supply and distribution systems, and waste collection and treatment systems.	Rural areas, cities, and towns with a population up to 10,000.	Private lenders obtain up to a 30% guarantee on loans they make and service.
Solid Waste Management Programs grants	Provide technical assistance and/or training to help communities reduce/eliminate water pollution, and improve planning and management of solid waste sites.	Non-profit organizations and public bodies.	Provide technical assistance and training to reduce pollution of water resources and improve management of solid waste facilities.	Rural areas, cities, and towns with a population up to 10,000.	Projects are funded based on selection at the National level. Applications are accepted from 10/1 to 10/31 of each year.
Rural Broadband Program direct loans & loan guarantees	The deployment of broadband services to eligible rural communities.	Legally organized entities providing or proposing to provide broadband service in eligible rural communities.	Construction, acquisition, and improvement of broadband transmission facilities and equipment. Rural and broadband used in providing broadband service and the siting of facilities.	Eligible rural communities with a population of 20,000 or less.	Interest rate set at US Treasury rate for a period equal to expected competitive commercial rate of interest. Guaranteed may be provided up to 100% of principal.
Electric and Telecommunications Program direct loans & loan guarantees	Provide financial aid through direct and guaranteed loans for electric and telecommunications services.	For-profit entities, non-profit and cooperative associations, public bodies, and other utilities.	Construction, bulk transmission facilities, and power distribution. Enhance by service, digital switching, fiber optics, broadband telecommunications and broadband.	Eligible rural areas as defined by the U.S. Census.	Interest rates are established in accordance with 7 CFR 1745.
Distance Learning and Telemedicine Program direct loans & grants	Development and deployment of advanced telecommunication services throughout rural America to improve education and health care.	Non-profit entities, including non-profit corporations, co-ops, and not-for-profit bodies, that provide rural schools, libraries, health care clinics and other organizations that operate educational or health care facilities.	Equipment for classrooms: cameras, video monitors, computer, and LAN. Also for physician consultation, multi-way, text, webinars, and digital microscopes.	Rural areas with populations of 5,000 or less.	Matching funds are required.
Technical Assistance and Training Program grants	Identify/evaluate solutions to water and waste disposal issues. Assist applicants with applications for USDA water/wastewater programs. Improve operation and maintenance of existing water and waste disposal systems.	Non-profit organizations.	Provide technical assistance to qualified water and waste disposal utilities serving rural areas.	Rural areas, cities and towns with a population of up to 10,000.	Applications are accepted from October 1 to December 31 of each year.
Rural Community Development Initiative (RCDI) Grants	Assist organizations that provide technical assistance to other organizations to improve their ability to undertake housing, and community or economic development projects in rural areas.	Public or private organizations, including recognized tribes, which have been organized at least 3 years and have experience working with eligible recipients.	Recipient provides technical assistance to organizations serving qualified rural areas.	Rural area, city and towns with population not exceeding 50,000 including unincorporated areas.	Matching funds required.
Community Facilities Program direct loans, loan guarantees & grants	Provide essential community facilities for rural communities. Faith-based and community organizations and First Responders are encouraged to apply.	Public bodies, non-profit organizations, and recognized tribes. USDA Approved Lenders may apply for loan-guarantees on behalf of the above entities.	Build facilities and purchase equipment for fire and rescue, early warning systems, public safety, health clinics, schools, libraries, hospitals, etc.	Rural areas, cities and towns with populations of 20,000 or less.	Up to 100% of market value. Up to 40 years of life of security. Grant funds are limited.

For loan guarantees - ask your local Rural Development office for the most up-to-date eligibility requirements. For all other programs - contact your local USDA Rural Development office.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

Agenda Item: 11. Written Reports (December)
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

- 1.) Code Compliance
- 2.) Fire
- 3.) Parks and Streets
- 4.) Police

ACTUAL NUMBERS FOR FISCAL YEARS 2014 THRU 2015

Violation Types Closed	Ordinance #	2014	2015	Open	% Increase/Decrease
Junk Vehicles	605	29	36	4	124%
Property Maintenance	511	43	63	4	147%
House Numbers	409	31	16	2	52%
Unsafe Structure/Building Removal	613	8	16	3	200%
Misc. Zoning Infractions	Chapter 40	34	36	1	106%
Totals		145	167	14	

Violation Types Closed	Ord. #	2016 Goals	YTD	Open	% increase
Junk Vehicles	605	41	9	7	21.74%
Property Maintenance	511	72	17	4	23.46%
House Numbers	409	18	7	2	38.04%
Unsafe Structure/Building Removal	613	18	6	8	32.61%
Misc. Zoning Infractions	Chapter 40	41	10	1	24.15%
Totals		192	49	11	25.51%

CITY OF GRANITE SHOALS FIRE DEPARTMENT MONTHLY PROGRESS REPORT.



DECEMBER 2015 DEPARTMENT REPORT SUMMARY

BURN BAN HAS BEEN LIFTED

Responded to a total of 92 Emergency and Response Calls
(Decrease of 28 from Previous Month)
GSFD had an average of 2 firefighters responding to each incident.
(No Change from Prior Month)
GSFD had an average response time of 4 min 52 seconds per call.
(Increase of min 41 seconds from previous month)
GSFD logged 18.0 hours of training
(Decrease of 8 hours from previous month)
GSFD accepted 0 new applications for membership.
(Decrease of 1 from Prior Month)
GSFD had 0 Volunteer Member of the Fire Department Resign.
(Decrease of 1 from Prior Month)

Staff Levels: 1 Full Time Paid Chief
1 Full Time Asst Chief (Shift Work)
2 Full Time Paid Firefighters (Shift Work)
4 Part Time Fire Fighters (Call in)
18 Volunteer Fire Fighters

Response Statistics Summary:

Type

Fire/Rescue/Haz-Materials: 5 (Increase of 2 calls from Prior month)
EMS/Medical Assist: 47 (Decrease of 4 calls from Prior Month)
Public Service/Good intent: 40 (Decrease of 26 calls from Prior Month)
Total 92 Responses for Service
(Decrease of 28 Calls from Previous month)

(Note: Service calls include Controlled burn investigations, false alarms and permit issuances)

Areas

Granite Shoals: 73 (Decrease of 27 Calls from Prior month)
BCESD#3 Area: 13 (Increase of 2 Calls from Prior Month)
Mutual Aid: 1 (Decrease of 2 Calls from Prior Month)
Lake LBJ Responses 0 (No Change from Prior Month)
Highland Haven: 5 (Decrease of 1 from Prior Month)
Total: 92 Responses for Service

Green- improvement, Red- negative improvement, Blue-No Change

Staff:

Several Promotions were awarded to several Volunteer Firefighters.
Brian McCarty has been Promoted to Lieutenant.
Bryan Walker has been promoted to Lieutenant.
Ethan Bishop was Promoted to Safety Officer.

Training:

ICS Review	.5 hrs	PPE	2 hrs
Fire/EMS Terms	1.5 hrs	Apparatus Familiar	2 hrs
Business Meeting	1 hr	Safe Traffic Pract.	4 hrs
Basic Fire Pumps	4 hrs	Fire Evolution	3 hrs

Apparatus and Equipment:

New Squad 5252 has been ordered and awaiting delivery.
Station Interior Bay lights have been converted to LED.
Tanker 5240 Required Major Transmission Work. Approx \$2000.00

Grants and Major Purchases and Projects:

Assistance to Firefighter Grant Process opened Dec 7, 2015. We will be applying for a new engine and various Fire Department Equipment.

We are also looking at used fire Apparatus to Replace our reserve Fire engine which is 30 years old.

ESD News and Fire Contract News

ESD # 3, Beaver Island POA and GSFD are working toward repairing or replacing the Dry Hydrants in Beaver Island.

GSFD has assisted in inspecting the hydrants to determine the best course of action on the Dry Hydrants. At this time it is recommended to repair one Hydrant and replace the other.

Additional Fire Contracts for out of district residents are available at the Fire Station or at City Hall. They are also available online at www.gsfd.us or online at www.graniteshoals.org

Auxiliary:

I have updated the website with pictures of the event at www.gsfd.us .
We also now have a Facebook Account, so be sure to "Friend us"

Thank you, Sincerely

Austin Stanphill

Austin Stanphill Fire Chief, City of Granite Shoals Fire Department

City of Granite Shoals
 Park Report
 Month ending December 2015

Actions	Park 1	Park 2	Park 3	Park 4	Park 5	Park 6	Park 7	Park 8	Park 9
Septic System treatment									
Mow and Weed									
Paint Park Signs									
Clean Restrooms	10					10			
Furnish Toilet paper	10					10			
Emptied Trash	10		10	10	10	10		10	10
Pickup Ground and Shoreline	10	10	10	10	10	10		10	10
Trimmed trees									
Replaced Flags									
Community Center work									

Actions	Park 10	Park 11	Park 12	Park 13	Park 14	Park 15	Park 16	Park 17	Park 18	Park 19
Septic System treatment										
Mow and Weed				1			1			
Paint Park Signs										
Clean Restrooms	10		10				10			
Furnish Toilet paper	10		10				10			
Emptied Trash	10		10	10	10	10	10	10	10	10
Pickup Ground and Shoreline	10	10	10	10	10	10	10	10	10	10
Trimmed trees										
Replaced Flags										
Safety Items and Repaires										

Safety Items and Repaires

Park-#3- t Trim trees and cut 1 small dead tree down.
 Park-#16- Put wire around 17 trees to keep the utrins from eating the trees.

Street Department Monthly Report

December 2015

Street Work and Repairs

Worked on Kingshigh put 12 loads of road base and 10 loads of granite gravel then water blade and rolled.

Worked on Kingshill hauled 6 loads of road base water, blade and rolled.

Repair bad spot on Washington with 3 loads of road base.

Worked on Johnson Jackson and Van Buren watered blade and rolled.

Repair washout on W Castleberry pass Castleway with 2 loads of granite gravel.

Worked on Kingsway hauled 3 loads of base on washout and 18 loads of granite gravel water blade and rolled.

Repair the following Jefferson base 3 loads Roosevelt base 3 loads Lincoln and Buchanan 1 load each of granite gravel.

Drainage Work and Pipe Installments

Clean both ditches at Hillwood.

Clean ditches on 200 block of E Castlewood.

Installed drain pipe a 12x20 at Mimi store on Phillips.

Ditch work at Grant clean ditch hauled bad fill away also flush drain pipe out.

Other

Patch pot holes where need to be patch.

Cut brush on Grant also cut and pick up tree by park#6.

Hauled 1 dump truck load of concrete away from Impala.

Especial Thank You to Mrs. Peggy Smith for all she has gotten us for my department in 2015.

GRANITE SHOALS POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – DECEMBER 2015

CHIEF J. P. WILSON



STATISTICS

Administrative: 11

Alarms: 8

Medical: 4

Animal: 64

Assault: 3

Assist Other Agency: 18

Burglary: 5

Carcass Calls: 4

Citizen Assist: 20

Collision: 5

Damage: 6

Disturbance / Nuisance: 40

Domestic Disturbance: 2

Driving Under the Influence: 2

Fire / Fire Alarm: 4

Fraud / Deception: 4

Harassment/Stalking/Threat: 4

Mental Disorder: 2

Miscellaneous: 11

Missing / Runaway / Found Person: 2

PR Events: 1

Public Intoxication: 1

Lockin / Lockout / Peace / Welfare: 28

Robbery / Carjacking: 1

Security Check: 2

Suicidal Person / Attempted Suicide: 1

Supplemental: 29

Suspicious: 40

Test Call: 2

Theft: 5

Traffic Stop: 121

Traffic Violation / Complaint: 30

Unknown: 2

Violate City Ordinance (Animal): 1

Violate City Ordinance (Park): 1

Warrant Service: 4

Weapons / Firearms: 4

Total Calls for Service: 492

Note: These statistics represent reported 'Calls for Service' and not verified offenses. Offenses may be different from reported, may have been Unfounded, or otherwise cleared.

GRANITE SHOALS POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – DECEMBER 2015

CHIEF J. P. WILSON



STAFF

Staff Levels: Nine of nine paid positions are full. We have three non-paid reserve officers. These officers volunteer approximately 24 hours per month.

VEHICLES AND EQUIPMENT

Eight patrol vehicles are in good working order. Two of these eight vehicles are nearing 6 years old, both over 105,000 miles and are experiencing increasing maintenance costs as a result. The two replacement vehicles approved in the FY 2015 – 2016 budget have been ordered. The Animal Control vehicle is in good working order, however, this vehicle is a 2003 model and has over 200,000 miles which is leading to increased maintenance costs. The marine vessel is in good working order. The incident command vehicle is in good working order. We are working diligently to keep all vehicles in good working order while keeping maintenance costs as low as possible.

TRAINING

One officer attended a 50 hour Standardized Field Sobriety Testing Instructor Certification. This will allow us to provide this training to our officers without the need to send the officers out of town for class or additional tuition expenses. One officer completed approximately 40 hours of online training. We are in the process of developing our training plan for the upcoming year to meet the needs of the department and provide our officers with high quality training.

GRANTS, MAJOR PURCHASES, AND PROJECTS

We have applied for a grant from the National Rifle Association Foundation for various equipment and are waiting to be informed if we are awarded this. As part of continuing compliance with best practices, we completed quarterly inspections of equipment and a semi-annual inspection of our evidence room. All standards were found to be met during these inspections. We are monitoring federal and state surplus equipment programs for any equipment, including generators and emergency operations command equipment, that may be available at no or reduced cost.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
January 26, 2016**

**Agenda Item: Item 12– Future Agenda Items
Prepared By: City Secretary
Department: Administration**

AGENDA CAPTION

12. Future Meetings and Agenda Items

- a.) Review Agenda Calendar
- b.) Identification of future agenda items

Future agenda items – a time where Mayor, Council members or City Manager may suggest items for future agendas and when the Agenda Calendar is reviewed.

Agenda Calendar

This is a planning tool only and all information is tentative until listed on an official agenda and posted in accordance with Texas Open Meeting law.

January 26, 2016

City Council Regular Meeting 102 days before the May Election(s)

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes January 12, 2016		Simpson	
	Consent	Ord. to Call the City General Election for May 7, 2016		Simpson	
	Consent	Contract with Burnet County Elections Administration to conduct 5/7/2016 Elections		Simpson	
	Consider	Mr./Mrs. Strehlow for Release of Easement		Nickel	Went to BOA first for setback variance which was granted 1/11/2016
	Consider	Mr. Blythe for Release of Easement		Nickel	Went to BOA first for setback variance which was granted 1/11/2016
	WRKSP	City Council meet with the Wildlife Advisory Committee in Joint Session	Holland	Nickel / Simpson	
	Consider	Board and Commission Appointments		Simpson	If any applications
	Consider	Ord. to Call the City Special Election for May 7, 2016 for Sales Tax measure		Simpson	
	Discuss	Amending Ordinance to update city regulations of alcohol	Council	Young	
	WKSHP	Workshop #4 on Road Improvement/Planning Issues – Hear report on meeting regarding USDA Rural Development grant opportunities	Council held wksps 12/1, 12/15/2015 and 1/12/16	Nickel	Review of future actions – planning for Nov. (?) bond election
		Written Department Reports			
		Future Agenda Items/Adjournment			

February 9, 2016

City Council Regular Meeting 88 days before the May Election

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	Racial Profiling Prevention Report	Annual	Wilson	
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes January 26, 2015		Simpson	
	Consider	Board and Commission Appointments		Simpson	

	Discuss	Mr. Greg Haley, Engineer with options for Road improvements		Nickel	
	Consider	Amending ord. to General Fee Schedule to remove 'LCRA Drought pass through fee' upon reduction of LCRA rates in February, 2016.	Brugger	Smith	As discussed during management report 1/12/2016
	Consider	Res. Related to policies for public records request for Police Department Body Cameras footage.		Nickel/ Young/ Wilson	
	Discuss	Proposals for modifying/updating the City Drought Contingency Schedule, regarding 'trigger points' for institution of drought stages		Smith	As discussed at 1-12-2016 Council meeting
	WKSHP	Non-conforming structures – follow-up on 1/12/2016 Workshop with Code staff and City Attorney		Nickel	Council questions, concerns related to 1/12/2016 Workshop
	WKSP	Granite Shoals publicly owned private airstrip – a.) possible conversion of airstrip to park uses. b.) air traffic 'logs' c.) required legal proceedings for airstrip to re-purpose.		Young Nickel	Preston / Mike
		Future Agenda Items/Adjournment			

February 23, 2016
Drawing for Order of Names on the May Ballot (5:30 PM before meeting)
City Council Regular Meeting
74 days before the May Election(s)

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	Report on Economic Development workshop attended last Fall	Council	Gholson	Report from seminar
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes February 9, 2016		Simpson	
	Consider	Board and Commission Appointments		Simpson	
		Written Department Reports			
		Future Agenda Items/Adjournment			

Tuesday, March 8, 2016
City Council Regular Meeting
60 days before the May Election(s)

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes February 23, 2016		Simpson	

	Consider	Board and Commission Appointments		Simpson	
	Consider	Way Company?			
		Future Agenda Items/Adjournment			

Future Agenda Items Not Scheduled: (for example – items tabled but not to a date certain)

Requestor	Date Requested	Subject	Status
		No Engine Brake signs	
		Review, Revise and Update Zoning Ordinance	Marvin Townsend, originator , P&Z considering it at their meetings starting October 2013
Council		ETJ Annexation – Nobles Area	FY 2015-2016 ?
		Capital Assets Management Policy	For Water / WW Grants
	Action	Discuss and Consider possible methodology for selling City owned real property.	Property List – City Owned Property Discussed 3/11 briefly – sellable properties??
	Consent	Consider Ord. postponed from 9-10-2013 clarifying area around current water plant as restricted area.	If Burnet Co. 911 has information
?	Consider	Contractor Fee for Big Trucks? Impact Fee – Ordinance –	Morren
Staff		Ord. amending and updating Ord. 191 Police Reserve Ordinance (from 1985).	
Staff	Oct 2015	Expanded hours for Alcohol Service in the City limits	
Staff	Hear	Presentation by Dr. McBride related to Christ-Yoder Animal Shelter Services	First Quarter end? Approx.. Jan 2016 ?
Wrkshop		Procedure to evaluate City Property on 1431 for City to sell	Morren 7-28-2015 moved
		City Employee job descriptions	Simpson
		Update of Board and Commission Members Demographics	Simpson
	10/27/2015 Mayor	Annexation Plan – Scope of Plan	Annexation Discussion before giving P&Z Commissioners their charge for this project?

Year-Round Overview Summary

(for example: contacts which must be renewed annually, grant applications which must be made annually, statutory items which are done at a specific time of year, e.g. Election Canvass).

Month	Subject / Item
January	1. Contract with Burnet County to Conduct May General Election – City Sec. 2. Call the City Election – Simpson 3. Quarterly Municipal Court report by Municipal Judge.
February	1. Annual Racial Profiling Prevention Report – PD 2. Airport issues (2016)
March	Audit report of previous budget year – Finance Director, Proclamation from Mayor naming April as Child Abuse Prevention and Awareness Month
April	Quarterly report on Municipal Court from Municipal Judge

May	1. Canvass of City General Election – City Sec. 2. Appointment of Mayor Pro Tem. 3. Review of Meeting schedule? 4. Council Pictures? 5. Calling Runoff Election if needed. 6. Board and Commission Members appointments. 7. Board and Comm. Appreciation Reception
June	1. Proposed Budget Calendar – City Manager
July	1. Budget Workshop(s)? - City Manager / Finance Director / City Council 2. Personnel evaluations – City Manager and City Secretary 3. Quarterly Municipal Court report by Municipal Judge. 4. Accept Appraisal Roll from Tax Appraiser.
August	Public Hearings for Tax Rate/Budget – City Manager/ Fin. Dir / City Sec., 2. Budget Workshop(s) - City Manager / Finance Dir. / City Sec. 3. City Managers Annual Review of Personnel Manual – any recommended modifications.
September	1. Adoption of Budget 2. Adoption of Tax Rate
October	1. Official Newspaper of Record Resolution – City Sec. 2. Council Meeting schedule for holiday season 3. Annual Review of Investment Policy, Finance Policy, Finance Goals. 4.) Juvenile Curfew Ord. (2016) 5.) Quarterly Municipal Court report by Municipal Judge. 6.) Consideration of the nominees for the John Rinehart Award
November	Every 4 years re-authorize quarter cent sales tax for Streets. (2017?) prepare for May Election
December	