



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, JUNE 28, 2016, 6:00 PM**

City Council may, or may not, be present in numbers to make a quorum at the earlier event in City Council Chamber from 5 PM – 6 PM. This event is Volunteer Appreciation Reception and is strictly social in nature. No council business will be considered and no action will be taken during the Volunteer Reception.

1. **Call meeting to order**
2. **Invocation**
3. **Resolution # 362, Rules of Procedure, Conduct & Decorum** (Mayor Carl Brugger)
At this time, the Mayor will review the established rules which govern the meetings of City Council. Copies of Res. #362 will be available for review in Council Chamber. Please silence your electronic devices.
4. **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.*
5. **Public comment and announcements and Items of Interest** *p. 5*
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.
 - June 30, 2016 – Open Meeting Law Training for Board and Committee Members
6:00 PM -7:30 PM
 - June 30, 2016 – Meet with Mayor 7:30 PM – 8:30 PM
6. **MANAGEMENT REPORTS** *p. 8-13*
 - a.) **City Manager**
 - Update on policy of Public Information Requests for PD Body Camera data
 - Deer Management Town Hall Meeting held June 18, 2016

- Meeting with Marble Falls City Manager Mike Hodge.

b.) City Secretary

- Upcoming Open Government Training Session June 30, 2016
- Website and Social Media update.

7. **PUBLIC HEARING:** *p. 14-47*

Proposed Ordinance #691 to amend Chapter 40 of the City Code Of Ordinances, related to Non-Conforming Structures, including Sections 40-2 (Definitions), 40-6 (Single-Family Residential District, R-1), 40-8 (Multifamily Residential District, R-2), 40-10 (Mobile Home Residential District, M-1), and 40-18 (Nonconforming Buildings And Uses) of the City Of Granite Shoals Code Of Ordinances; and creating a new section 40-29 (Overlay Districts); and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.

- Hold a Public Hearing
- Review recommendations regarding Ord. #691
 - Planning and Zoning Commission from June 21, 2016
 - City staff
- Consider and possibly take action on proposed Ordinance

8. **CONSENT AGENDA ITEMS** *p. 48*

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.

- Approve City Council Regular Meeting minutes from June 14, 2016. *p. 49-75*
- Approve nomination form for John Rinehart Memorial Award for Outstanding Community Service for 2017. *p. 76*
- Approve annual Interlocal Agreement with Burnet County for use of street paving equipment for 2016. *p. 77-79*

9. **REGULAR AGENDA ITEMS**

- Discuss, consider and possibly take action related to proposed Ordinance #680, No Deer Feeding Ordinance, as discussed at Town Hall meeting regarding Deer Management, held June 18, 2016. (City Manager Ken Nickel) *p. 80-92*
- Discuss, consider and possibly take action related to the appointment of members to Boards and Committees. (City Secretary Simpson) *p. 93-95*

10. **WORKSHOP ITEMS:** *p. 96 - 98*
- a. 2016-2017 City Council priorities (*City Manager Ken Nickel*)
 - b. Arterial road improvements (*Mayor Carl Brugger, City Manager Nickel*)
 - c. Budget reduction options (*Councilwoman Anita Hisey, Mayor Carl Brugger*)

11. **EXEC. SESSIONS:** *p. 99*
- a.) *Executive session pursuant to sections 551.074 of the Texas Open Meetings Act (Personnel Matters): Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the following public employees: City Manager Ken Nickel, City Secretary Elaine Simpson, City Attorney Brad Young, Municipal Judge Frank Reilly.*
 - b.) *Executive (Closed) meeting as authorized by Texas Government Code. Executive session pursuant to section 551.071 of the Texas Open Meetings Act (Consultation with Attorney) to seek and receive legal advice from the city's legal counsel relating to personnel matters.*

Any action resulting from Executive Session(s).

12. **Written Reports** *p. 100 - 110*
- a. Code
 - b. Fire
 - c. Streets / Parks
 - d. Police
13. **Future Meetings and Agenda Items** *p. 111 - 115*
- o Review Agenda Calendar
 - o Identification of future agenda items
14. **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, June 24, 2016 on or before 6:00 p.m. and shall remain there continuously from such time until after this meeting is adjourned on Tuesday, June 28, 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.



Elaine Simpson
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).

V.T.C.A., Penal Code § 42.05, § 42.05. Disrupting Meeting or Procession

(a) A person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(b) An offense under this section is a Class B misdemeanor.

Credits: Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994. V. T. C. A., Penal Code § 42.05, TX PENAL § 42.05 - Current through the end of the 2015 Regular Session of the 84th Legislature



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: Item 5 – 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.

V.T.C.A., Penal Code § 42.05, § 42.05. Disrupting Meeting or Procession

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V. T. C. A., Penal Code § 42.05, TX PENAL § 42.05 - Current through the end of the 2015 Regular Session of the 84th Legislature

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.

FREE CAR SEAT INSPECTIONS
INSPECCIONE DE ASIENTOS PARA NIÑOS GRATIS

Car Seat Fitting Station

Inspeccion de Asientos para niños

Marble Falls Area EMS

609 Industrial Blvd.
Marble Falls, TX 78654
(830) 693-7277

Wednesday, June 29th

**Child must be
present.**

1:00 pm—4:00 pm

Los niños tienen
que estar presente.

Last appointment begins at 3:30

La última cita comienza a las 3:30

To schedule an appointment call (512) 972-SAFE
or email EMSPubEd@austintexas.gov

A FREE service brought to you by:

AUSTIN-TRAVIS COUNTY EMS
(512) 972-SAFE (7233)





Open Meetings Law Training

Thursday, June 30, 2016

6:00 PM-7:30 PM

Granite Shoals City Hall, Council Chamber

2nd Floor, 2221 N. Phillips Ranch RD

Granite Shoals, TX 78654

Presented by City Attorney Brad Young

This class fulfills the legally required training for Council Members, Planning and Zoning Commissioners and other Committee and Board Members who serve on Granite Shoals Advisory Groups.

With questions, call City Secretary at 830-598-2424 x 303.

Meet with Mayor- Open House

Stay after for lemonade and Question and Answer session with

Mayor Carl Brugger (and city staff, as appropriate)

7:30 PM until 8:30 PM.

There may, or may not be, a quorum of the City Council, the Airport Advisory Committee, the Planning and Zoning Commission, the Board of Adjustments, the Parks Advisory Committee, the Streets and Water Advisory Group (SWAG), the Beautification Advisory Group (BAG), or the Wildlife Advisory Committee present for this training and/or the meet and greet which are being conducted for educational and informational purposes. No action will take place.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: 6. Management Reports
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

6. Management Reports

a.) City Manager

- Update on policy of Public Information Requests for PD Body Camera data – to be considered at an upcoming City Council meeting. City staff has collaborated on a proposed policy/procedure which should be operationally efficient and responsive to the needs of the citizens.
- Deer Management Town Hall Meeting held June 18, 2016 – the meeting minutes from this Town Hall are posted on the city website under Wildlife Advisory Committee – under agendas and minutes – June 18, 2016.
- Meeting with Marble Falls City Manager Mike Hodge.

b.) City Secretary

- Upcoming Open Government Training Session June 30, 2016: This is an annual training session that the City Attorney Brad Young holds for us each year here on-site, customarily this session is held after the May General Elections. This training session, which focuses on Open Meetings, is geared for both new Council, Board, Committee or Commission members, or experienced members wanting to take a 'refresher'. After a Committee member has taken the training, either in this venue or utilizing the Attorney General's website option, he/she is not required to take the class again. This is an open meeting and any citizen is welcome to attend. This is a lecture-style class with questions and answers addressed as time allows. There may be members of any and all Council, Boards, Committee, Group and Commission present in numbers to constitute a quorum for their respective body. There may not be any quorums. This is a function that is solely educational in nature, so no city business will be considered and no action will be taken.
- Website and Social Media update. The City's Facebook page is 14 months old. We have 380 followers. (See statistics attached). The city website has had 22,000 plus visits in the past year. The most active period for the website was in Summer 2015. (see Piwik report).

Overview Last 28 days ▾ Export

<p>Likes</p> <p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>
<p>Reach</p> <p>Reach May 27 - June 23</p> <p>820 People Reached ▲ 50%</p> <p>469 Post Engagement ▼ 47%</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>
<p>Posts</p> <p>Reach May 27 - June 23</p> <p>820 People Reached ▲ 50%</p> <p>469 Post Engagement ▼ 47%</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>
<p>Events</p> <p>Videos May 27 - June 23</p> <p>We don't have data to show you this week.</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>
<p>People</p> <p>Reach May 27 - June 23</p> <p>820 People Reached ▲ 50%</p> <p>469 Post Engagement ▼ 47%</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>
<p>Messages</p> <p>Reach May 27 - June 23</p> <p>820 People Reached ▲ 50%</p> <p>469 Post Engagement ▼ 47%</p>	<p>Page Views May 27 - June 23</p> <p>117 Total Page Views ▼ 2%</p>	<p>Actions on Page May 27 - June 23</p> <p>1 Total Actions on Page ▲ 100%</p>	<p>Page Likes May 27 - June 23</p> <p>14 Page Likes ▲ 75%</p>

Your 5 Most Recent Posts

Published	Post	Type	Targeting	Reach	Engagement	Promote
06/22/2016 1:44 pm	<p>Next Wednesday you can go to Marble Falls EMS building, and a</p>			35	0	<input type="checkbox"/>

Overview

- 9:03 am

06/14/2016 4:40 pm

visory Committee members and

Please attend this meeting and learn more about this new program

356

Boost Post
- 06/09/2016 10:59 am

The City of Granite Shoals, Texas City Council and city staff extension

205

Boost Post

See All Posts

Pages to Watch

Compare the performance of your Page and posts with similar Pages on Facebook.

Pages to Watch helps you compare the performance of your Page and posts with similar Pages on Facebook. Add Pages to get started.

Add Pages

Reactions, Comments & Shares

Page	Total Page Likes	From Last Week	Posts This Week	Engagement This Week
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YOU	380	▲ 0.3%	3	10
1				



City of Granite Shoals, Texas

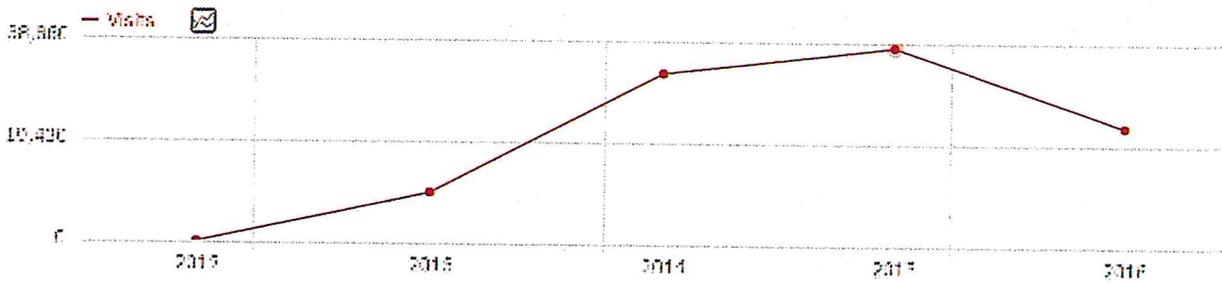
Suggested Pages to Watch

+ Fitness club granite shoals... Clases de Zumba y club de nutrición... 36 175

Watch Page

Chat (Off)

Evolution over the period



2015
37,724
Visits

Report



22,636 visits



2 min 16s average visit duration



53% visits have bounced (left the website after one page)



2.7 actions (page views, downloads, outlinks and internal site searches) per visit



0.8s average generation time



44,159 pageviews, **32,719** unique pageviews



893 total searches on your website, **459** unique keywords



13,736 downloads, **11,187** unique downloads



2,217 outlinks, **1,961** unique outlinks



419 max actions in one visit

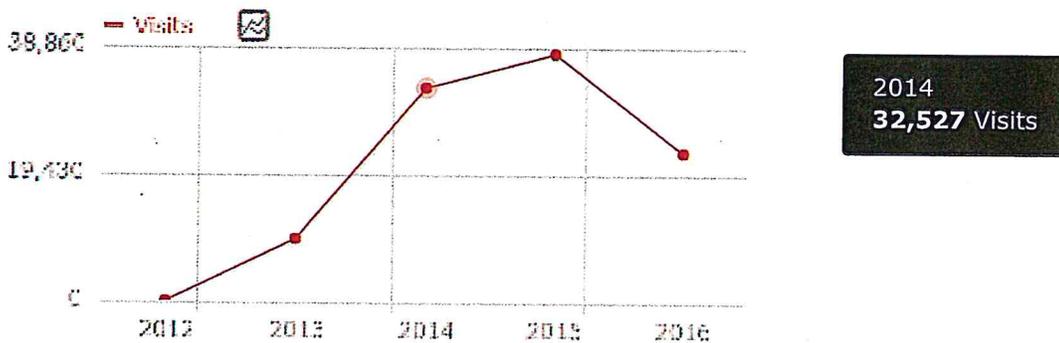
WEBSITE: GRANITE SHOAL.. ▾

2016 

ALL VISITS 

DASHBOARD ▾

Visits Over Time



ANNOTATIONS 5 ▾

Visitor Map

22.6k visits



 Countries

World-Wide ▾

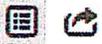
Visits ▾

Site Search Keywords

KEYWORD	SEARCHES	SEARCH RESULTS PAGES	% SEARCH EXITS
jobs	15	1.1	0%
search	13	1.9	8% 12/115

trash	9	1.4	11%
warrants	9	1.3	44%
building permits	8	1.8	0%
forms	8	2.9	25%
employment	7	2	29%
bulk	6	1	33%
parks	6	1.2	67%
animal control	5	1.2	20%

1-10 of 459 NEXT >



10 ▼



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
Date: June 28, 2016**

**Agenda Item: 7. # Non-conforming Structures proposed Ordinance
Prepared/Submitted By: Elaine Simpson for Ken Nickel, City Manager**

AGENDA CAPTION

7. PUBLIC HEARING:

Proposed Ordinance #691 to amend Chapter 40 of the City Code Of Ordinances, related to Non-Conforming Structures, including Sections 40-2 (Definitions), 40-6 (Single-Family Residential District, R-1), 40-8 (Multifamily Residential District, R-2), 40-10 (Mobile Home Residential District, M-1), and 40-18 (Nonconforming Buildings And Uses) of the City Of Granite Shoals Code Of Ordinances; and creating a new section 40-29 (Overlay Districts); and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.

- a. Hold a Public Hearing
- b. Review recommendations regarding Ord. #691
 - i. Planning and Zoning Commission from June 21, 2016
 - ii. City staff
- c. Consider and possibly take action on proposed Ordinance

Public Hearings are conducted by City Council according to the processes adopted in Resolution 362 'Rules of Decorum'. The Council may, from time to time, conduct Public Hearings during any other posted meeting. These hearings are called in order to solicit public input on specific matters posted as may be required by law or by desire of the Council. Speakers, other than Council Members, staff, or invited speakers, must limit their comments to six minutes on each agenda item, and may not designate their time to be used by other presenters. The Presiding Officer, or a majority of the City Council, may extend or further limit this time period in exceptional circumstances. The City Council may overrule the Presiding Officer's determination of extension or further limitation by majority vote.

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

1. Continue to provide a safe Community
4. Increase Code Compliance activity by approximately 25%.
7. Continue to focus on Customer Service and Teamwork
9. Planning and Vision for the future
11. Improve Communications to the citizens of Granite Shoals

BACKGROUND

At the City Council regular meetings on January 12, 2016 and February 23, 2016 the Council held workshops to discuss the non-conforming ordinance. A workshop was scheduled for March 8th but due to the Council meeting running late, the agenda item was reschedule for the first Council meeting in April.

At the City Council Regular Meeting of 1-26-2016, during his Management Report, City Manager Ken Nickel presented his summary of the questions/concerns expressed by

City Council members after the 1-12-2016 Workshop, related to Non-conforming uses in the city. Council requested that city staff bring this item back to compare Council issues/concerns/questions with the recommendations of city staff.

At the City Council meeting of February 23, 2016 the staff recommendations were presented, followed by repeat of the Council issues/concerns/questions. There was an extended discussion of the non-conforming ordinance, but Mayor and staff determined that there was no consensus at the last meeting for a specific Ordinance to be drafted to amend/modify the Non-Conforming ordinance yet. There was an extended discussion of encroachment of eaves, and of structures (foundations) into easements and setbacks. There was an extended discussion of standard practice related to how measurements are taken to determine if a structure encroaches, or eaves encroach.

Recommendation #1 from City Staff included adding a provision for allowing structures with only encroachment of eaves (not foundation), be allowed if the structure was constructed before July 1, 2015. There was general agreement by City Council related to this recommendation.

Recommendation #2 from City Staff was that if a structure is non-conforming because of encroachment of a structure/foundation into the easement/setback that the ordinance continues to be enforced, as written.

There were many suggestions for changing the Recommendation #2. In Marble Falls, it was noted that non-conforming uses are eligible to expand the use up to 50% of the appraised value of the structure from the tax rolls, as long as it doesn't exacerbate the non-conforming issue. Council requested staff to obtain Marble Falls ordinance for next council meeting for comparison.

There was an extended discussion related to equity for those residents who own homes built before their property was annexed into the city.

There was a discussion of the concerns that no enlargement of any kind be allowed that is not up to Building/Electrical/Plumbing codes.

Mr. Jim Davant had previously submitted his informal petition of names of neighbors who did not wish for the City Council to accept Recommendation #2 as proposed by city staff.

There was an extended discussion of researching the process followed by Marble Falls, and to consider if it is fair to use the appraised value from the tax roll, instead of market value.

At the March 8, 2016 City Council meeting, the Council ran out of time before the Non-Conforming Ordinance workshop agenda item was addressed. At that time, the Mayor and Council members agreed to take new information provided from city staff in Marble Falls Development Department, explaining how Marble Falls accommodates expansion requests for non-conforming structures.

At the April 12, 2016 City Council Regular Meeting, the Council discussed non-conforming structures again, focusing on eaves/overhangs. The recap of this discussion can be found in the meeting minutes of the April 12, 2016.

At the April 26, 2016 Regular City Council meeting, the Council heard that the Granite Shoals Planning and Zoning Commission discussed this issue at their Regular Meeting of April 21, 2016.

The consensus of the P&Z Commissioners is that they would like Council to direct them to hold Public Hearings on the following proposed modification to the Zoning Ordinance related to Non-Conforming Structures:

Any structure that is built before July 28, 2015 that is solely in violation due to overhangs/eaves encroaching into a public utility easement, front, side or back yard setbacks, will be considered a conforming structure. Any remodel/modification/addition to such structure with overhangs/eaves encroaching into a public utility easement, front, side or back yard setbacks will be built with new eaves/overhangs extending no closer to the property line than the existing eaves/overhang. Motion made by Commissioner Scott, 2nd by Commissioner Fletcher. Motion carried by unanimous 4-0 vote.

The Council considered the latest version of the modifications as well as Planning and Zoning Commission recommendations.

On June 21, 2016 the Planning and Zoning Commission held a Public Hearing on the proposed 'Non-Conforming Structures' Ordinance, which is Ord. 691. This proposed Ordinance is the result of Council and P&Z discussions of this topic back and forth, as mentioned in this background report.

City Council accepted the recommendation of P&Z and proposed Ord. 691 was composed with similar language as that language from the P&Z motion of April 21st. The Council agreed in May to schedule the Public Hearings for this proposed Ordinance.

The draft (unapproved) meeting minutes of the June 21, 2016 P&Z meeting are attached. The Commissioners reconsidered the ramifications of 'continuing' an existing encroachment when allowing an addition be built on a non-conforming structure. The Commissioners revised the proposed Ordinance to prohibit additions being built to non-conforming structures which 'continue' an existing encroachment.

The P&Z voted unanimously to forward a favorable recommendation of proposed Ord. 691, as they amended. It is included in tonight's packet as Ord. 691 – B . The 'original' version of the proposed Ordinance 691, as seen by Council in May, is Ord. 691-A.

City Staff Recommendation:

Support for Option B, as it is similar to Marble Falls.

Attachments:

- P&Z Draft Meeting minutes from June 21, 2016
- Proposed Ord. 691 – A, the original version
- Proposed Ord. 691 – B, the version as recommended by Planning and Zoning Commission



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

**MEETING MINUTES
FOR A REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER
2221 N. PHILLIPS RANCH ROAD
GRANITE SHOALS, TX 78654
TUESDAY, JUNE 21, 2016
6:00 P.M.**

Call to Order by Chair Shannon Wilson at 6:00 PM.

Commissioners Present:

Shannon Wilson
Susie Hardy
Shawna Williams
Steven Dooley
Terry Scott
Claudine Gonzales

Absent:

Paul Fletcher

Staff present:

Ken Nickel, City Manager
Preston Williams, Sr. Code Compliance Officer
Elaine Simpson, City Secretary - recording ---

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

Public comment and announcements

At this time, any person with business before the Commission not scheduled on the agenda may speak to the Commission. 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 Chair or the Secretary, prior to addressing the Commission.

City Staff Announcements/Items of Public Interest

Volunteer Appreciation Reception June 28, 2016 at 5 PM

Annual 'Open Government Training' with City Attorney, 6 PM June 30, 2016

Draft Mtg. minutes only.

Draft minutes.

Meet with Mayor and drink lemonade after the Open Government Training 7:30 PM to 8:30 PM

There were no citizen comments.

APPROVAL OF MINUTES

- 1) Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of May 17, 2016.

Commissioner Williams made a motion, and Commissioner Scott seconded, to approve, as presented, the meeting minutes from the P&Z Commission regular meeting of May 17, 2016. Motion carried with a unanimous vote of 6-0.

PUBLIC HEARING

- * 2) Proposed Ordinance #691 to amend Chapter 40 of the City Code Of Ordinances, related to Non-Conforming Structures, including Sections 40-2 (Definitions), 40-6 (Single-Family Residential District, R-1), 40-8 (Multifamily Residential District, R-2), 40-10 (Mobile Home Residential District, M-1), and 40-18 (Nonconforming Buildings And Uses) of the City Of Granite Shoals Code Of Ordinances; and creating a new section 40-29 (Overlay Districts); and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting.
 - a. Hold a Public Hearing.

Chair Wilson recessed open meeting / called Public Hearing to order at 6:05 PM.

Chair Wilson adjourned Public Hearing and reconvened the regular meeting at 6:06 PM.

- b. Review proposed Ordinance, discuss, consider and possibly take action to forward a recommendation to City Council regarding Ord. #691.

Commissioner Scott led an extended discussion about what he perceives now as shortcomings of this proposed ordinance. He suggested that if a gross encroachment of a setback/easement exists, this Ordinance as presented, would allow the owner of the dwelling not only to build an addition, but to continue the encroachment all the way back along the fence line, and in cases of waterfront property, this could be all the way almost to the water. Although the size of the encroachment into the setback or easement could not be expanded, the existing encroachment would be 'continued'. There was a discussion of equity involving whether it was fair to the homeowner who had no encroachments, who lived in a 'conforming' house, that if this homeowner wished to build an addition, he would have to comply with all the setbacks and easements. However, if the neighbor next door had a pre-existing encroachment, they would be able to build an addition outside the parameters of the current setbacks and easements. Someone in the same neighborhood building a new dwelling would have to comply with the

Draft Meeting Minutes

Draft Meeting Minutes

current rules as 'new construction'. This would seem to favor the owners of dwellings with these encroachments.

The Commissioners were in favor of allowing owners of non-conforming structures to build additions onto their structure. As is currently written, the Ordinance forbids anything but minor repairs from being made to a non-conforming structure with encroachments of this type. There was agreement that current regulations are too rigid; that these property owners should be given the flexibility to build an addition.

There was general agreement that with this flexibility, if the property owner still could not build an addition that was compliant with current building codes, they could take their case to the Board of Adjustments.

There was a brief discussion that in the Ordinance for Marble Falls, Texas, the owner of a non-conforming property with encroachments may build an addition, but the addition must comply to the current building codes. The owner may not build an addition that expands or continues the existing encroachment.

Jim Davant, 310 South Shorewood, Granite Shoals, TX 78654: Spoke regarding his concern that if proposed Ord. 691 is not approved, or is approved with extensive modifications to how additions may be built, the city will be back in the same difficult situation that resulted from the Zoning amendments passed in July of 2015. When the July 2015 amendments passed, the manner in which encroachments were enforced became more stringent. Instead of only encroachments on the ground, the new ordinance created a new type of violations of easement/setbacks in the 'airspace' where eaves and overhangs exist.

Commissioners Williams, Scott and Dooley expressed concerns about allowing the ability of a homeowner to continue an encroachment. Vice Chair Hardy expressed support for the proposed Ordinance, as presented. Commissioner Gonzales proposed defining 'airspace' to correct the issue.

Commissioner Scott made a motion, and Commissioner Williams seconded, to forward a favorable recommendation to City Council related to proposed Ordinance #691, with the following modifications:

At each occurrence of the paragraph wording such as on page 3 of the proposed ordinance, Section 4 and Section 5, paragraphs A and B the following changes will be made:

As currently proposed:

Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

(A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and

(B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].

(5) *Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:*

(A) *Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and*

(B) *Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].*

Will read as follows:

Eaves and overhangs. Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.

Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction.

Also, the date of July 1, 2016 was inserted into the ordinance in all occurrences of the phrase '[the date of amended ordinance]'.

Motion carried unanimously by a vote of 6-0.

This recommendation will be forwarded to City Council for their June 28th meeting.

REGULAR AGENDA ITEMS:

- 3) Discuss, consider and possibly take action related to forwarding a recommendation to City Council regarding modifications to Granite Shoals zoning ordinance related to fencing in residential zoning districts, as discussed at previous P&Z meetings on March 17, 2016, April 21, 2016 and May 17, 2016.

Ordinance No. 691 – A original

“Nonconforming Structures”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 40 (ZONING), SECTIONS 40-2 (DEFINITIONS), 40-6 (SINGLE-FAMILY RESIDENTIAL DISTRICT, R-1), 40-8 (MULTIFAMILY RESIDENTIAL DISTRICT, R-2), 40-10 (MOBILE HOME RESIDENTIAL DISTRICT, M-1), AND 40-18 (NONCONFORMING BUILDINGS AND USES) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND CREATING A NEW SECTION 40-29 (OVERLAY DISTRICTS); 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 has determined that quality of life, increased property values and aesthetics are important issues and concerns affecting the City and seek to provide for the safe and orderly development of land within the City; and,

WHEREAS, the regulations established by this Ordinance are specifically designed to lessen congestion in the streets, secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, schools, parks and other public facilities; and

WHEREAS, in the course of adopting the regulations established by this Ordinance, the City Council has given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by this Ordinance are furtherance of the public interest, for the good government, peace, order, trade and commerce of the City, and are made in accordance with the City’s Comprehensive Plan and are necessary and proper for carrying out the power granted by the law of the City; and

WHEREAS, the Planning and Zoning Commission has considered the contents of this ordinance and held a public hearing on June 21, 2016, at which time all persons interested in the proposed amendments to the City’s zoning ordinance had an opportunity to be heard; and

WHEREAS, the City Council held a public hearing on June 28, 2016, at which time all persons interested in the proposed amendments to the City's zoning ordinance had an opportunity to be heard; and

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 Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENT

A. Chapter 40 (Zoning), Section 40-2 (Definitions) is hereby amended to add the following definitions as follows:

“....

Eaves means the projecting lower edges of a roof overhanging the wall of a building.

....

Overhang means the part of a roof or wall that extends beyond the facade of a lower wall.

....”

B. Chapter 40 (Zoning), Section 40-6 (Single-Family Residential District, R-1), subsection (1) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“(1) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.

(2) *Side yard.* All lots shall have a side yard of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall be not less than ten feet and shall extend from front to rear of the lot. Sidewalk/flatwork may be located in the side yard only if all easements have been released from the side yard area where the sidewalk/flatwork is located.

- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:
- (A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and
- (B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].
- (5) *Structural encroachments.* A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:
- (A) Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and
- (B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].
- ~~(5) — *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~
- ~~a. — No main or accessory building, except as otherwise specified, shall be located nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.~~
- ~~b. — A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.”~~

C. Chapter 40 (Zoning), Section 40-8 (Multifamily Residential District, R-2), subsection (c) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“(c) *Yard requirements.*

- (1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard.* All lots shall have a side yard on each side of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall not be less than ten feet and shall extend from front to rear of the lot.
- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:
 - (A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and
 - (B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].
- (5) *Structural encroachments.* A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:
 - (A) Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and
 - (B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].
- ~~(5) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in~~

~~relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~

- ~~a. No main or accessory building, except as otherwise specified, shall be located nearer than 20 feet to the shoreline. In no instance shall the main building extend beyond the original platted lot line.~~
- ~~b. A boat dock or a boat storage building not to exceed 16 feet in height (as measured from an 825-foot lake level), and no more than 200 square feet of storage area, without living quarters, is not required to have any setback from the shoreline. No boat dock or boat house shall be closer than five feet to any side property line.~~
- ~~e. No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded."~~

D. Chapter 40 (Zoning), Section 40-10 (Mobile Home Residential District, M-1), subsection (b) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“(b) *Yard requirements.*

- (1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard.* All lots shall have a side yard of not less than five feet on each side. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet and shall extend from the front to the rear of the lot.
- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:
 - (A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and
 - (B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].

(5) Structural encroachments. A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

(A) Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and

(B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].

~~(5) Shoreline. Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~

~~a. — No main or accessory building, except as otherwise specified, shall be located nearer than 20 feet to the shoreline. In no instance shall it extend beyond the original platted lot line.~~

~~b. — A boat dock or a boat storage building not to exceed 16 feet in height, (as measured from an 825-foot lake level), and no more than 200 square feet of storage area. No boat dock or a boat storage building shall be closer than five feet to any side property line.”~~

E. Chapter 40 (Zoning), Section 40-18 (Nonconforming buildings and uses), subsection (a) (Regulations) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“Sec. 40-18. - Nonconforming buildings and uses.

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

(1) Normal repairs and maintenance, interior improvements or remodeling, and exterior improvements or remodeling may be made to a nonconforming building or structure; provided, that no improvements or

~~remodeling structural alterations shall be made that increase the noncompliance or create an additional noncompliance of all or any part of such structure, 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.
- (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.
- (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~~ 180 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~~ 180 days after the building or structure become vacant. All such buildings after ~~90~~ 180 days of vacancy, shall be converted to a conforming use

~~(b)(6)~~ (6) Nonconforming buildings or structures may not be changed or expanded except as otherwise provided in this section.

(b) *Regulation of nonconforming uses of buildings or structures.* 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.~~
- (c) Regulation of Nonconforming Uses of Land~~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 90 180 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) If a nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such land or building or structure upon the land shall conform to the regulations of the zoning district in which the land is located.
- (4) 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.
- (d) Abandonment of nonconforming buildings or structures. The nonconforming use of a building, or structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use building or structure shall be considered abandoned when:
- (1) The intent of the owner to discontinue the use is apparent; or
- (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 90 180 days; or

- (3) A nonconforming building, ~~or structure or land~~, or portion thereof, ~~which~~ is or hereafter becomes vacant and remains unoccupied for a period of 90 180 days.
- (4) ~~A nonconforming use has been replaced by a conforming use.~~
- (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.”
- F. Chapter 40 (Zoning), of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 40-29 (Overlay Districts), as follows:

“Sec. 40-29. Overlay districts.

- (a) *Application.* Overlay and districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay districts are requested.
- (b) *Waterfront Overlay District, WF.*
- (1) *General purpose and description.* The WF, Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson within the City of Granite Shoals.
- (2) *Limits of overlay.* Application of this overlay is limited to platted lots on which at least one lot line directly abuts Lake Lyndon B. Johnson.
- (3) *Permitted uses.* Permitted uses in the WF overlay district are governed by the allowable underlying zoning districts. These permitted uses must conform to the special development standards set forth for this overlay district.
- (4) *Site development standards.* The site development standards of the WF overlay district are the same as those of the underlying zoning district except as follows:
- (A) *Shoreline.* Where a lot abuts Lake Lyndon B. Johnson, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's

edge, under normal conditions, existing as of the date of the requested building permit.

1. No main or accessory building, except as otherwise specified, shall be located nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.
2. A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.”

SECTION III. SAVINGS

The repeal of 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

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 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 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 law.

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at that 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 this ____ day of _____, 2016.

Carl Brugger
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Brad Young,
City Attorney

Ordinance No. 691 – B

“Nonconforming Structures”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 40 (ZONING), SECTIONS 40-2 (DEFINITIONS), 40-6 (SINGLE-FAMILY RESIDENTIAL DISTRICT, R-1), 40-8 (MULTIFAMILY RESIDENTIAL DISTRICT, R-2), 40-10 (MOBILE HOME RESIDENTIAL DISTRICT, M-1), AND 40-18 (NONCONFORMING BUILDINGS AND USES) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND CREATING A NEW SECTION 40-29 (OVERLAY DISTRICTS); 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 has determined that quality of life, increased property values and aesthetics are important issues and concerns affecting the City and seek to provide for the safe and orderly development of land within the City; and,

WHEREAS, the regulations established by this Ordinance are specifically designed to lessen congestion in the streets, secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, schools, parks and other public facilities; and

WHEREAS, in the course of adopting the regulations established by this Ordinance, the City Council has given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and with a view of conserving property values and encouraging the most appropriate use of land in the City; and

WHEREAS, the regulations established by this Ordinance are furtherance of the public interest, for the good government, peace, order, trade and commerce of the City, and are made in accordance with the City’s Comprehensive Plan and are necessary and proper for carrying out the power granted by the law of the City; and

WHEREAS, the Planning and Zoning Commission has considered the contents of this ordinance and held a public hearing on June 21, 2016, at which time all persons interested in the proposed amendments to the City’s zoning ordinance had an opportunity to be heard; and

WHEREAS, the City Council held a public hearing on June 28, 2016, at which time all persons interested in the proposed amendments to the City’s zoning ordinance had an opportunity to be heard; and

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 Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENT

A. Chapter 40 (Zoning), Section 40-2 (Definitions) is hereby amended to add the following definitions as follows:

“....

Eaves means the projecting lower edges of a roof overhanging the wall of a building.

....

Overhang means the part of a roof or wall that extends beyond the facade of a lower wall.

....”

B. Chapter 40 (Zoning), Section 40-6 (Single-Family Residential District, R-1), subsection (1) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“(1) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.

(2) *Side yard.* All lots shall have a side yard of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall be not less than ten feet and shall extend from front to rear of the lot. Sidewalk/flatwork may be located in the side yard only if all easements have been released from the side yard area where the sidewalk/flatwork is located.

- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

(A) Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on ~~July 28, 2015?~~ July 1, 2016?, and that have remained in continuous existence since that date may continue. ~~;~~ Any additions to non-conforming structures must conform to same building regulations as new construction.

~~(B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].~~

- (5) *Structural encroachments.* A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction. (A)

~~Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and~~

~~(B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].~~

- ~~(5) Shoreline.~~ Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

- a. ~~No main or accessory building, except as otherwise specified, shall be located nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.~~
- b. ~~A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.”~~

C. Chapter 40 (Zoning), Section 40-8 (Multifamily Residential District, R-2), subsection (c) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“(c) *Yard requirements.*

- (1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard.* All lots shall have a side yard on each side of not less than five feet on each side, provided that on a corner lot the side yard on the street side of the lot shall not be less than ten feet and shall extend from front to rear of the lot.
- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction. (A) ~~Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and~~

~~(B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].~~

- (5) *Structural encroachments.* A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction. (A)

~~Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and~~

~~(B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].~~

~~(5) Shoreline. Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~

~~a. No main or accessory building, except as otherwise specified, shall be located nearer than 20 feet to the shoreline. In no instance shall the main building extend beyond the original platted lot line.~~

~~b. A boat dock or a boat storage building not to exceed 16 feet in height (as measured from an 825-foot lake level), and no more than 200 square feet of storage area, without living quarters, is not required to have any setback from the shoreline. No boat dock or boat house shall be closer than five feet to any side property line.~~

~~e. No lighting shall be done in such a manner as to provide a direct glare into an adjoining residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded."~~

D. Chapter 40 (Zoning), Section 40-10 (Mobile Home Residential District, M-1), subsection (b) (Yard Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"(b) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet.

- (2) *Side yard.* All lots shall have a side yard of not less than five feet on each side. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet and shall extend from the front to the rear of the lot.
- (3) *Rear yard.* All lots shall have a rear yard of not less than five feet.
- (4) *Eaves and overhangs.* Eaves and overhangs may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction. (A)
~~Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and~~

~~(B) Eaves and overhangs described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the eave or overhang that was in existence on [the date of amended ordinance].~~

- (5) *Structural encroachments.* A building or structure may not encroach into the front yard, side yard, or rear yard except as follows:

Those portions of eaves and overhangs that extend into the front yard, side yard, or rear yard, that were in existence on July 1, 2016, and that have remained in continuous existence since that date may continue. Any additions to non-conforming structures must conform to same building regulations as new construction. (A)
~~Those portions of buildings or structures that extend into the front yard, side yard, or rear yard, that were in existence on [the date of amended ordinance], and that have remained in continuous existence since that date may continue; and~~

~~(B) Buildings or structures described by subsection (A) may be extended within the front yard, side yard, or rear yard parallel to the corresponding lot line, but no portion of such extension may be located nearer to the lot line than the building or structure that was in existence on [the date of amended ordinance].~~

- ~~(5) Shoreline.~~ Where a lot abuts Lake Lyndon B. Johnson or other waterway designated by the city, the following setback and other requirements in

~~relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.~~

- a. ~~No main or accessory building, except as otherwise specified, shall be located nearer than 20 feet to the shoreline. In no instance shall it extend beyond the original platted lot line.~~
- b. ~~A boat dock or a boat storage building not to exceed 16 feet in height, (as measured from an 825-foot lake level), and no more than 200 square feet of storage area. No boat dock or a boat storage building shall be closer than five feet to any side property line."~~

E. Chapter 40 (Zoning), Section 40-18 (Nonconforming buildings and uses), subsection (a) (Regulations) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

"Sec. 40-18. - Nonconforming buildings and uses.

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

- (1) Normal repairs and maintenance, interior improvements or remodeling, and exterior improvements or remodeling may be made to a nonconforming building or structure; provided, that no improvements or remodeling structural alterations shall be made that increase the noncompliance or create an additional noncompliance of all or any part of such structure. ~~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.
- (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.

- (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 90 180 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 90 180 days after the building or structure become vacant. All such buildings after 90 180 days of vacancy, shall be converted to a conforming use

~~(b)(6)~~ (6) Nonconforming buildings or structures may not be changed or expanded except as otherwise provided in this section.

(b) *Regulation of nonconforming uses of buildings or structures.* 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.~~

(c) *Regulation of Nonconforming Uses of Land*~~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~~ 180 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) If a nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such land or building or structure upon the land shall conform to the regulations of the zoning district in which the land is located.
- (4) ~~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.~~
- (d) Abandonment of nonconforming buildings or structures. The nonconforming use of a building; ~~or structure or land~~ which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use ~~use~~ building or structure shall be considered abandoned when:
 - (1) The intent of the owner to discontinue the use is apparent; ~~or~~
 - (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~~ 180 days; ~~or~~
 - (3) A nonconforming building; ~~or structure or land~~, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of ~~90~~ 180 days.
 - (4) ~~A nonconforming use has been replaced by a conforming use.~~
- (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.”
- F. Chapter 40 (Zoning), of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 40-29 (Overlay Districts), as follows:

“Sec. 40-29. Overlay districts.

(a) Application. Overlay and districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay districts are requested.

(b) Waterfront Overlay District, WF.

(1) General purpose and description. The WF, Waterfront Overlay District is intended to preserve and enhance the quality of waterfront property along Lake Lyndon B. Johnson within the City of Granite Shoals.

(2) Limits of overlay. Application of this overlay is limited to platted lots on which at least one lot line directly abuts Lake Lyndon B. Johnson.

(3) Permitted uses. Permitted uses in the WF overlay district are governed by the allowable underlying zoning districts. These permitted uses must conform to the special development standards set forth for this overlay district.

(4) Site development standards. The site development standards of the WF overlay district are the same as those of the underlying zoning district except as follows:

(A) Shoreline. Where a lot abuts Lake Lyndon B. Johnson, the following setback and other requirements in relation to the shoreline shall be used. The shoreline shall usually be the water's edge, under normal conditions, existing as of the date of the requested building permit.

1. No main or accessory building, except as otherwise specified, shall be located nearer than ten feet to the shoreline. In no instance shall it extend beyond the original platted lot line.

2. A boat dock shall not exceed 18 feet in height (as measured from an 825-foot lake level). No boat dock shall be closer than five feet to any extended side property line.”

SECTION III. SAVINGS

The repeal of 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

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 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 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 law.

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at that 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 this 28th day of _____, June, 2016.

Carl Brugger
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Brad Young,
City Attorney

Elaine Simpson

From: Sarah Holden <sholden@marblefallstx.gov>
Sent: Monday, March 07, 2016 1:30 PM
To: 'Elaine Simpson'
Cc: 'MINGALSBE@MARBLEFALLSTX.GOV'
Subject: RE: Question related to how Marble Falls handles Non-conforming structure enlargements

Afternoon Elaine,

That is correct, we do allow a property owners to make changes (remodels, additions, etc.) to a "non-conforming" structure. It would just be a typical Residential Remodel or Residential Addition Permit. More of an "Addition" permit since you are using the verbage of "enlargement". A typical submittal would include:

1. Complete the Permit Application Form.
2. Plans would need to be provided for the specific addition portion of the structure. The building inspector is the structural plan reviewer on those submittals and usually looks for details such as foundation details if any, framing details if any, and of course where the addition is going in proportion to the main structure. And last but not least seeing as we have adopted the 2015 IECC (Energy Code) we will determine whether a ResCheck for energy compliance is necessary.
3. A site plan will nee dto be provided as well to ensure that the addition is not encroaching in any setbacks or easements. (Thats where the zoning regulations come in)

Once the technicians do a preliminary review and ensure all documentation is provided, the plan reviewers review and make comments if needed and then the Building Official will make a final discretion and either approve or deny.

Now regardless of if a structure is damaged or not, any type of renovation/reconstruction/addition that exceeds over 50% of the value of the structure, everything must be brought up to both the zoning regulations and the current adopted building codes. Section 986 did reference section 1140-which is our Variance section. Every property owner is entitled to pursue this if they object to bringing the structure up to complaince, it is not really encouraged to the deciding committees to allow unless there is a topographical hardship.

If you read one section further in section 987 it goes on to answer most your questions I believe. See below:

"987. - Noncomplying structures: Damage or destruction.

If a noncomplying structure is damaged or destroyed to the extent that the cost of reconstruction or restoration will exceed fifty (50) percent of the value of the structure prior to the damage, any subsequent reconstruction or restoration shall comply with the zoning regulations. If, in the opinion of the building official, the remaining portion of the damaged structure is unaffected by the damaged portion, the non-compliance may be continued. However, upon restoration or reconstruction, the entire structure must be brought into compliance with current building codes."

I hope this helps. If I missed somethings please let me know.



Sarah Holden

Building Permit Technician

City of Marble Falls – 801 Fourth Street - Marble Falls, TX 78654

Office: 830-798-7081 Fax: 830-798-8558

Visit us on the web at www.ci.marble-falls.tx.us



ATTN: ELECTED OFFICIALS: This email may contain information and documents being sent to members of the City Council for review. If so, this matter will be discussed at a future City Council Meeting. Please remember that City Councilmembers may not engage in

deliberations on any City matter by email correspondence. If you have comments or questions, please reply to the City Attorney, City Secretary or the City Manager for the City.

A "Reply to All" could lead to violations of the Texas Open Meetings Act. Please reply only to the sender. This email contains the thoughts and opinions of the individual sender and does not necessarily represent the official policy of the City of Marble Falls and/or City Council.

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From: Elaine Simpson [mailto:citysecretary@graniteshoals.org]
Sent: Monday, March 07, 2016 10:58 AM
To: sholden@marblefallstx.gov
Subject: Question related to how Marble Falls handles Non-conforming structure enlargements

Ms. Holden,

I found your email on the city's website. I'm emailing you from 'next door' in Granite Shoals.

Our City Council has been told in a City Council Meeting that the City of Marble Falls, unlike Granite Shoals, will allow a property owner to expand a non-conforming structure.

I have searched your city code and found Section 986. This says the non-conforming structure may be enlarged, as long as it doesn't create an additional noncompliance of all or any party (sic) of such structure. Our Council was told that you work off of a 50% valuation criterion for allowing these enlargements. I cannot find the 50% valuation criterion except as noted when damage is sustained to the building.

My question is:

- 1.) Is the owner of a non-conforming structure able to enlarge it, without it being repairing damage or destruction?
- 2.) If yes, is the owner allowed to enlarge as big/much as he wishes? Are there limitations?
- 3.) If there are limitations to how much the non-conforming structure may be enlarged, what are these limitations? What is the process for applying for a building permit if these situations exist.

I appreciate any assistance you can provide me.

Thank you very much.

Elaine

Elaine Simpson, TRMC/MMC



City Secretary / Human Resources Manager

City of Granite Shoals

2221 North Phillips Ranch Road

Granite Shoals, Texas 78654

1-830-598-2424 x 303 phone

1-830-598-6538 fax

citysecretary@graniteshoals.org

Visit us on the web at www.graniteshoals.org

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A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender. This email contains the thoughts and opinions of Elaine Simpson and does not necessarily represent the official policy of the City of Granite Shoals.

ATTN: ELECTED OFFICIALS and APPOINTED COMMITTEE/COMMISSION/BOARD MEMBERS This e-mail may contain information and documents being sent to all Members to review. If so, this matter will be discussed at a future meeting. Please remember that members may not engage in deliberations on any City matter by email correspondence. If you have comments or questions, please only reply to the City Attorney, City Secretary or the City Manager for the City. Thank you.

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Bed Linens, Table Linens,
Loveseat, Dressers. 2546
Williams Lakeshore.
Kingsland, June 2nd-4th.
210-381-6234.

Items:
Landlord reserve the right
to cancel this sale
without further notice.

PUBLIC NOTICES

PUBLIC NOTICE



The City of Granite Shoals, TX

Public Hearings Zoning Ordinance Amendment *Non-Conforming Structures*

The Planning and Zoning Commission of the City of Granite Shoals will hold a Public Hearing on Tuesday, June 21, 2016, during their Regular Meeting, which is open to the public, at 6:00 p.m., at Granite Shoals City Hall, Council Chambers – 2nd floor, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654, to consider recommending proposed Ordinance #691 to amend Chapter 40 of the City Code of Ordinances, related to Non-Conforming Structures, including **SECTIONS 40-2 (DEFINITIONS), 40-6 (SINGLE-FAMILY RESIDENTIAL DISTRICT, R-1), 40-8 (MULTIFAMILY RESIDENTIAL DISTRICT, R-2), 40-10 (MOBILE HOME RESIDENTIAL DISTRICT, M-1), AND 40-18 (NONCONFORMING BUILDINGS AND USES) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND CREATING A NEW SECTION 40-29 (OVERLAY DISTRICTS); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

Granite Shoals City Council will hold a Public Hearing on Tuesday, June 28, 2016, during their regular meeting, which is open to the public, at 6:00 p.m., at Granite Shoals City Hall, Council Chambers – 2nd floor, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654, to consider proposed Ordinance #691 including recommendation(s) of the P&Z Commission.

Citizens are encouraged to attend and be heard. Additional information concerning this proposed Ordinance is available by contacting City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas 78654, Office of the City Secretary, (830) 598-2424 x 303, as well as visiting the official city website at www.graniteshoals.org.

ION BY PUBLICATION



City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
June 28, 2016

Agenda Item: #8. Consent Agenda
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

8. CONSENT AGENDA ITEMS

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. Approve City Council Regular Meeting minutes from June 14, 2016.
- b. Approve nomination form for John Rinehart Memorial Award for Outstanding Community Service for 2017.
- c. Approve annual Interlocal Agreement with Burnet County for use of street paving equipment for 2016.

a.) self-explanatory

b.) City Council members may wish to modify the nomination form for the 2017 John Rinehart Memorial Award for Outstanding Community Service.

c.) The ILA between the city and county signed last year was for one year only.



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

MEETING MINUTES
CITY OF GRANITE SHOALS, TX
REGULAR CALLED CITY COUNCIL MEETING
CITY HALL, 2ND FLOOR COUNCIL CHAMBER, GRANITE SHOALS, TX
TUESDAY, JUNE 14, 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 6:00 pm, Granite Shoals City Hall, Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, Texas.

Present:

Carl Brugger, Mayor
Anita Hisey, Council Member, Plc. 1
Shirley King, Council Member, Plc. 2
Eric Tanner, Council Member, Plc. 3
Tom Dillard, Mayor Pro Tem
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
Austin Stanphill, Fire Chief
Gary Boshears, Chief of Police

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

3. Pledge to the US and the Texas State Flags, respectively.

4. Public comment and announcements and Items of Interest

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.

- June 18, 2016 – Town Hall Meeting, Deer Management, Fire Hall 9 AM -11 AM
- June 28, 2016 – Granite Shoals Volunteer Appreciation Reception 5 PM – 6 PM
- June 30, 2016 – Open Meeting Law Training for Board and Committee Members 6:00 PM -7:30 PM
- June 30, 2016 – *Meet with Mayor* 7:30 PM – 8:30 PM
- LCRA status of Lake LBJ
- Former Council Member Peggy Edwards – Mayor B will recognize the late Council Members contributions to the City at the Volunteer Appreciation Reception.
- MFISD Nutrition and Book Bus – Three stops in Granite Shoals. Council Member Hisey noted that the Christmas Outreach was donating some books to the Book Bus.

The following citizens spoke:

- 1.) Roy Settlemyer: He spoke regarding street concerns.
- 2.) Michael Steenbergen: Mr. Steenbergen submitted a copy of his remarks in writing to the City Secretary. (excerpts from these written remarks are attached as Exhibit 'A' to these meeting minutes). He spoke regarding his concerns about the recent SWAG meeting, council actions, the recent election, the possible Road Infrastructure – Arterials Project, finances, the recent city newsletter, city staff communication in general, his desire to circulate a petition to call a Recall Election/Initiative/Referendum Election, the purchase of the current City Hall complex and City Boards and Committees.
- 3.) Dennis McCoy: He spoke regarding concerns regarding roads, drainage and the recent SWAG meeting.
- 4.) Arturo Rubio: He spoke regarding concerns about Arterial Road Infrastructure Project and the vision of the council for this project.
- 5.) Mr. Martin 175 W. Bluebriar: He noted his concerns regarding problem with the pier at Bluebriar Park, it has a construction flaw, there is a gap between boards large enough for a child to put a foot through.
- 6.) Tina Collier, 1601 Valley West: She noted that she drives Valley View every day and she believes that Valley View and Prairie Creek should be addressed in the Arterial Roads Infrastructure Project. These streets should be done first.
- 7.) Glynis Smith, 1501 Belaire Dr.: She expressed support for the City Council members.
- 8.) Charles Highland, 336 E. Briar Lane: He asked that City Council continue to recognize members of the public to speak regarding agenda items, so long as said member of the public was not out of order.

5. PRESENTATIONS, REPORTS AND RECOGNITIONS

- **Introduction of New Animal Control Officer Tim Edwards:** *Police Chief Gary Boshears.*

Tim Edwards began working for Granite Shoals May 23, 2016. He comes to us with experience as a police officer from the City of Burnet. He has almost completed his training with Officer Kirkpatrick.

- **Report from Parks Advisory Committee related to committee activities and projects:** *Vice-Chair Brad Williams*

Vice Chair Williams informed council that the 'voluntary fee' for boat launches by non-residents has been successful, approximately \$4,500 has been collected so far, and the pilot program is now in four parks. The committee hopes to expand to more parks including Parks 4, 8 and 14. The hope is to get these new boxes installed by July 4th holiday.

6. **MANAGEMENT REPORTS**

a.) City Manager

- S&P rating update- Granite Shoals has been given an increase in our bond rating by Standard and Poors. The report is included in the agenda packet. We are now rated 'A'.
- Meeting with Gandolf Burrus & structural engineer (*Peal and Associates, Inc.*) on May 26, 2016, related to park grant. The Peal and Associates engineering representatives met with us related to providing application assistance to us for applying for the next Park Grant.
- Marble Falls ISD / City of Granite Shoals discussions related to soccer fields. The memorandum of agreement detailing the plans for these soccer fields to be built at Highland Lakes Elementary, is still being reviewed by legal staff at the ISD.
- USDA Rural Development Grant for future road improvement project. City staff submitted a project description for initial review. Council Member Eric Tanner assisted in the preparation of this application/description. This is a promising grant because the city is the target size and economic condition that these Rural Development grants are designed for. This is all very preliminary still at this time, but staff hopes to hear soon from USDA regarding their impression of the project.
- Wildlife Viewing Station. The Master Naturalists have approached the city to discuss plans to possibly bring a Wildlife Viewing Station to Granite Shoals similar to the one at Inks Lake.

b.) Assistant City Manager

- Storm Damage Update: The recent rains knocked out power to City Hall briefly. The rain damaged the 'prep work' that had been done to some streets which are scheduled to be paved this year. The flood areas were photographed and Mr. Greg Haley, the engineer, was invited to review pictures and flooded areas. This information will assist him as he designs the road arterial infrastructure project. We lost a mature tree at Bluebriar Park. The storm knocked it down and it slightly damaged a pavilion. It was also full of bees.

- Water Award : At the recent meeting of Water System officials, the groundwater from Granite Shoals won the 'taste test'.

It was noted that the surface water, from Lake LBJ, is tasting bad recently. Peggy Smith explained that the storms affected the taste of the lake water, and the annual thermal inversion is happening now. Within a few weeks we hope that the water settles down. Since the floodgates are no longer open, we are optimistic this will be the case.

c.) City Secretary

- Election Update: The invoice for the May 7, 2016 City of Granite Shoals Special and General Elections arrived from Burnet County Election Administrator Doug Ferguson. The Elections cost \$646.69. This is approximately 27% of what was budgeted in the Elections Expenses line of the current budget. Factoring in 199 voters, the each vote cost approximately \$3.25 per vote, not including publication of notices and etc.

Micheal Steenbergen was recognized by Mayor Brugger. He made several complaints including but not limited to: that the 50th Year Bash should not have been held during the recent Election campaign. Also criticized the recent city newsletter for listing email addresses for Council Members who are incumbents but not the candidates running in opposition. He complained that the Highlander News did not host the candidate forum that they normally do each year.

7. CONSENT AGENDA ITEMS

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.

- Approve City Council Regular Meeting minutes from May 24, 2016.
- Approve and accept the City of Granite Shoals' 2015 Annual Financial Report for Fiscal Year Ending September 30, 2015, as audited and presented by BrooksCardiel.

Mayor Pro Tem Dillard made a motion, and Council Member Tanner seconded, to approve the items on the Consent agenda, as presented. Motion carried with a unanimous 7-0 vote.

8. REGULAR AGENDA ITEMS

- Discuss, consider and possibly take action related to establishing regulations for heavy trucks on Phillips Ranch Road. *(City Attorney Brad Young)*

City Attorney Young introduced the agenda item and presented the staff report. Staff is presently evaluating various options and strategies that the City might undertake to address the effects of trucks or other heavy equipment used for industrial purposes traveling over the streets,

bridges, and other public ways located within the City. Within the scope of the City's authority to regulate and maintain these public ways for the benefit of the citizens of Granite Shoals, and to prevent activities that would result in damage to this infrastructure, the City intends to explore potential actions to address circumstances resulting from industrial truck traffic or heavy equipment, including for example, conditions of debris left by such traffic and damage (beyond normal wear and tear) caused by such traffic.

As part of this evaluation process, in which City staff is weighing the legal and technical pros and cons of various alternatives, the following is a general summary of the types of actions that may be considered:

1. Adoption of a new City ordinance that may include some or all of the following types of provisions:
 - a) Requirements for City-issued permits, with related fees, for various classes of commercial vehicle using public ways within Granite Shoals' city limits;
 - b) Legal remedies for damage caused to the City's public ways;
 - c) Provisions addressing road debris from commercial vehicles; and
 - d) Misdemeanor penalty provisions (and fines) for violations.

A copy of similar provisions, from the City Code of the City of Manvel, is attached here as an illustration of the types of provisions under consideration.

2. Development of a form of standard Road Repair Agreement, to be used by Granite Shoals and entered into with identified commercial entities whose vehicles or other heavy equipment are likely to generate debris and/or cause damage to the City's public ways.
3. Designation of specific routes to be used by trucks and other heavy equipment on certain state highways within City limits, as allowed under state law and in coordination with the Texas Department of Transportation.

Mr. Arturo Rubio: He noted that the city should be sensitive to local businesses that have trucks and large equipment. There should not be an unfair burden placed on these businesses to address road damage that is done by other vehicles as well. He asked that there be a clear vision of this program before Ordinance is adopted.

Mayor Brugger noted that the Streets and Water Advisory Group would be the most appropriate group to consider this issue in light of our city's specific situation(s).

Mayor Brugger made a motion, and Council Member Tanner seconded, to refer this issue to the SWAG to do the 'committee work' on this to customize the proposed ordinance to fit our situation. They should do the research and hold Public Hearings to get citizen input. Motion carried by a unanimous vote of 7-0.

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

At this time, City Council has several applications for consideration of appointment to Boards and Committees. Three previous City Council candidates have applied for consideration of appointment, as per request of Mayor Brugger back in February.

At the last City Council meeting May 24, 2016, city staff was directed to contact the two applicants for the Street and Water Advisory Group and verify that the applicants were familiar with the meeting schedule for the Group; as it recently was changed. At that time, there were two applicants for SWAG: Mr. Skinner and Mr. Steenbergen. Mr. Skinner was appointed to Parks Committee and attended their meeting June 2, 2016. There is now a third application for SWAG received from Mr. Arturo Rubio, dated May 26, 2016. SWAG has only one vacancy.

At the June 6th SWAG Regular Meeting held at 4:30 PM in the City Council Chambers, Mr. Steenbergen and Mr. Rubio both were in attendance.

Mr. Steenbergen and Mr. Rubio have submitted three applications each. Mr. Steenbergen is aware of the 'no more than two' committee appointment rule, and has also submitted his list of preferred committee placements, in order: SWAG, BOA and BAG. In his email dated June 1, 2016, Mr. Steenbergen requests that city staff take note, and to relay to City Council, that he desires to be considered for appointment to only one committee at this time. Mr. Rubio has not indicated his preferences, but he has relevant experience as a contractor that would be helpful on SWAG.

Council Member Tanner made a motion to appoint Arturo Rubio to Streets and Water Advisory Group (SWAG), Council Member Hisey seconded the motion. Motion carried by a unanimous vote of 7-0.

Council Member King advised that city staff will assist Mr. Rubio if he has any issues on SWAG which present a conflict of interest for him, as a contractor.

There are two vacancies on the Wildlife Advisory Committee. There are two applicants: Mr. Arturo Rubio and Ms. Tina Collier. Ms. Collier submitted her application after attending the SWAG meeting Monday, June 6, 2016. She also indicates that she plans to attend the Town Hall Meeting regarding Deer Management on Saturday, June 18, 2016 from 9-11 AM at the Fire Hall.

Council Member Hisey made a motion to appoint Tina Collier to the Wildlife Advisory Committee, Council Member Morren seconded the motion. Motion carried by a unanimous vote of 7-0.

The Board of Adjustments has one vacancy at this time. Currently, the applicants for this vacancy are: Michael Steenbergen and Arturo Rubio.

Mayor Pro Tem Dillard made a motion, and Council Member Hisey seconded, to appoint Mr. Michael Steenbergen to the Board of Adjustments. Motion failed by a vote of 3 Ayes, 4 Nays.

Ayes: Hisey, King and Dillard.

Nays: Brugger, Tanner, Holland and Morren.

Mr. Steenbergen indicated at this time that he wished to withdraw his application for consideration of appointment to Beautification Advisory Committee (BAG).

Mayor Brugger recessed the meeting for a break from 7:44 PM to 8:02 PM.

9. **WORK SESSION(S):**

a.) Discuss and consider preliminary ideas for Budget priorities for the 2016-2017 City Fiscal Year as submitted by City Council members.

Mr. Jim Davant, 310 S. Shorewood: Explained that priority for Code Enforcement should be focused on overgrown lots and health hazards. Due to the recent rains, the vegetation will be grown up and will present a wildfire dange this summer, as well as habitat for vermin. Vacant lots and abandoned structures should be addressed, this will improve the city.

The Council members read their respective lists of Budget priorities, which were included in the agenda packet.

City Manager Nickel discussed the priorities which he had written up in the following format:

1. Road Improvements (Current and long Term)

- Submit and provide support for the \$5,000,000 USDA grant for Phillips Ranch Road and Prairie Creek
- Increase street maintenance budget to \$200,000 with additional sales tax receipts in 2016-2017 budget
- Improve pot holes street repairs, both in timeliness and reliability
- Reassess side street paving goals

2. Water Supply Improvement

- Continue to provide a safe and efficient water supply to citizens
- Continue replacement program for the water plant membrane units
- Start a major water line replacement program

- Complete the installation of GIS Database on the Web which allows for multiple users. Update the water line mapping.
 - Review water sampling procedures to reduce reportable non-compliant sampling errors
3. Execute current grants, close out whenever possible and aggressively pursue new grant opportunities
- USDA Grant for road improvement (same as above)
 - TPWD grant for Quarry Park complex
 - CAPCOG grant for a new community center
4. Continue to provide a safe community
- Continue current level of service
 - Increase Animal Control availability on weekends and after 5pm
 - Identify opportunities to reduce overall cost in this activity
5. Facility Improvements
- Repair to City Hall roof
 - Development of soccer field adjacent to Highland Lakes Elementary School
 - Minor updates and repairs to old community center
6. Increase Code Compliance activity by approximately 15% over 2015-2016 goals
7. Maintain and improve the City's Financial Stability
- Increase the General Fund balance (Goal is three months operation reserve)
 - Fund the capital replacement plan
 - Effective debt management
8. Planning and Vision for the Future
- Committee support and coordination
 - Annexation and Development Agreements
 - Initiate Web & Beaver Island re-annexation
 - Implement by February 2017 for new areas
 - Initiate Charter Review process

- Initiate Comprehensive Plan review –for 2017-2018 planning year
- Economic development marketing study/plan
- 9. Hire and maintain a strong workforce
- 10. Maintain or improve customer service and teamwork
- 11. Maintain or improve citizen communications
 - Twice a year city letter sent to our residents to update the city activities
 - Meetings with the Mayor
 - Town Hall meetings

General Fund

- City Annual event (5k fun run, festival)
- Soccer field at Highland Lakes Elementary school
- USDA road improvement grant
- Complete remodeling at Community Center
- Apply for \$500k Park Grant –Grant Development
- Fix Roof at City Hall
- Annexation and Development agreements
- Newsletter twice a year
- Update City Charter
- Update Comprehensive plan
- Record retention process
- Update software version of City's Website
- Finalizes new Zoning Ordinance
- Committee Support by staff (currently 7 committees)
- Economic Development market study/plan

- Evaluate the city building at 410 N. Phillips Ranch Road (HVAC, Electrical, plumbing, roof and interior)

Utilities

- Review the wells pumps at Sherwood Shores 3 –Hoover Valley
- Apply for new Water Grants. Work on the execution of the \$275k grant
- Update the Web GIS with water lines, cutoff valves and other information
- Water line replacement program

Parks

- Wildlife Viewing station
- Survey the park property except Quarry Park
- Increase Park Maintenance on Hike and Bike Trail

The Council directed City Manager to bring back the priorities with consideration of concerns discussed tonight.

- b.) Discuss proposed budget season meeting calendar.

The Budget calendar was approved as presented. Mayor Pro Tem Dillard will preside over some Special Called Budget Meeting(s) in place of Mayor Brugger.

10. EXEC. SESSIONS:

a.) *Executive session pursuant to sections 551.074 of the Texas Open Meetings Act (Personnel Matters): Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the following public employees: City Manager Ken Nickel, City Secretary Elaine Simpson, City Attorney Brad Young, Municipal Judge Frank Reilly.*

b.) *Executive (Closed) meeting as authorized by Texas Government Code. Executive session pursuant to section 551.071 of the Texas Open Meetings Act (Consultation with Attorney) to seek and receive legal advice from the city's legal counsel relating to personnel matters.*

c.) *Any action resulting from Executive Session(s).*

Mayor Brugger recessed the Open Meeting at 9:53 PM and called to order the Executive Session in the City Hall downstairs conference room (due to Air conditioner issues on 2nd floor) at 10:00 PM.

Mayor Brugger adjourned the Executive Session at 10:44 PM.
Mayor Brugger reconvened the Open Meeting at 10:47 PM.

No Action Was Taken resulting from the Exec. Session.

11. **Future Meetings and Agenda Items**

- Review Agenda Calendar
- Identification of future agenda items

12. **Adjournment**

With no further business, and no objections from Council, Mayor Brugger adjourned the meeting at 10:54 PM.

Approved by City Council on the 28th of June, 2016

By: _____
Carl Brugger, Mayor

Attest:

Elaine Simpson, City Secretary

Exhibit 'A' June 14, 2016
Granite Shoals City Council
minutes.

My name is Michael Steenbergen. I am a property owner, registered voter and active member of our community. I have run for City Council twice and applied to sit on different City advisory groups. I have served both as an election clerk and election judge in our local Precinct 18 and I have been a duly appointed Volunteer Deputy Voter Registrar for Burnet County. Today I speak as a concerned citizen's advocate.

Electoral Mandates and the Right to Govern

The City Council of Granite Shoals has no electoral mandate either to govern, or for its vision for the future of this City. The citizens and I question the validity of Council actions, and whether these actions truly represent the will of a majority of voting citizens in Granite Shoals. By suppressing voter participation and engagement in elections and by obstructing appointment of diverse opinions to advisory groups whether endemically or by design, the right to govern has been forfeited by this Council.

The City Charter allows for just such a situation. It is called government by direct vote of the people. The citizens, at this current date, need only 50 valid signatures to initiate elections on recalling council members, on initiating new ordinances, or on subjecting council actions to referendum of the people. This amazingly low number is the result of the manipulations and machinations that led to such low voter participation. I further announce that I am leading a group of active and engaged residents that includes registered voters far in excess of this number. We challenge this council and have begun a review of your actions and the allocation of City resources. We will be exercising our right to govern by the direct vote of the people. I must add a warning: Do not try to alter the Charter to stop us. We are watching.

You ask "What has the Council done wrong?"

First, this council has allocated resources to self serving special interest projects at the expense of the basic citizen needs. I am talking about the Castle on the Hill, The City Hall Taj Mahal, the Paradise Project. The council further intends to continue this pattern with a vision of self aggrandizement in a master plan that concentrates a great majority of city resources to this same small area, called Town Center, while neglecting infrastructure and basic needs that all cities are expected to provide.

Second, the council has possibly used its position to influence the elections and maintain its power by holding town hall meetings for everything except elections. By not engaging citizens, the council and city government just passed a tax increase or shall I say snuck it through without ever saying the word "tax increase." It must be nice to not be accountable. In a direct conversation with Mayor Bruger, he defended the methods of the city council in passing the tax proposal. I responded with "why in the world would you be scared to let the people know they were voting on a tax increase?" I will give a thorough review of the election under the appropriate agenda item.

Third, the roads are neglected and have a poor plan in place for the future. The past week I appeared before the Streets and Water Advisory Group. I delivered comments from a few dozen local residents about the roads and current city council. I am now entering that speech and citizens' comments into the record of this meeting. I do not intend to read the comments again. It was too shocking the first time and citizens present at the streets meeting told me the comments actually made them cry. In summary, the overwhelming public opinion inside of Granite Shoals, from local residents, is that roads should be treated equally for maintenance, upgrades and repairs, routing an equal number of dollars into the East Side as West side of Granite Shoals. The current vision and plan is unacceptable. The people are displeased with the council and city manager.

Solutions: After a preliminary review of information regarding roads and infrastructure in Granite Shoals I have come to the following conclusions that involve a phased approach in addressing the needs. Arturo Rubio consulted on the ball park costs (guesstimates) and preferred order of phases. Dennis McCoy provided background information and city history. I repeat this is a brief review and analysis pending further study. It will be delivered under the appropriate agenda item.

I wish to touch on other issues that will be dealt with in the coming weeks.

Revenue versus spending? Is the city broke?

Why are basic citizen needs not met?

SP Rating? Broke or not?

Bonds and Grants

Regular operating costs and overhead

Castle Politics and Town Center

First Principles - "We covet what we see" The obsession with the Castle on the Hill

Business Development of such properties generates income not overhead

– better to have income producing tenant

Development must be spread out

Just because it is a bargain does not mean you afford it – credit card syndrome

Code Compliance

Open Records and Charter Requirements on Record Keeping –
City Manager Duty, not Volunteers

City Hall – Review Safety – Steps – Square Bull Nose
Watch Your Step signs

Solar Energy: A Bright Future
PEC and Area Collection Stations

I could go on for hours because so much has been neglected in our city over the last decade, but I am going to conclude out of respect for other speakers. During this election I spoke up about issues here in Granite Shoals. The people listened and responded. I have heard so much, so much wrong, so much unfairness... that I must now become the “Voice of the People.” They can not all be present, they work, they are doing chores, they are taking care of children... but I can be here and I will. I am just over a year from retirement and I intend to devote myself to serving the people of this city. A new era of accountability and communication has arrived in Granite Shoals Texas.

I finish with a personal note in hopes of building a working relationship with the people in this room. I have always written poetry and my musician friends have set some to tunes. This is the first poem that I actual wrote music for myself and turned into a song on my own. No I'm not going to sing, just quote the poem for you.

Small House

I live in a small house
but I'm a rich man.

Bring no hatred with you,
you won't find any within.

I live in a small house
furnished only with love
Good earth below me.
Blue skies above.

Speech 2

Elections

By throwing a city festival (or campaign rally) during the election period and banning opposition candidates from having a booth it seems the Council wanted to influence the election. Mailing a city newsletter during the election period that boldly highlights council members and their contact information but provides no contact information for opposition also seemed like campaigning. Both these actions involved spending city money. It is possible that makes these expenditures subject to campaign contribution reporting requirements however, I am sure you will find nothing is reported. This needs more review.

Further skewing the election, the local newspaper failed to provide coverage of opposition views until well into voting and did not host the usual election forum. In the weeks before the election, newspaper coverage concentrated on the accomplishments of City Hall but carried nothing about opposition candidates' views. The reporter did manage to send me an email indicating slight disdain and telling me if I was elected I had a lot to learn. The Highlander newspaper receives payment as the "paper of record" for the city, and the newspaper reporter is an active participant in the current council-committee government and seems to hold a strong bias. Yes I know I am not supposed to talk about things like this but it just happens to be true and from now forward I would suggest to the reporter, just say you don't like me and that you do support the council, but please print it as the opinion it is and not as fact. There are journalistic ethics in play here.

My final observation on the election is that the City government mailed notice of the election to all water permit holders. This action discriminates against identifiable groups and may be in violation of the civil rights act. This is an extremely serious

allegation. Further, the city published on its website and in its newsletter that citizens needed their blue identification card to vote. I believe this is in violation of State and Federal law and again discriminates against identifiable groups. This would suppress voter turnout.

In response to these behaviors and others not mentioned, our citizens group is drafting a "Fair Elections" ordinance to require an "Election Forum" (similar to a town hall) be held before any special or general election. We are writing the ordinance strong enough to diminish the incumbency factor in manipulating the meeting. So many citizens in Granite Shoals have been surprised to find out that we even had an election that it is clear voters have not been engaged by the city government or current council to provide a chance for open discussion of candidates and issues. The large majority of citizens contacted feel like they never had an election. Well, Granite Shoals did have a vote and the current city council maintained all its seats and citizens raised sales tax. But the large majority, I say again, of citizens do not know this. The only solution is to use the power of Initiative granted the citizens in the founding charter to pass ordinances by direct vote. The citizens must pass an ordinance that requires a town hall meeting before all elections. This simple action will forever shift the balance of power back to the people in Granite Shoals. [Read Attachment One]

... that no election be held
in the City of Granite Shoals
without there first being a
town hall meeting, fairly
moderated, for all candidates
to speak their minds and
address ballot measures.

Speech 3

Roads and Infrastructure

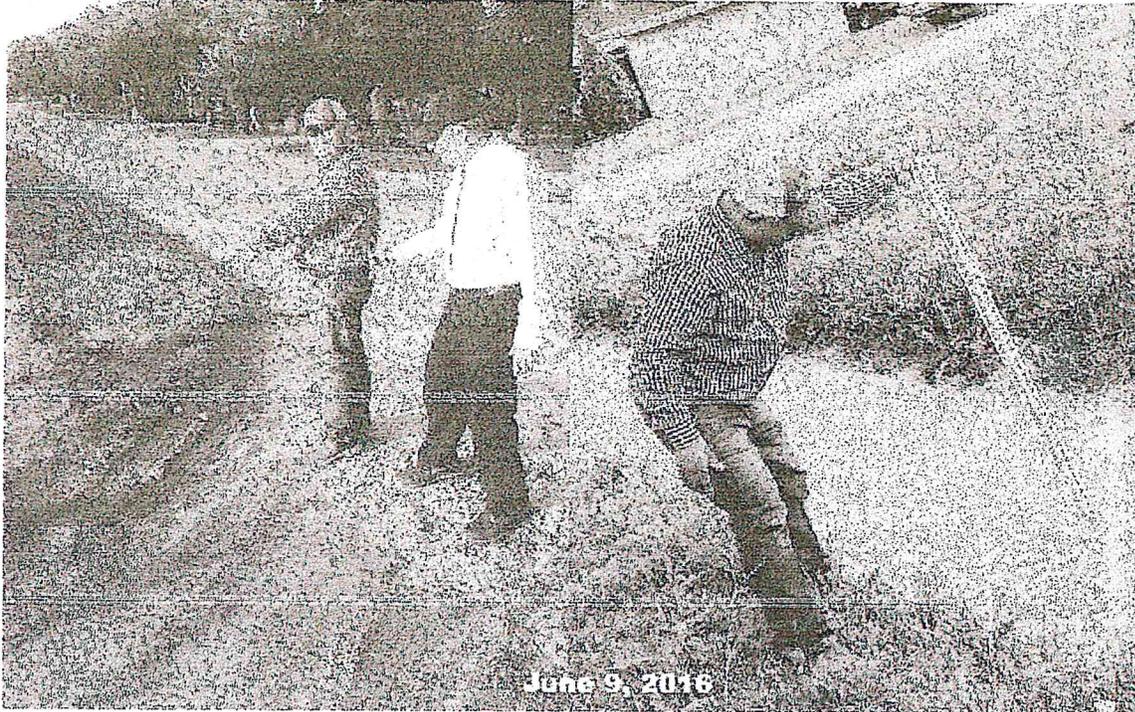
Phase I: Drainage

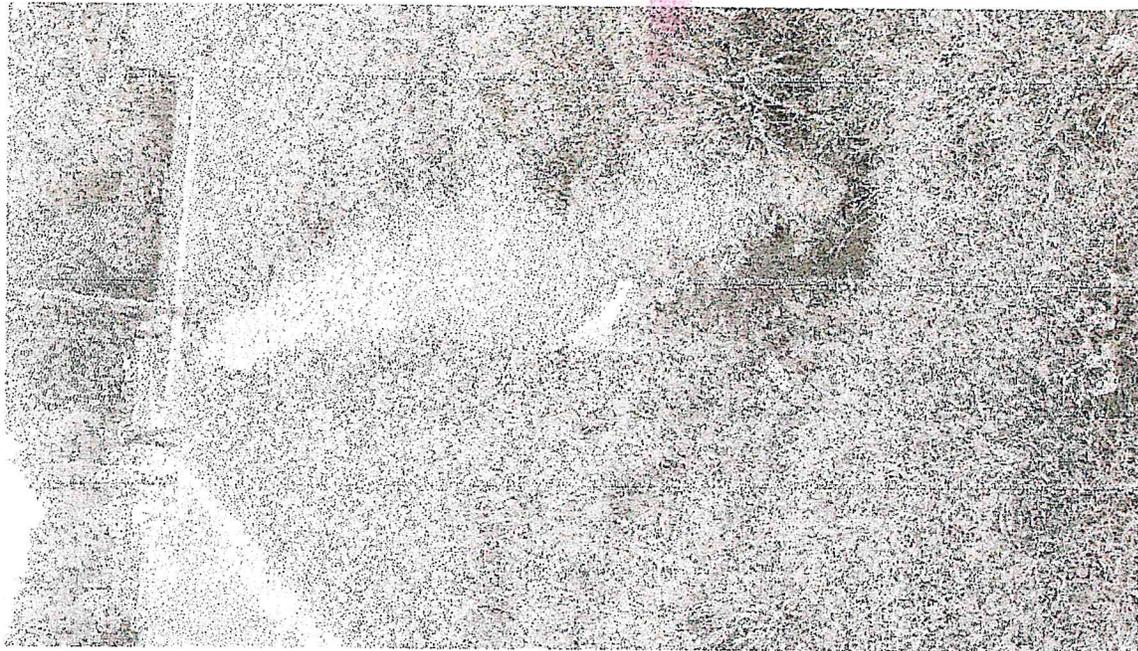
The first step before any major upgrades or rework of streets is to solve the drainage issues that have developed and been neglected. "Drainage First" must be the primary rule so subsequent phases are not undermined from the start with high erosion and damage. On the East side of town, during heavy rain, reports of children unable to bath, wash clothes or get out of driveways for school are common because of widespread flooding. Roads are greatly deteriorated as a result of flooding. We dig out the existing drainage system after finding the lowest point based on the flood plain maps. This is just ditches, not paved waterways. (Example of need: Valley West at Kingsport)

1.5 million \$\$\$

Rubio and Steenbergen Move from Campaign Trail to Citizens' Advocates

Arturo Rubio and Michael Steenbergen Inspect a 10 to 15 Year Old Drainage Problem at Valley West and Kingsport





Phase II: Water Lines

We need to upgrade undersized and outdated water lines. This can not continue to be ignored. All cities have to do this yet ours just keeps putting it off. This must be done before road upgrades and paving.

3.5 million \$\$\$

Phase III: Paving

Set a plan for paving and include all areas and when we will get to them. We need time tables and projections of completion dates. We need better communication so that citizens understand what is being done and when.

No Guesstimate yet

Phase IV: Upgrade

After these three phases we can go to Phase Four and upgrade at the level the current proposal under discussion does. I am clearly stating it is wrong to start with Phase 4 like the current vision does.

7 million to include all three Valley View, Prairie Creek and Phillips Ranch

– Funding ideas see attachment 4

Continuous Phases:

1. Road Maintenance and Repair
2. Long Term Wastewater Plan – Restart Sewer Committee or Combine Function to Another Committee (SWAG)
Federal Government will eventually say no more septic tanks – happens to all lakeside developments eventually

In summary, as we go forward, let us work together to review current operations, current plans and the future plans so the citizens can direct where their money is to be spent.

Attachment 4

Possible Funding Sources:

<https://www.transportation.gov/livability/grants-programs#Surface%20Transportation%20Improvement>

Non-urbanized Area Formula Grant Program (Transit Grants for Rural and Small Urban Areas)

Brief Summary: This program (49 U.S.C. 5311) provides formula funding to states for the purpose of supporting public transportation in areas of less than 50,000 populations. Eighty percent of the statutory formula is based on the nonurbanized population of the States. Twenty percent of the formula is based on land area. No State may receive more than 5 percent of the amount apportioned for land area. In addition, FTA adds amounts apportioned based on nonurbanized population according to the

eligible for almost all Federal-aid highway funding categories. Each State has a Bicycle and Pedestrian Coordinator in its State Department of Transportation to promote and facilitate nonmotorized transportation, including developing pedestrian and bicycle facilities and public educational, promotional, and safety programs.

How to Apply: Pedestrian and bicycle projects and programs are eligible for almost all Federal-aid highway funding categories. Applicants should consult program eligibility criteria available in their State. The State Bicycle and Pedestrian Coordinators can help with questions specific to each State.

Link: www.fhwa.dot.gov/environment/bikeped/

Name of Program: Transportation Enhancement Activities

Brief Summary: Transportation Enhancement (TE) activities offer funding opportunities to expand transportation choices and enhance the transportation experience through 12 eligible TE activities related to surface transportation, including pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and scenic beautification, historic preservation, and environmental mitigation. TE projects must relate to surface transportation and must qualify under one or more of the 12 eligible categories.

Who is Eligible: Each State develops its own procedures to solicit and select projects for funding. States may make funds available to Federal, Tribal, State, or local government agencies. A few States allow private nonprofit organizations to apply in partnership with a government agency.

How to Apply: Contact State TE Program Managers:
www.enhancements.org/Stateprofile.asp [external link]

Link: www.fhwa.dot.gov/environment/te

Name of Program: The Safe Routes to School Program

Brief Summary: The purpose of the Safe Routes to School (SRTS) Program is to enable and encourage children, including

those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. The SRTS Program makes funding available for a wide variety of programs and projects, from building safer street crossings to establishing programs that encourage children and their parents to walk and bicycle safely to school. The Federal-aid Safe Routes to School program was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU, Pub. L. 109-59). The SRTS Program is funded at \$612 million and provides Federal-aid highway funds to State highway agencies over five fiscal years (FY 2005 - 2009), in accordance with a formula specified in the legislation.

How to Apply: The national SRTS program is federally funded, but managed and administered by each State Department of Transportation (DOT). Funds are made available for infrastructure and non-infrastructure projects, and to administer Safe Routes to School programs that benefit elementary and middle school children in grades K-8. Each State is responsible for hiring a full-time Safe Routes to School Coordinator to implement a SRTS statewide program. The complete list of SRTS Coordinators can be found at:

http://www.saferoutesinfo.org/contacts/complete_list.cfm [external link].

Link: <http://safety.fhwa.dot.gov/saferoutes>.

Name of Program: Pedestrian Safety Program State Assessment

Brief Summary: In a Pedestrian Safety Program State Assessment, a team of outside subject matter experts conduct a comprehensive assessment of the State pedestrian highway safety program using an organized, objective approach that provides an overview of the program's current status in comparison to pre-

growing States formula factors of 49 U.S.C. 5340 to the amounts apportioned to the States under the Section 5311 program. Funds may be used for capital, operating, and administrative assistance to state agencies, local public bodies, Indian tribes, and nonprofit organizations, and operators of public transportation services. The State must use 15 percent of its annual apportionment to support intercity bus service, unless the Governor certifies, after consultation with affected intercity bus providers that these needs of the state are adequately met. Projects to meet the requirements of the Americans with Disabilities Act, the Clean Air Act, or bicycle access projects, may be funded at 90 percent Federal match. The maximum FTA share for operating assistance is 50 percent of the net operating costs.

Eligibility: Areas with population of less than 50,000 (nonurbanized areas); rural areas; Tribal territories.

How to Apply: Funding is apportioned to each State through a formula. See FTA Circular C 9040.1F, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions"http://www.fta.dot.gov/laws/circulars/leg_reg_6519.html

Link:

http://www.fta.dot.gov/funding/grants/grants_financing_3555.html

Bike and Pedestrian

Name of Program: Bicycle and Pedestrian Program

Brief Summary: The Federal Highway Administration's Bicycle and Pedestrian Program promotes bicycle and pedestrian transportation use, safety, and accessibility. The Program is responsible for implementing Federal transportation legislation and policy related to bicycling and walking.

Who is Eligible: The Bicycle and Pedestrian Program is not a funding program. Pedestrian and bicycle projects and programs are

established standards; note the program's strengths and weaknesses; and provide recommendations for improvement. The recommendations are based on the NHTSA Highway Safety Program Guideline No. 14, *Pedestrian and Bicycle Safety* which includes program management, multidisciplinary involvement, legislation, regulation and policy, law enforcement, highway and traffic engineering, communication, outreach, driver education and licensing and evaluation. The final assessment report is released to the State to be used as a benchmark for future project initiatives. Currently FHWA offers formal safety performance examinations of existing or future roads by an independent, multidisciplinary team through the Road Safety Audit program. In an audit the team qualitatively estimates and reports on potential road safety issues and identifies opportunities for improvements in safety for all road users.

Who is eligible: Any state Highway Safety Office is eligible to hold a Pedestrian Safety Program State Assessment.

How to apply: State Highway Safety Office's submit a request for an assessment to their NHTSA Regional office.

Name of Program: Recreational Trails Program

Brief Summary: The RTP provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses.

Who is Eligible: Each State develops its own procedures to solicit and select projects for funding. States may make funds available to Federal, Tribal, State, or local government agencies. Some States allow private nonprofit organizations to apply directly.

How to Apply: Contact State RTP Administrators: In most States, the program is administered through a State resource agency.

Link: www.fhwa.dot.gov/environment/rectrails

INTER-LOCAL AGREEMENT BETWEEN
BURNET COUNTY, TEXAS
AND

THE CITY OF GRANITE SHOALS, TEXAS

This Agreement is made on the 28th day of June, 2016 by and between the COUNTY OF BURNET, a political subdivision of the State of Texas, hereinafter referred to as "BURNET COUNTY" and the CITY OF GRANITE SHOALS, a municipal corporation, hereinafter referred to as the "CITY".

WHEREAS, the Inter-local Cooperation Act, Chapter 791 of the Texas Government Code authorizes units of local government to contract with one or more units of local government to perform government functions and services; and

WHEREAS, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, Chapters 791 of the Texas Government Code, for the performance of governmental functions and services and in accordance with Section 251.012 of the Texas Transportation Code.

Specifically, this agreement concerns the pavement of a public street located within CITY. BURNET COUNTY will provide manpower and equipment for the project in an amount not to exceed a value of \$15,000, per state statute; and

WHEREAS, BURNET COUNTY provides these services to the citizens of BURNET COUNTY, and has the capacity to service the needs of the public citizens within the city limits of CITY; and

WHEREAS, BURNET COUNTY and CITY have investigated and determined the project discussed in this agreement would be advantageous and beneficial to both CITY and to BURNET COUNTY as public roadways are commonly used by county residents and thus said project serves a public purpose. The Burnet County Commissioners Court deems that this project results in benefits to the county; and

WHEREAS, the governing bodies of CITY and BURNET COUNTY desire to foster goodwill and cooperation between the two entities; and

WHEREAS, CITY and BURNET COUNTY, deem it to be in the best interest of both entities to enter into this Agreement relative to the project described above and for such other and additional services as the parties may subsequently agree to by the execution of separate agreements and in consideration of the mutual covenants contained herein, CITY and BURNET COUNTY agree as follows:

SERVICES TO BE PERFORMED

CITY agrees to engage BURNET COUNTY to perform road maintenance work on public street(s) located in CITY. BURNET COUNTY will provide manpower and equipment for the project in an amount not to exceed a value of \$15,000, together with all incidental acts, procedures, and methods necessary to accomplish the ends of such project.

DURATION OF AGREEMENT

Unless mutually initiated, cancelled, or terminated earlier than thirty (30) days written notice, this Agreement shall commence on the date of execution and shall expire upon the completion of the work performed and the compensation being provided over a maximum one year period.

COMPENSATION

BURNET COUNTY recognizes that "in kind" services shall be provided by CITY in consideration of this agreement. These "in kind" services may take place in the form of various acts and contributions. Amongst these types of services, CITY may provide excess material, equipment, manpower, or other resources it may possess for use on any COUNTY project that is deemed by CITY to serve a public purpose. Such compensation shall be provided upon request of COUNTY and upon a determination by CITY that said "in kind" services are available for use by COUNTY during the duration of this agreement. CITY's "in kind" compensation shall be limited to an amount not to exceed \$15,000 in value, per state statute.

RELATIONSHIP OF PARTIES

The parties intend that BURNET COUNTY, in performing services specified in this agreement, shall act as an independent contractor and shall have control of its work and the manner in which it is performed. Neither BURNET COUNTY, its agents, employees, volunteer help or any other person operating under this AGREEMENT, shall not be entitled to participate in any pension or other benefits that BURNET COUNTY provides it employees.

NOTICE TO PARTIES

Any notice given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or by certified mail, return receipt requested. Notice to BURNET COUNTY shall be sufficient if made or addressed to the office of the County Judge.

Notice to CITY shall be sufficient if made or addressed to the office of its City Manager.

MISCELLANEOUS PROVISIONS

Indemnification:

CITY agrees to the extent allowed by law to promptly defend, indemnify and hold COUNTY harmless from and against any and all claims, demands, suits causes of action, and judgments for (a) damages to the loss of property of any person; and/or (b) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of incident to, concerning or resulting from the negligent or willful act or omissions of CITY and its respective agents, officers, and or employees in the performance of their activities or duties pursuant to this Agreement.

COUNTY agrees to the extent allowed by law to promptly defend, indemnify and hold CITY harmless from and against any and all claims, demands, suits causes of action, and judgments for (a) damages to the loss of property of any person; and/or (b) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of incident to, concerning or resulting from the negligent or willful act or omissions of COUNTY and its respective agents, officers, and or employees in the performance of their activities or duties pursuant to this Agreement.

Entire Agreement

This document contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of not or effect except in a subsequent modification in writing signed both parties.

This Agreement shall be governed by and constructed in accordance with the laws of the State of Texas.

No assignment of this Agreement or of any right accrued hereunder shall be made, in whole or part, by either party without the prior written consent of the other party. Venue shall be in BURNET COUNTY, TEXAS.

The undersigned officer and/or agents of the parties hereto are the properly authorized officials of the party presented and have the necessary authority to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary resolutions extending said authority have duly passed and approved and are now in full force and effect.

EXECUTED by the parties hereto, each respective entity act in by and through its duly authorized official as required by law, on the date specified on the multiple counterpart executed by such entity.

The City of Granite Shoals, Texas

BY: Kenneth R. Nickel
Kenneth R. Nickel
City Manager

DATE: 6/28/16

Burnet County, Texas

BY: _____
James Oakley
Burnet County Judge

DATE: _____



City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
Date: June 28, 2016

Agenda Item: 9.a. No Deer Feeding Ordinance
Prepared/Submitted By: Elaine Simpson, City Secretary
Department: Administration

AGENDA CAPTION

9. . REGULAR AGENDA ITEMS

a. Discuss, consider and possibly take action related to proposed Ordinance #680, No Deer Feeding Ordinance, as discussed at Town Hall meeting regarding Deer Management, held June 18, 2016. (City Manager Ken Nickel)

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

Planning and Vision for the Future – Deer Management

BACKGROUND

The Wildlife Advisory Committee hosted a successful Town Hall Meeting on June 18, 2016. One of the main items discussed related to Deer Management was the concept of a 'No Deer Feeding Ordinance'.

At their June 23, 2016 Regular meeting the Committee made two motions on the proposed 'No Feeding the Deer' Ordinance #680. The version that they considered had some city staff-added small tweaks. The name is **No** Feeding the Deer Ordinance. The section that discusses enforcement states that the ordinance will be enforced by the Code Compliance Department **in cooperation with the Police Department**. Staff also removed a superfluous description of what kind of indexing methods staff could use to maintain records of appeals in the City Secretary's Office.

The WAC made two motions on June 23, 2016:

They wish to make the penalties more 'reasonable' to accommodate citizens who might be reluctant to stop feeding the deer, they devised a schedule of what the administrative penalty (which was understood as being interchangeable with the term 'civil penalty') with a graduated step schedule starting with no penalty, then 50 dollars, then 200 dollars for the next three violations. Only if a violator racks up 6 violations in a 12 month period, should they be charged \$1K.

Then they would like the criminal penalty, the Class C misdemeanor, to only be levied against 'repeat offenders'. (Such as a 6 violation in a 12 month period scofflaw).

The Committee desires that City Council dedicate the proceeds from all the administrative penalties collected under Ord. 680 to go into a dedicated fund to finance the Deer Management program. City staff believes that City Council has this authority.

The Committee made these motions predicated on the assumption that City Attorney Brad Young will approve them for correctness, legality and form. The Ordinance in red-line version with WAC changes as cleared by Mr. Young will be available 6-28-2016 at the meeting.

OPTIONS

Council usually has several:

- 1.) Adopt/Approve/Authorize agenda item, as requested or presented.***
- 2.) Adopt/Approve/Authorize agenda item, with modifications.***
- 3.) Deny approval of agenda item.***
- 4.) Table the item.***
- 5.) Other, as Council desires.***

ATTACHMENT(S): (IF APPROPRIATE)

List of the items behind this cover sheet:

- Draft meeting minutes from WAC meeting June 23, 2016***
- Proposed Ord. 680, as reviewed in WAC meeting June 23, 2016***



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

DRAFT –
MEETING MINUTES
FOR REGULAR MEETING
OF THE WILDLIFE ADVISORY COMMITTEE (WAC)
OF THE CITY OF GRANITE SHOALS
GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBERS
2221 N. PHILLIPS RANCH ROAD, GRANITE SHOALS, TX
THURSDAY, JUNE 23, 2016 6:30 PM

1. Call meeting to order by Jason Brady at 6:30 PM.

Present:

Jason Brady – Chair
Doug Ripple – Vice Chair
Mary Waters
Robbie Boswell

Absent:

Steve Hougen
Willie Pack
Dennis Jowers
Tina Collier (appointed June 14, 2016)
Todd Holland, Council Member Advisor

City Staff:

Elaine Simpson, City Secretary (recording secretary)

Other participants: Hank Barry, Laura Campbell

2. Citizens Comments/Items of Interest:

- Volunteer Appreciation Reception – June 28, 2016 at 5PM in Council Chamber.
- Annual ‘Open Meetings Law’ Training with the City Attorney – 6-30-2016 6:00-7:30 in Council Chamber of City Hall. All are welcome. This class fulfills the requirement for ‘Open Government Training’ for all members of Boards, Committees and Commissions for the City.
- Meet with Mayor – Mayor’s Open House – June 30th from 7:30 PM to 8:30 PM in Council Chamber.
- Safety Check of car seats – 6-29-2016 Marble Falls EMS 1-4 PM

Draft WAC Meeting Minutes 6-23-16

3. Review, consider and possibly take action to approve meeting minutes from:
 - a.) May 4, 2016 Wildlife Advisory Committee Regular Meeting
 - b.) June 18, 2016 Special Called meeting to prepare for Town Hall Meeting.
 - c.) June 18, 2016 Town Hall Meeting to Discuss Deer Management pilot program.

Vice Chair Ripple makes a motion, and Mary Waters seconded, to approve, as presented, all three sets of meeting minutes as listed in agenda item 3. Motion carried by unanimous vote of 4-0.

4. Review, discuss, consider and possibly take action related to proposed sites for harvest areas, and other logistics related to the Deer Management pilot program.
5. Discuss Town Hall Meeting held Saturday, June 18, 2016 at the Fire Hall, regarding the Deer Management.
- * 6. Review, consider, and possibly take action related to proposed *Ordinance #680 Prohibiting Feeding of the Deer* with consideration of issues discussed at Town Hall Meeting.

The Committee received input at the Town Hall meeting on Saturday which raised questions or concerns regarding the nature of the 'penalty' or fine which would be fair for violation of No Feeding of the Deer Ordinance. There was also a concern submitted at the Town Hall meeting related to the desire of some citizens to feed human table scraps to the deer, in order that these edibles not go to waste.

There was an extended discussion of the desire to have this component of the larger Deer Management Program in place. It is recommended by the Texas Parks and Wildlife biologists as a part of a management program. The committee discussed that the Dr. Erin Wehland had provided information for the attendees at the Town Hall meeting on Saturday, June 18th that Supplemental Feeding of these deer is not healthy. The deer corn is not nutritious for them. Allowing/encouraging deer to congregate together to eat out of a common feeder is likely to promote the spread of parasites or disease.

There was the alternative consideration discussed that the Committee doesn't wish to alienate the citizens, either. Some have said that they will feed *until* the Ordinance is passed. Some have

Draft Minutes 6-23-16
WAC

Draft Meeting Minutes 6-23-16
WAC - No Deer Feeding Ord. 680

said they will feed *no matter what* ordinance the Council passes. Also, the weekend residents may be slow to learn about this new ordinance, even with the two month grace period incorporated into it; they may still get caught violating the Ordinance out of ignorance.

The Committee members determined that they would reduce the punitive nature of the Ordinance, allowing for a more 'graduated' schedule of administrative fees, which the committee interpreted as the 'civil penalties' as referenced in the proposed Ordinance 680. For the first 'violation' (after the 60 day grace period), of the Ordinance, the administrative penalty would be a warning *without monetary penalty*. For the second 'violation' of Ord. 680, the penalty would only be assessed at \$50.00. Third, Fourth, and Fifth time violators would be assessed a penalty of \$200.00, per violation. If a sixth violation occurred in the same 12-month period, the penalty levied could be up to \$1,000. It was noted that both the code compliance officers and the Granite Shoals police officers will have some discretion, as they do with all violations. Also, it was noted that the citizens have, at each step of the process, the ability to file for an appeal of an administrative penalty with the Municipal Court.

The Committee determined that the criminal, 'Class C' misdemeanor fine should be reserved for only those who, in the opinion of law enforcement personnel, are 'routine' violators of the Ordinance. There was a discussion of the strict nature of the penalty for violators of the ordinance in Sunrise Beach, Texas. Residents there are given a \$500 fine. Members of the committee are under the impression that this has caused resentment from the residents of Sunrise Beach toward their deer management program as a whole. This is not what the committee desires for Granite Shoals.

The Committee would also like for the 'tweaks' to Ordinance 680, as presented by city staff, be incorporated. These modifications include a notation that the Police Department will also enforce this Ordinance, in cooperation with the Code Compliance personnel. Also, some portions of the original ordinance mentioning clerical procedures was struck out as unneeded.

The Committee also wishes for the administrative fees for violation of Ordinance #680 to go into a restricted fund for use by the committee to administer the Deer Management Program (at this time, the pilot program).

There was a motion by Vice Chair Ripple, seconded by Robbie Boswell, to forward a favorable recommendation to City Council related to proposed Ordinance #680 No Deer Feeding Ordinance, with the following modifications (as subject to City Attorney review and approval):

Section II, Sec. 4-15. (page 2) ...

Letter (e) should be amended to read:

...

(e) *Penalties.* Violation of this section shall be punishable by administrative penalties as described in section related to civil penalties. A person who routinely violates the proscription set forth in the No Deer Feeding Ordinance may be charged with a Class C misdemeanor, punishable under the General Penalty provision, Section 1-10 of the City of Granite Shoals Code of Ordinances.

Sec. 4-16 should be modified to read:

Section 4-16. Imposition of civil penalty/administrative penalty for violations.

... (b) The schedule of administrative penalties/civil penalties shall be according to the following: For first violation, the violator will receive a written warning without monetary penalty. For the second violation of Ord. 680, the penalty shall be assessed at \$50.00. Third, Fourth, and Fifth time violators would be assessed a penalty of \$200.00, per violation. If a sixth violation occurs in a single 12-month period, the penalty levied could be up to \$1,000.

Motion carried by a unanimous vote of 4-0.

The committee returned to this agenda item at a later point in the meeting, and another motion was made relating to requesting City Council set aside money collected from administrative fees from violations of this No Feeding Ordinance, for use to administrate the Deer Management program.

Motion by Chair Brady, seconded by Mary Waters, that City Attorney also incorporate into Ord. 680, that administrative fees collected under this Ordinance will be placed in a dedicated account/fund for use for the city's Deer Management program(s). Motion carried unanimously by a 4-0 vote.

This proposed Ordinance, with modifications as suggested by the Wildlife Advisory Committee, will be considered by City Council at their June 28, 2016 Regular Meeting.

7. Appoint members to start making contact with homeowners around harvest locations.

8. Appoint members to start making contact with organizations to receive the harvested animals.

Draft Minutes 6-23-16 WAC

ORDINANCE NO 680
"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, 2014, 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, the Council finds that reasonable regulations on the feeding of deer a necessary and appropriate animal control measures, which protect the public health and safety by reducing the number of deer on roads and in residential areas; 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, all deer shall be deemed to be wild.
- (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 Class C misdemeanor punishable under the General Penalty provision, Section 1-10 of the City of Granite Shoals Code of Ordinances or by an administrative penalty imposed by this ordinance.

Sec. 4-16. Imposition of civil penalty for violations.

- (a) A person who unlawfully feeds a deer is liable for a civil penalty.
- (b) The civil penalty for which the person or property owner is liable shall be \$200.00, provided that for a third or subsequent offense in any 12-month period, the amount of the penalty shall be \$1,000.00.

Sec. 4-17. Enforcement; procedures.

- (a) The Code Enforcement Department (the "Department") is responsible for the enforcement and administration of this ordinance, in cooperation with the Granite Shoals Police Department.
- (b) In order to impose a civil penalty under this article, the Department shall mail a notice of violation to the individual or property owner liable for the civil penalty not later than the 30th day after the date the violation is alleged to have occurred.
- (c) A notice of violation under this article shall contain the following:
 - (1) a description of the violation alleged;
 - (2) the location where the violation occurred;
 - (3) the date of the violation;
 - (4) the amount of the civil penalty to be imposed for the violation;
 - (5) the date by which the civil penalty must be paid; and
 - (6) information that informs the person named in the notice of violation:
 - (A) of the person's right to contest the imposition of the civil penalty against the person in and administrative adjudication;
 - (B) of the manner and time in which imposition of the civil penalty may be contested;
 - (C) that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and that failure to appear at an administrative adjudication hearing after having requested a hearing is an admission of liability; and
 - (D) that failure to pay the civil penalty within the time allowed shall result in the imposition of a late-payment fee of \$25.00.
- (d) A notice of violation under this article is presumed to have been received on the third day

after the date the notice of violation is mailed.

- (e) In lieu of issuing a notice of violation, the Department may mail a warning notice to the owner that, in addition to any other information contained in the warning notice, must contain the information required by subsection (c).

Sec. 4-18. Administrative adjudication hearing.

- (a) A person who receives a notice of violation under this article may contest the imposition of the civil penalty by requesting in writing an administrative adjudication of the civil penalty within the time provided in the notice (which period shall not be less than 15 days following the mailing of the notice). Upon receipt of the request, the Department shall notify the person of the date and time of the hearing on the administrative adjudication. The administrative adjudication hearing shall be held before a hearing officer appointed by the City Manager.
- (b) Failure to pay a civil penalty or to contest liability in a timely manner is an admission of liability in the full amount of the civil penalty assessed in the notice of violation and constitutes a waiver of the right to appeal under Sec. 4-18(k).
- (c) Failure to appear at an administrative hearing after having requested a hearing is an admission of liability for the full amount of the civil penalty assessed in the notice of violation and constitutes a waiver of the right to appeal under Sec. 4-18(k).
- (d) A person who fails to pay a civil penalty within the time allowed by this article shall be additionally liable for a late-payment penalty in the amount of \$25.00.
- (e) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.
- (f) A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing is liable for administrative hearing costs in the amount of \$50.00 in addition to the amount of the civil penalty assessed for the violation. A person who is found liable for a civil penalty after an administrative adjudication hearing shall pay the civil penalty and costs within ten (10) days of the hearing.
- (g) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence.
- (j) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:
- (1) the person files an affidavit with the City Manager stating the date on which the person received the notice of violation that was mailed to the person and that the

date that the person received the notice was more than three days after the date on the notice; and

(2) within the same period required by Sec. 4-18(a) for a hearing to be timely requested but measured from the date the mailed notice was received as stated in the affidavit filed under Subdivision (1), the person requests an administrative adjudication hearing.

(k) A person who is found liable after an administrative adjudication hearing may appeal that finding of liability to the Municipal Court by filing a notice of appeal with the clerk of the Municipal Court. The notice of appeal must be filed not later than the 31st day after the date on which the administrative adjudication hearing officer entered the finding of liability and shall be accompanied by the payment of an appellate filing fee of \$50.00. Unless the person, on or before the filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. An appeal shall be determined by the Municipal Court by trial de novo, and the issues must be proved by a preponderance of the evidence.

Sec. 4-19. Order.

(a) The hearing officer at any administrative adjudication hearing under this division shall issue an order stating:

(1) Whether the person charged with the violation is liable for the violation; and

(2) The amount of any civil penalty, late penalty, and administrative adjudication cost assessed against the person.

(b) The orders issued under subsection (a) may be filed with the City Secretary.

Sec. 4-20. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil penalty under this division is not a criminal conviction for any purpose.

(b) A civil penalty may not be imposed under this ordinance if the individual or property owner was arrested or was issued a municipal court summons for the same violation pursuant to this ordinance.

(c) An individual or property owner who fails to pay the civil penalty or to timely contest liability for the penalty is considered to admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the person.

(e) The city attorney is authorized to file suit to enforce collection of a civil penalty imposed under this article.”

**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
June 28, 2016**

Agenda Item: 9.b. 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

The following Boards and Committees have vacancies:

	Board of Adjustment 2 vacancies
1	Stephen Carter - VICE CHAIR
2	Don Bryant
3	Bill Farr
4	
5	Larry Crochet
6	Ted Gulden - CHAIR
7	
	At Least Five Members and No more than Seven
	Beautification Advisory Group - up to 9 vacancies
1	Donna Maier-Chair
2	Carol Carter
3	Rick Mills
4	Merilyn Nations
5	Julie A. Brugger
6	Kitty Ann Gunn
7	
...	
15	
	No fewer than 3 nor more than 15 members
	3 members, or 1/3 of the appointed membership is quorum, whichever is greater

Wildlife Committee - 1 vacancy Ord. 639 adopted 3-11-2014	
1	Robbie Boswell
2	Jason Brady – Chair
3	Steve Hougen
4	Dennis Jowers
5	Willie Pack – Secretary
6	Tina Collier
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

At this time, there are only three Boards and Committees with vacancies.

The Wildlife Advisory Committee held the Town Hall meeting regarding the Deer Management Pilot Program on June 18, 2016. There is one vacancy on the Committee. There is one application for consideration of appointment; received from Sandra Campbell. She noted to me on the phone when I followed up with her, that her first choice was consideration of appointment to Wildlife Advisory Committee and her second choice was Board of Adjustments.

Beautification Advisory Group (BAG) has several openings, because the structure of the Group allows up to 15 members and they currently have six members. No applications have been received for BAG at this time.

The Board of Adjustments has had one vacancy for several weeks. City staff was notified 6-21-2016 that Mr. Jon Campbell, who was a member of the Board, passed away in December 2015. There are now two vacancies. Mayor Brugger gave direction to city staff that only 'new' applications should be considered for appointment by City Council at this time. Although the application was 're-submitted' fax dated 6-20-2016 Mr. Michael Steenbergen submitted the same application for BOA that Council considered at their last meeting. Mrs. Sandra Campbell, who is the widow of Jon Campbell submitted her application for Wildlife Advisory Committee at the Town Hall Meeting on Saturday, June 18th. Her second choice is BOA. She has familiarity with the work of the BOA due to her late husband's service.



RECEIVED

JUN 18 2016

City of Granite Shoals
City Secretary's Office

Application for Appointment to Boards,
Commissions and Committees

Board, Commission or Committee you are applying for: 1 Wildlife Advisory
2 Board of Adjustments

per Mrs. C.

Name: CAMPBELL SANDRA J
Last First Middle

Mailing Address: 118 W. MAPLE DR.

Daytime Phone: _____ Alternate Phone: _____

Employer: _____ Business Phone: _____

Occupation: Retired e-mail address: _____
(if retired please indicate former occupation or profession)

How long have you lived/owned property in Granite Shoals? 2002

Education: College BA

Professional and/or community activities: _____

Boards/Commissions/Committees on which you have previously served:

Board/Commission/Committee	Dates Served
----------------------------	--------------

List qualifications you feel make you a good candidate for this position:

Leadership, animal + plant lover

Sandra Campbell 6.18.16
Signature Date

Please return completed form to: City of Granite Shoals
Office of the City Secretary
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: Item 10 Workshop Discussions
Prepared By: City Secretary
Department: Administration

AGENDA CAPTION

10. WORKSHOP ITEMS:

- a. 2016-2017 City Council priorities (*City Manager Ken Nickel*)
- b. Arterial road improvements (*Mayor Carl Brugger, City Manager Nickel*)
- c. Budget reduction options (*Councilwoman Anita Hisey, Mayor Carl Brugger*)

- a. 2016-2017 City Council priorities (*City Manager Ken Nickel*) – *submission of the City Council's priorities for next year, in customary format.*
- b. Arterial road improvements (*Mayor Carl Brugger, City Manager Nickel*)
Update regarding possible upcoming Arterial Road Infrastructure project.
- c. Budget reduction options (*Councilwoman Anita Hisey, Mayor Carl Brugger*)
Mayor and Council Member Hisey, update on options for reduction of expenditures?



2016-2017 Proposed Priorities ranking Based on City Council and Staff Discussions

1. Road Improvements (Current and long Term)
 - Submit and provide support for the \$5,000,000 USDA grant for Philips Ranch Road Prairie Creek and Valley View
 - Increase street maintenance budget to \$200,000 with additional sales tax receipts in 2016-2017 budget
 - Improve pot holes street repairs, both in timeliness and reliability
 - Reassess side street paving goals
2. Water Supply Improvement
 - Continue to provide a safe and efficient water supply to citizens
 - Continue replacement program for the water plant membrane units
 - Develop a plan for major water line replacement program
 - Complete the installation of GIS Database on the Web which allows for multiple users. Update the water line mapping.
 - Review water sampling procedures to reduce reportable non-compliant sampling errors
3. Execute current grants, close out whenever possible and aggressively pursue new grant opportunities
 - USDA Grant for road improvement (same as above)
 - TPWD grant for Quarry Park complex
4. Continue to provide a safe community
 - Continue current level of service
 - Increase Animal Control availability on weekends and after 5pm
 - Identify opportunities to reduce overall cost in this activity
5. Facility Improvements
 - Repair to City Hall roof (Current estimates is approximately \$43,000)
 - Development of soccer field adjacent to Highland Lakes Elementary School
 - Minor updates and repairs to old community center
6. Increase Code Compliance activity by approximately 15% over 2015-2016 goals
7. Maintain and improve the City's Financial Stability
 - Increase the General Fund balance (Goal is three months operation reserve)
 - Fund the capital replacement plan
 - Effective debt management



2016-2017 Proposed Priorities ranking Based on City Council and Staff Discussions

8. Planning and Vision for the Future
 - Committee support and coordination
 - Annexation and Development Agreements
 - Initiate Web & Beaver Island re-annexation
 - Implement by February 2017 for new areas
 - Initiate City Charter Review process
 - Preliminary planning for Comprehensive Plan review –start selection of committee to review planning in late 2017 or 2018 calendar year
9. Hire and maintain a strong workforce
10. Maintain or improve citizen communications
 - Twice a year city letter sent to our residents to update the city activities
 - Meetings with the Mayor
 - Town Hall meetings



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: Item 11. Executive Sessions
Prepared By: City Secretary
Department: Administration
Submitted By: City Manager

AGENDA CAPTION

11. Exec. Sessions:

a.) Executive session pursuant to sections 551.074 of the Texas Open Meetings Act (Personnel Matters): Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the following public employees: City Manager Ken Nickel, City Secretary Elaine Simpson, Municipal Court Judge Frank Reilly and City Attorney Brad Young.

b.) Executive (Closed) meeting as authorized by Texas Government Code. Executive session pursuant to section 551.071 of the Texas Open Meetings Act (Consultation with Attorney) to seek and receive legal advice from the city's legal counsel relating to personnel matters.

Any action resulting from Executive Session(s).



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: 12. Written Departmental Reports
Prepared By: City Secretary
Department: Administration

AGENDA CAPTION

12. Written Reports

- a. Code
- b. Fire
- c. Streets
- d. Police

Monthly Report May 2016
Code Compliance Department

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	%
Junk Vehicles	605	41	39	1	94.20%
Property Maintenance	511	72	44	7	60.73%
House Numbers	409	18	10	2	54.35%
Unsafe Structure/Building Removal	613	18	12	3	65.22%
Misc. Zoning Infractions	Chapter 40	41	23	3	55.56%
Totals		192	131	16	68.21%

CITY OF GRANITE SHOALS FIRE DEPARTMENT
MONTHLY PROGRESS REPORT.



MAY 2016 DEPARTMENT REPORT SUMMARY

BURN BAN HAS BEEN LIFTED

Responded to a total of 109 Emergency and Response Calls
(Decrease of 12 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 40 seconds per call.
(Increase of 22 seconds from previous month)
GSFD logged 20.5 hours of training
(Increase of 12.5 hours from previous month)
GSFD accepted 0 new applications for membership.
(No Change from prior month)
GSFD had 1 Volunteer Member of the Fire Department Resign.
(Increase 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: 2 (Decrease of 3 calls from Prior month)
EMS/Medical Assist: 61 (Increase of 5 calls from Prior Month)
Public Service/Good intent: 60 (Decrease of 14 calls from Prior Month)

Total 109 Responses for Service
(Decrease of 12 Call2 from Previous month)

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

Areas

Granite Shoals: 94 (Decrease of 14 Calls from Prior month)
BCESD#3 Area: 10 (Increase of 1 Call from Prior month)
Mutual Aid: 1 (Increase of 1 Call from Prior Month)
Lake LBJ Responses 0 (No Change from Prior Month)
Highland Haven: 4 (Decrease of 4 Prior month)

Total: 109 Responses for Service

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

Staff:

Nothing New to report

Training:

EMS Conference	8 Hrs
ICS,PPE and SCBA	2 Hrs
Firefighter I	2 hrs
Business Meeting	1.5 hrs
Apparatus Familization	7 hrs

Apparatus and Equipment:

New Squad 5252 has been ordered and awaiting delivery Expected Delivery June 31 2016.

Grants and Major Purchases and Projects:

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

ESD News and Fire Contract News

Beaver Island has replaced two of their dry hydrants with newer units.

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 – POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – MAY 2016

GARY A. BOSHEARS, CHIEF OF POLICE



SUMMARY

The police department responded to a total of 487 calls for service during the month of May an increase of 15.4% from the month of April. Our most prevalent reported incidents during this month were traffic stops, animal calls, suspicious calls, traffic violations / complaints, and lockin/lockout/peace/welfare. The average response time for calls for service during the month of May was 7 minutes and 20 seconds. During the month of May, the department received 8 reports of Uniform Crime Reporting (UCR) reportable offenses. The department cleared 75% of UCR reportable offenses during the month of May. Annually, we have cleared over 69% of UCR reportable offenses during 2016. During the month of May, we began increased marine enforcement efforts for the summer. During two days of intense patrol, this resulted in 28 contacts, 12 warnings, and one citation. The majority of the contacts were used as opportunities to educate citizens and guests as to water safety laws.

STAFF

Staff Levels: Eight of nine paid positions have been filled. During the month of May, Paul Chrane was promoted to a Sergeant – Investigator position and Scott Dulaney was promoted to Patrol Sergeant. Both of these officers are adjusting very well to their new positions and are excited for the opportunity. Also during the month of May, we hired Timothy Edwards for the open Animal Control Officer position. Officer Edwards is progressing well in training. We anticipate filling our open patrol officer position towards the end of June or beginning of July. We have three non-paid reserve officers. These officers volunteer approximately 24 hours per month.

VEHICLES AND EQUIPMENT

The new patrol vehicles approved in the 2015 – 2016 budget have been delivered and our in-service. All patrol vehicles are in good working order. 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 / dive team vehicle was very underutilized and was sold to Buchanan Fire Department who actively operates a dive team and will be available to assist us when needed. We are working diligently to keep all vehicles in good working order while keeping maintenance costs as low as possible.

CITY OF GRANITE SHOALS – POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – MAY 2016

GARY A. BOSHEARS, CHIEF OF POLICE



TRAINING

During the month of May officers completed approximately 24 hours of online training. During the month of May, we also made arrangements to host a specialized Human Trafficking class that our officers and officers from neighboring law enforcement agencies will be able to attend for no expense to the city or neighboring agencies. Utilizing our certified instructors, we have a plan to deliver over 20 hours of in-service training to our officers during the remainder of this calendar year.

GRANTS, MAJOR PURCHASES, AND PROJECTS

We completed the purchase of ballistic tactical helmets with money awarded through a grant from the National Rifle Association Foundation. This allowed us to outfit every officer with a ballistic helmet for tactical situations at no cost to the city. During the month of May, we identified a quantity of surplus and junk equipment held by the department. With authorization from the city manager, much of this equipment has already been sold, transferred to other agencies, or otherwise disposed of.

COMMUNITY INVOLVEMENT

While not a complete list, we wished to provide some insight as to involvement with the community from our department during the month of May. This could best be described as the highlights for the month.

- At least two officers attended every Friday morning assembly at Highland Lakes Elementary School.
 - Three officers attended the National Day of Prayer gathering in the city hall parking lot.
 - Chief Boshears participated with the Marble Falls ISD Health & Wellness group.
 - Two officers participated in the Highland Lakes Elementary School teacher appreciation day.
 - Two officers participated in the Highland Lakes Elementary School Career Day.
 - Two officers attended the meeting of the Hill Country Law Enforcement Association
-

CITY OF GRANITE SHOALS – POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – MAY 2016

GARY A. BOSHEARS, CHIEF OF POLICE



GOALS FOR MAY 2016

- Increase community policing efforts through community outreach and involvement. – **Always Ongoing**
 - Begin process of identifying surplus equipment in the department that can be disposed of or transferred to other law enforcement agencies. – **Nearing Completion**
 - Maintain a UCR clearance rate at or above national average (approximately 38%). – **Currently 69% for the year.**
 - Identify data that can be used for measuring success of departmental programs and begin implementing those measurements. – **In Process, experimenting with different data and measures**
 - Schedule training for remainder of calendar year with the goal of providing citizens with a highly trained police department. – **Nearing completion, will provide over 20 hours of training by end of calendar year.**
-

GOALS FOR JUNE 2016

- Increase community policing efforts through community outreach and involvement.
- Finish disposition of surplus and junk equipment held by the department.
- Maintain a UCR clearance rate at or above national average (approximately 38%).
- Continue working to identify data that can be used for measuring success of departmental programs.
- Continue marine safety enforcement efforts on Lake LBJ.

Detailed Statistics – See Page 4

Respectfully submitted,

A handwritten signature in black ink that reads "Gary A. Boshears".

Gary A. Boshears
Chief of Police

CITY OF GRANITE SHOALS – POLICE DEPARTMENT

MONTHLY PROGRESS REPORT – MAY 2016

GARY A. BOSHEARS, CHIEF OF POLICE



STATISTICS

Not Defined: 1	Mental Disorder: 3
Animal Control Maintenance: 1	Missing / Runaway / Found Person: 2
Administrative: 18	Overdose: 1
Alarms: 11	PR Events: 2
Animal: 52	Pregnancy / Childbirth: 1
Assault: 3	Public Intoxication: 1
Assist Other Agency: 19	Lockin / Lockout / Peace / Welfare: 40
Burglary: 2	Security Check: 8
Carcass Calls: 14	Convulsions / Seizures: 3
Citizen Assist: 26	Supplemental: 19
Civil Problem: 2	Suspicious: 48
Close Patrol: 1	Theft: 10
Collision: 6	Traffic Stop: 88
Damage: 4	Traffic Violation / Complaint: 34
Deceased Person: 1	Trespassing / Unwanted: 2
Disturbance / Nuisance: 27	Unknown: 1
Domestic Disturbance: 9	Violation of City Ordinance: 8
Drugs: 1	Violation of City Ordinance (Animal): 4
Falls: 2	Warrant Service: 12
Fraud / Deception: 1	Weapons / Firearms: 2
Harassment: 5	Total Calls for Service: 487
Heart Problems: 1	
Inspections: 1	

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.

06/01/16
13:08

GRANITE SHOALS POLICE DEPARTMENT
Law Total Incident Report, by Nature of Incident

Page: 343
1

Nature of Incident	Total Incidents
(Not Defined)	1
ANIMAL CONTROL FACILITY MAINT	1
ADMIN(DOC, LOST/FOUND, MSSG, TRAN	18
ALARMS	11
ANIMAL	52
ASSAULT/SEXUAL ASSAULT	3
ASSIST OTHER AGENCY	19
BURG(BREAK ENTER)/HOME INVASN	2
CARCASSES CALLS	4
CITIZEN REQUESTS ASSISTANCE	26
CIVIL PROBLEM	2
CLOSE PATROL	1
MOTOR VEHICLE COLLISION	6
DAMAGE/VANDALISM/MISCHIEF	4
DECEASED PERSON	1
DISTURBANCE / NUISANCE	27
DOMESTIC DISTURBANCE / VIOLENC	9
DRUGS	1
FALLS	2
FRAUD DECEPTION	1
HARASSMENT/STALKING/THREAT	5
HEART PROBLEMS/AICD	1
INSPECTIONS	1
MENTAL DISORDER(BEHAVIORAL)	3
MISSING/RUNAWAY/FOUND PERSON	2
OVERDOSE/POISONING(INGESTION)	1
PR EVENTS	2
PREGNANCY/CHILDBIRTH/MISCARRIA	1
PUBLIC INTOXICATION	1
LOCKIN/LOCKOUT/PEACE/WELFARE	40
SECURITY CHECK	8
CONVULSIONS/SEIZURES	3
SUPPLEMENTAL	19
SUSPICIOUS/WANTED(PERSON/CIRCU	48
THEFT(LARCENY)	10
TRAFFIC STOP	88
TRAFFIC VIOLATION/COMPLAINT	34
TRESPASSING/UNWANTED	2
UNKNOWN(3RD PARTY)	1
VIOLATION OF CITY ORD	8
VCO ANIMAL OFFENSE	4
WARRANT SERVICE	12
WEAPONS/FIREARMS	2

Total Incidents for This Report: 487

Report includes:

All dates between `00:00:00 05/01/16` and `00:00:00 06/01/16`
All agencies matching `GSPD`
All natures
All locations
All responsible officers
All dispositions
All clearance codes
All observed offenses

Street Department Monthly Report May 2016

Street Work

Worked at Shady Forest, Deep Forest and Forest Oaks hauled granite gravel on washout and dirt potholes.

Worked on Windsong fix road with $\frac{3}{4}$ base.

Worked at Kingcreek fix street with road base.

Worked on Valley View done a lot of patching this is a paving project this year.

Hauled granite gravel on Moss Downs dirt potholes.

Drainage Work and Pipe Installed

Installed a 12x20 driveway culvert at the 200 block of Briar.

Installed a 8x10 ft pipe extension at Lakecrest.

Started working on Deep Forest cleaning ditches on this street this is a paving project.

Other

Mowed the Airport and also the old City Hall.

Cut brush patch potholes and also chip brush.

Put up banner for the town meeting at 3 locations

Repair Mx5 shredder done welding at the shop.

Loaded up 3 trailer loads of old paint cans and 5 gals oil cans took them to Marble Falls County clean-up.

Picked up trees down on Briar, Norwood, Friar Tuck.

City of Granite Shoals
 Park Report
 Month ending May 2016

Actions	Park 1	Park 2	Park 3	Park 4	Park 5	Park 6	Park 7	Park 8	Park 9
Septic System treatment	1						0		
Mow and Weed		2	1	1	1	2	0	2	2
Paint Park Signs							0		
Clean Restrooms	8					8	0		
Furnish Toilet paper	8					8	0		
Emptied Trash	8		8	8	8	8	0	8	8
Pickup Ground and Shoreline	8	8	8	8	8	8	0	8	8
Trimmed trees							0		
Replaced Flags							0		
Community Center work							0		

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	2	2	1	1	1	2	2	2	2	1
Paint Park Signs										
Clean Restrooms	8		8				8			
Furnish Toilet paper	8		8				8			
Emptied Trash	8		8	8	8	8	8	8	8	8
Pickup Ground and Shoreline	8	8	8	8	8	8	8	8	8	8
Trimmed trees										
Replaced Flags										
Safety Items and Repaires										

Park#-16-Repaired water line also water faucet damage by fisherman.



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
June 28, 2016**

Agenda Item: Item 13– Future Agenda Items
Prepared By: City Secretary
Department: Administration

AGENDA CAPTION

13. 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.

Tuesday, June 28, 2016

City Council Regular Meeting –

Annual Volunteer Appreciation Reception from 5-6 PM

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	PH/ Consider	Proposed Ord. #691 Non- Conforming Ordinance		Nickel	With P&Z Recommendation from June 21 st
	Consent	Meeting Minutes June 14, 2016		Simpson	
	Consent	Nomination Form for John Rinehart Award for 2017		Simpson	Approve nomination form
	Consent	ILA for paving			
	Consider	'No Deer Feeding' Ordinance		Nickel / Simpson	As discussed at Town Hall Meeting 6-18-16
	Consider	Board and Commission Appointments		Simpson	
	Workshop	City Council determines 2016-17 Budget Priorities, Workshop on Roads, Budget reduction options	Brugger	Nickel	
	Executive Session	Personnel – Council appraisal process for direct reports		Young	
		Written Department Reports			
		Future Agenda Items/Adjournment			

June 30, 2016 – Thursday – Open Meetings Law Training and 'Meet With Mayor' night.

Tuesday, July 12, 2016

City Council Regular Meeting

63 days to budget adoption

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	Presentation – Mayor Brugger – Kudos to Jim Tenny for volunteer service	Brugger		?????
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes June 28, 2016		Simpson	
	Consider	Board and Commission Appointments		Simpson	
	Workshop	Budget?			
	Consider	Ord. 688, Modifications proposed to Ord. 191 – Revision to Police Reserves		Police Chief	

	Consider	Res. 508 Related to policies for public records request for Police Department Body Cameras audio / visual data		Nickel /Young	As discussed 3/8/16 – Integrated into the City Manager’s Public Information policy
	Consider	Res. To establish audit policy/financial controls related to Texas Municipal Retirement Service (TMRS)		Gholson	
??	Consider	Airport Advisory Committee – recommendation for re-classification of Granite Shoals Airport		Nickel	Chair Haverlah
	Executive Session	Personnel – Council appraisal process for direct reports – Judge and City Attorney		Young	
		Future Agenda Items/Adjournment			

Tuesday, July 26 2016
City Council Regular Meeting –
49 days to budget adoption

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	Municipal Judge Frank Reilly Quarterly Report		Reilly	
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes July 12, 2016		Simpson	
	Consider	Board and Commission Appointments		Simpson	
		Written Department Reports			
		Future Agenda Items/Adjournment			

August 9, 2016
City Council Regular Meeting –
35 days to budget adoption

Item #	Action	Subject	Requestor	Staff	Status
1-3		CTO/Invocation/Pledge			
		Citizens Comments			
	Hear	CM/ACM/CS Reports			
	Consent	Meeting Minutes July 26, 2016		Simpson	
	Consider	Board and Commission Appointments		Simpson	
	Consider	SWAG policy for trucks leaving debris	Morren	Young	As discussed by B.Young at 6-14-2016 meeting
	Consider	Annual review of the City Employees Personnel Manual.		Simpson	
		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??
?	Consider	Contractor Fee for Big Trucks? Impact Fee – Ordinance –	Morren
Staff	Hear	Presentation by Dr. McBride related to Christ-Yoder Animal Shelter Services now known as Hill Country Humane Society	Council / Staff attend Open House 5/21/2016
Wrkshop		Procedure to evaluate City Property on 1431 for City to sell	Morren 7-28-2015 moved
		City Employee job descriptions	Simpson
Presentation	Hear	Show and Tell re: GIS	Smith / when new video screens are up.
	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). 3. Associate Judge contracts 2018.
March	Audit report of previous budget year – Finance Director, Proclamation from Mayor naming April as Child Abuse Prevention and Awareness Month. Contract with Assoc. Judges (2018)
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 8. Annual review of Personnel Manual?
June	1. Proposed Budget Calendar – City Manager. 2. City Manager contract 2016
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. Judge contract 2017.
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 prepare for May Election
December	