



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, JULY 12, 2016, 6:00 PM**

1. **Call meeting to order**

2. **Invocation**

3. **Pledge of Allegiance to the flag of the United States and to the Texas flag**

*Texas Flag: Honor the Texas flag; I pledge allegiance to thee,
Texas, one state under God, one and indivisible.*

4. **Resolution # 362, Rules of Procedure, Conduct & Decorum** (Mayor Carl Brugger)

At this time, the Mayor may review some 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.

5. **Public comment and announcements and Items of Interest** *p. 6*

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.

- Nomination Period for the 2017 John Rinehart Memorial Award for Outstanding Community Service, June 30th through September 30th, applications available at City Hall and on the city website at www.graniteshoals.org.
- City Council Budget Season calendar –Budget and Tax Rate meeting August 9th.

6. **EXECUTIVE SESSION** – (City Attorney Brad Young) *p. 7*

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 appeals of zoning decisions and related matters.

7. **MANAGEMENT REPORTS** *p. 8*

a.) **City Manager**

- USDA Funding/Grant/Street Project status
- Marble Falls ISD memorandum of agreement for soccer fields

- NRA Foundation grant for GSPD for helmets *p. 9 & 10*
- Quarry Park amenities

b.) Assistant City Manager

- CDBG grant 2015 report

c.) City Secretary

- Volunteer Appreciation Reception report
- Open Meetings Training report
- Upcoming Council Training – Texas Municipal League

8. CONSENT AGENDA ITEMS *p. 11*

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 minutes from June 28, 2016; Regular Meeting. *p. 12-30*
- Adopt Ordinance #680 ‘No Deer Feeding Ordinance’ in final form, as discussed at the June 28, 2016 Regular City Council meeting: *p. 31-37*

9. REGULAR AGENDA ITEMS

- Discuss, consider and possibly take action related to the appointment of members to Boards and Committees. *(City Secretary Simpson) p. 38-41*
- Discuss, consider and possibly take action related proposed Resolution #508, related to establishing policy and procedures for processing Public Information Requests for Body Camera Data from the Police Department. *(Interim Chief of Police Gary Boshears) p. 42-48*
- Discuss, consider and possibly take action related to proposed Ordinance #694 ‘Form Survey Requirement’ establishing a policy for building permit applications and related forms. *(City Attorney Brad Young/Council Member Todd Holland) p. 49-52*

10. WORKSHOP: *p. 53-56*

- Arterial road improvements *(Mayor Carl Brugger, City Manager Nickel)* which may include discussion of any of the following topics or other issues related to a city Arterial Road Improvement Project.
 - Bond rates
 - Construction costs
 - Continuation of discussion of Mayor Brugger’s list of ‘Options’ for Road Arterial Project, as discussed at June 28, 2016 Council meeting and June 30, 2016 *Meet With Mayor* event.

- d. Elm Creek Drainage – in general and as relates to proposed improvements to Prairie Creek Drive.
- e. Financing Options.
- f. Alternative projects related to arterial road improvements.

11. **EXEC. SESSIONS:** *p. 57*

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 SOAH DOCKET NO. 407-16-4527.F5, JP Wilson v. Granite Shoals Police Department, in the State Office of Administrative Hearings.

Any action resulting from Executive Session(s).

12. **Future Meetings and Agenda Items** *p. 58-62*

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

13. **Adjournment**

CERTIFICATION

I certify that the foregoing agenda has been posted at Granite Shoals City Hall, 2221 N. Phillips Ranch Road, both on the indoor bulletin board and the six panel Park Information and City Notice Outdoor Bulletin Board cases which are accessible to the public at all times, and the city website at www.graniteshoals.org on Thursday, July 7, 2016 on or before 8:00 p.m. and shall remain there continuously from such time until after this meeting is adjourned on Tuesday, July 12, 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 2016-2017 Budget Calendar

| JULY | | | | | | |
|------|----------------------------------|-------------------------------|----|--|----|----|
| S | M | T | W | T | F | S |
| | | | | | 1 | 2 |
| 3 | 4 CITY HOLIDAY | 5 Dept Budget Requests Due | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 Budget Meetings w/Dept Heads | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 Receive Certified Tax Roll | 26 | 27 | 28 Calculate & Publish Effective & Rollback Tax Rates | 29 | 30 |
| 31 | | | | | | |

| AUGUST | | | | | | |
|--------|----|---|----|----|----|----|
| S | M | T | W | T | F | S |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 Proposed Budget/Discuss Tax Rate/Record Vote/Schedule PH | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 Budget Workshop (if needed) | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 Public Hearing #1 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 Public Hearing #2 | 31 | | | |

| SEPTEMBER | | | | | | |
|-----------|-------------------|--------------------------------------|----|----|----|----|
| S | M | T | W | T | F | S |
| | | | | 1 | 2 | 3 |
| 4 | 5 CITY HOLIDAY | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 Adopt Tax Rate Adopt Budget | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |

- Regular Council Meeting
- SPECIAL Council Meeting



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
July 12, 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.

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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.



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
July 12, 2016**

**Agenda Item: Item 6. Executive Sessions
Prepared By: City Secretary
Department: Administration
Submitted By: City Manager**

AGENDA CAPTION

**6. EXECUTIVE SESSION – (City Attorney Brad Young)
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 appeals of zoning decisions and related matters.**

Any action resulting from Executive Session(s).



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
July 12, 2016**

Agenda Item: 7. Management Reports
Prepared By: City Secretary
Department: Administration
Submitted By: City Secretary

AGENDA CAPTION

7. Management Reports

1. MANAGEMENT REPORTS

a.) City Manager

- USDA Funding/Grant/Street Project status
- Marble Falls ISD memorandum of agreement for soccer fields
- NRA Foundation grant for GSPD for helmets – see article Highlander News (attached)
- Quarry Park amenities

b.) Assistant City Manager

- CDBG grant 2015 report

c.) City Secretary

- Volunteer Appreciation Reception report pictures are located on the city's Facebook page. https://www.facebook.com/graniteshoalsofficial/?ref=aymt_homepage_panel
The Highlander News also printed some pictures from this event.
- Open Meetings Training report – 11 people attended for the Open Meetings Training and some stayed for the 'Meet With Mayor' event that was held after the class. City Attorney Young's office has provided the certificates for those who attended the class (7/7/2016) and these will be distributed next week.
- Upcoming Council Training – Texas Municipal League - TML Annual Conference will be held in Austin from October 4-7th. Council adopted a procedure of approving Council travel in advance. City staff asks for guidance regarding arrangements so that we may make plans timely and economically. <http://tmlconference.org/>

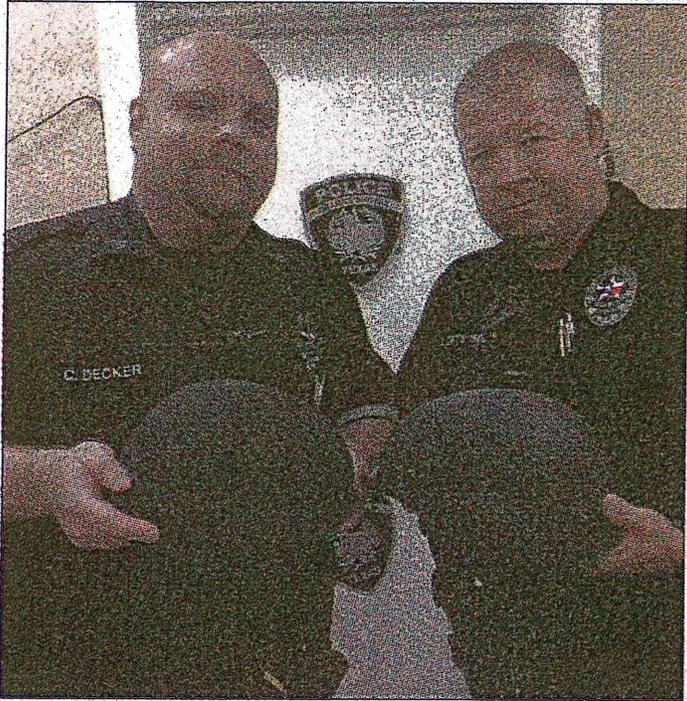
the current 25 cents.

The staff estimates that the city will take in \$8,086,750 from all forms of income

on Sept. 29.

Horseshoe Bay's fiscal year runs from Oct. 1 through Sept. 30.

Two little girls enjoy dancing t Kingsland. For more photos of our early deadline).



CONTRIBUTED

New ballistic helmets for the Granite Shoals Police Department (GSPD) are displayed by GSPD Sgt. Christopher Decker, left, and GSPD Officer John Ortis. The helmets, such as the one that saved the life of an Orlando, Florida, officer June 12, have been purchased with a grant from the NRA Foundation.

NRA Foundation grants GSPD \$2,880

By Glynis Crawford Smith
THE HIGHLANDER

The National Rifle Association (NRA) Foundation has awarded the City of Granite Shoals Police Department a grant of \$2,880 for the purchase of ballistic helmets.

Interim Chief Gary Boshears said the grant would cover the cost of helmets for the department's full compli-

ment of eight officers.

"We are very excited about being able to purchase ballistic helmets for our staff," said Boshears. "We are pleased that the NRA is making an investment in our community."

"Police officers are being called to more dangerous situations each and every day," he said. "The recent events in

Grant ... see Page 2

County app

By Alexandria Randolph
HIGHLAND LAKES NEWSPAPERS

Burnet County Commissioners unanimously made preliminary approval of \$4.7 million in debt service for infrastructure improvement projects last week.

Commissioners initially began the discussion in early May after storms that brought to light the need for improved

Founders Da celebrates

Beginning Saturday, July 9, Marble Falls Founders Day, Falls on the Colorado Museum will present "Lone Star and Eagle: German Immigration to Texas," an exhibition by Humanities Texas, the state affiliate of the National Endowment for the Humanities.

In the 1840s, German immigrants began settling at New Braunfels, Fredericksburg, Sisterdale, and other locations, including Burnet County, imparting a distinctive character to these communities.

In the Marble Falls and Cottonwood Shores area, the Rev. Adolph Fuchs (1805-1885) received a land grant from the Republic of Texas in the 1840s.

Soon after Texas became a state, the German immigrant and his family settled in along the Colorado River. According to the Texas Historical Commission marker at the family

Highlander News, July 5, 2016 p. 1

INSIDE



GS volunteers honored

See page 2



Annie Get Your Gun
July 21 at HCCT



Highlander News - 7/5/16 pg. 2

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• Be extra
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pool drains.
Educate your
children about
the dangers of
drain
entanglement
and entrapment
and teach them
to never play
or swim near
drains or
suction
outlets.

Grant

From Page 1

Orlando, Florida, highlight the need for additional items to help protect officers from injury or death in these events.

The life of a responding officer in the Orlando shooting was saved when the officer took a round to his ballistic helmet.

"Without such protection a police officer would have been one of the many victims that tragic day."

"Even small communities, such as our city, and surrounding cities, could have a similar event at any time," Bostlears continued.

"With the NRA grant, we have been able to outfit our staff with ballistic helmets to

Kids can check out summer reading at the same time."

Hot lunches may be something like steak fingers, chicken nuggets, pizza or hamburgers with little potato pancakes called "fater smiles."

"We always have chef salads, fresh vegetables and fresh fruit," said Davidson. "Breakfast is a hot meal, too, but we

complement ballistic vests to be used in active shooter or other high risk encounters.

"Thanks to the NRA, our officers have more protection to help them survive in a violent encounter so we can remain focused on saving lives and reducing the risk of injury or death to one, or more, of our officers."

In May the Horseshoe Bay Police Chief Rocky Wardlow announced that a similar NRA Foundation gift had been used to purchase new shotguns for patrol units.

Established in 1990, The NRA Foundation Inc. is a non-profit organization that accepts donations through Friends of NRA for use in a wide range of firearm-related public interest activities of the National Rifle Association.

For more free meals information, call 830-798-3558, Monday-Thursday, or email Davidson at mdayvidson@mtsd.txd.net.

Find a July summer program menu online under "Child Nutrition" at www.marblefallsisd.org/departments/child_nutrition.

Activities supported include promotion of firearm and hunting safety, to enhance marksmanship skills of those participating in the shootings sports, and to educate the general public about firearms in their historic, technological, and artistic context. equipment, training materials, range improvements, and more, qualified local, state, and national programs receive aid to involve and inspire a new generation of competitive shooters.

complement ballistic vests to be used in active shooter or other high risk encounters.

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VICTORY ALLERGY

Dr. Gary Albertson

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Marble Falls, Texas 78654 (Corner of 1431 and Ave. E)

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Friday Mornings 8 am - 12 pm

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**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
July 12, 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 minutes from June 28, 2016; Regular Meeting.
- b. Adopt Ordinance #680 'No Deer Feeding Ordinance' in final form, as discussed at the June 28, 2016 Regular City Council meeting.

a.) self-explanatory

b.) City Council members deliberated proposed Ord. 680 'No Deer Feeding Ordinance' at their last city council meeting; June 28, 2016. The draft meeting minutes are item a.) for this agenda item. City Attorney Young has incorporated all modifications requested by City Council at their last meeting into tonight's version.



City Of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
Phone (830) 598-2424 fax (830) 598-6538
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MEETING MINUTES
CITY OF GRANITE SHOALS, TX
REGULAR CALLED CITY COUNCIL MEETING
CITY HALL, 2ND FLOOR COUNCIL CHAMBER, GRANITE SHOALS, TX
TUESDAY, JUNE 28, 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. Mike Mitchell of the Granite Fellowship Church and the Granite Shoals Faith Alliance, gave the invocation.

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

4. **Review of Res. 362 and Council Meeting Decorum** Policy – Mayor Brugger reviewed key portions of the Resolution addressing Council Meeting rules of procedure and decorum.

5. **Public comment and announcements and Items of Interest**
 - 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

Mayor Brugger read a statement apologizing for his June 14, 2016 mis-statement that Mr. Steenbergen had not read the most recent city newsletter.

Mr. Micheal Steenbergen, 2208 Belaire, Granite Shoals, TX: Spoke about the ‘Four citizen action requests’ that he had for the City Council (see attached as Exhibit A to these meeting minutes).

Mr. Dennis Maier, 545 Contour Drive, Granite Shoals, TX: He spoke as a property owner for the last 30 years. He thanked the City Council members for volunteer work that they do to improve the city. He has served on Council and appreciates their work. At the last meeting, which he reviewed via the meeting minutes, he feels that statements were made that were not reflective of how all the citizens feel.

6. **MANAGEMENT REPORTS**

a.) City Manager

- Update on policy of Public Information Requests for PD Body Camera data: Chief Boshears and his staff researched and have presented a solid policy and procedure proposal for addressing these requests in conformity to State Law. This proposed policy will come to City Council for consideration on an upcoming meeting agenda.
- Deer Management Town Hall Meeting held June 18, 2016: The Wildlife Advisory Committee held a very successful Town Hall meeting last weekend. Approximately 50 citizens attended and provided feedback related to the No Deer Feeding Ordinance that is on tonight’s agenda for Council consideration.
- Meeting with Marble Falls City Manager Mike Hodge: We met with several members of the City Manager’s office. We were mainly interested in the City’s new ‘Comprehensive Plan’ that is being composed. They are starting with a twenty year vision, five year Capital Improvement Plan, 5 year Council ‘vision’, three year fiscal forecast and three year ‘Departmental Service Plans’. This will lead to how the budget is approached each year.

b.) City Secretary

- Upcoming Open Government Training Session June 30, 2016: There may be a quorum of any of the Committees, Council, Boards or Groups at the training because all these groups operate under the Open Meetings Act.
- Website and Social Media update. At 14 months old, the city’s Facebook page has 382 followers. The city’s official website had approximately 22,000 visits last year.

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

Mayor Brugger recessed the regular meeting and called the Public Hearing to order at 6:35 PM.

Mr. Jim Davant, 310 S. Shorewood, Granite Shoals, TX: expressed concerns with the version of the proposed Ordinance which came out of the June 21, 2016 Planning and Zoning meeting that is being referred to tonight as version Ord. 691-B. This version will require that any additions or remodels to a non-conforming structure be in conformance with all regulations that apply to 'new construction'. He noted concerns that this doesn't provide the relief sought by the owners of the numerous non-conforming structures in the city because it doesn't go far enough.

Mayor Brugger adjourned the Public Hearing and reconvened the regular meeting at 6:47 PM.

b. Review recommendations regarding Ord. #691

- i. Planning and Zoning Commission from June 21, 2016: Planning and Zoning Commissioners voted unanimously to forward a favorable recommendation of Ord. 691 with modifications. The proposed Ordinance in this format is called Ord. 691-B.
- ii. City staff : City Staff recommends Council consider approval of 691-B. This should provide some relief to those who have been prevented from building additions onto their homes due to only a non-conforming encroachment. But this will not allow the continuation of an encroachment.

c. Consider and possibly take action on proposed Ordinance

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 since January.

The Commissioners reconsidered the ramifications of allowing the 'continuing' of an existing encroachment when allowing an addition to 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. In this way, the ordinance is like the one for Marble Falls.

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

It was noted that many lakefront lots are oddly shaped and are narrow. The required setbacks will reduce the buildable area of a lot.

It was noted that homes built with these encroachments could pose fire danger, fire fighters might not have sufficient room to operate between the homes and a fire could 'jump' from one roof to the next. It was noted that there are reasons for the setbacks, just as there are reasons for 'Easements' (for use by utility companies). Setbacks can exist for safety reasons.

Under the current regulations, a non-conforming structure cannot build, period. There can be no additions or renovations. They may only do minor repairs. Both Version A and Version B of proposed Ordinance 691, as considered tonight, allow relief for the owners of these structures. They can now add or do significant renovations. The only difference in the two is whether the encroachment would be allowed to be 'continued' with new addition or renovation. There was an extended discussion of passing an ordinance which would be fair to both those who have non-conforming structures (some built 40 years ago, some only built three years ago), and also to those who are just starting to build a home in Granite Shoals.

There was also a reminder that Council will possibly consider a future Ordinance that will require a 'Form Survey' for all building permit applications. This should prevent the encroachments of eaves or foundations for newly built structures going forward.

There was a brief discussion of the creation of 'Overlay District' for Waterfront Property, this new Zoning District is created in both versions of proposed Ord. 691. This will create uniformity related to building structures near the waters edge, as well as maximum allowed height of boat docks.

Mayor Brugger made a motion, and Council Member Tanner seconded, to approve the 'Version B' of proposed Ordinance 691, as recommended by P&Z and City staff, with non-substantive corrections made tonight by City Attorney Brad Young.

Mayor Brugger read the ordinance caption:

Ordinance No. 691

"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.

Motion carried by a 6-1. Ayes: Brugger, Hisey, Tanner, Dillard, Holland and Morren. Nay: King.

8. CONSENT AGENDA ITEMS

- 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.

Council Member Hisey requested that item 'a.' be removed from Consent Agenda for separate discussion.

Mayor Brugger made a motion, and Council Member Holland seconded, to approve, as presented, items 'b.' and 'c.' from the Consent Agenda. Motion carried unanimously by a vote of 7-0.

Council Member Hisey requested clarification related to the 'Exhibit A' to the meeting minutes, asking if they were the complete written remarks of Mr. Steenbergen as he provided. City Secretary Simpson clarified that the written remarks for the June 14th City Council meeting were included with the meeting minutes as 'Exhibit A', but Mr. Steenbergen also provided a duplicate set of his written remarks from an earlier June 6, 2016 Streets and Water Advisory Group meeting. These remarks which were read at the SWAG meeting will be reflected as an attachment to the SWAG meeting minutes from June 6th. These SWAG meeting minutes, when approved, will be posted to the city's website.

Council Member Hisey made a motion, and Council Member Tanner seconded, to approve Consent Agenda item 'a.', the Granite Shoals City Council Regular Meeting minutes from June 14, 2016, as presented. Motion carried unanimously by a 7-0 vote.

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)*

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 Wildlife Advisory Committee made two motions on June 23, 2016:

To make 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 someone with a 6 violation in a 12 month period).

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.

City Attorney Brad Young revised the proposed Ordinance #680 to include the "graduated" administrative penalty language.

Regarding a dedicated fund for the administrative penalties, City Attorney Young recommended that this would be better accomplished by Council passing a separate resolution than as part of the City Code. He explained that this is how Council created the dedicated fund for parks from the sale of deeds without warranty.

There was a brief discussion of dedicating the penalties levied under this Ordinance, City Council and city staff expressed skepticism that this would provide a benefit considering the cost of the bookkeeping required to keep a separate account. It was determined that after the Ordinance is in effect for a while, the Resolution can be adopted to dedicate the penalties, if Council believes it to be cost efficient.

City Attorney Young expressed concern regarding imposing prohibition or a "cap" on the fines under the criminal piece of the ordinance. The Police Department and code enforcement will have discretion about whether to go the civil or criminal route, and if they go criminal, the prosecutor and the judge will have discretion about the amount of the fine if the defendant is convicted. There was concern that City Council not 'tie the court's hands' in assessing an appropriate fine.

There was a brief discussion related to the responsibilities of the Code Enforcement officers and the police officers for enforcing this Ordinance. It was noted that the proposed Ordinance has both a 60 day 'grace period' built in, and also the graduated steps for the Administrative penalties. There are also provisions for hearing and for appeal for those accused of violating the Ordinance. The purpose of the Ordinance is to educate the citizens regarding the drawbacks to the deer of this type of supplemental feeding.

Some members of the Wildlife Advisory Committee spoke in support of their proposed changes. The WAC considered the removal of the criminal penalty and the 'graduated' nature of the administrative fees would allow the Committee members and City Staff to introduce to the citizens the dangers of feeding the deer (spreading of parasites, etc.) and use the Ordinance as an education tool. There is concern that if the Ordinance is too harsh, the citizens will be alienated and the reputation of the overall Deer Management Program will be damaged.

Ms. Laura Campbell, 206 E. Bluebriar: Expressed concern about this ordinance due to the issues caused by harsh 'No Feeding Deer' Ordinances that were experienced by other municipalities. Also noted that at the Town Hall Meeting, there were approximately six other people who agreed with her in opposing a No Feeding Deer Ordinance.

There was clarification that the Texas Parks and Wildlife Department biologists who have been guiding the WAC for the last two years regarding this issue, recommend that a 'No Deer Feeding' Ordinance be incorporated as a part of the larger Deer Management Program.

After much discussion of modifications to the proposed Ordinance, as recommended by the Wildlife Advisory Committee at their June 23, 2016 meeting, the Council determined to incorporate a new 'Statement of Purpose' to Ord. 680, which will be retained in the ordinance upon codification, stating that this no feeding ordinance is part of a larger deer management program and this ordinance is part of the **education effort** for the citizens of the city. The Council desires that the 'penalties' for violation be in line with the educational purpose of the ordinance and not be as punitive as to involve criminal penalties unless there is flagrant disregard for the ordinance displayed. City Attorney Young drafted some proposed working for this Statement of Purpose. In general:

"Sec. 4-15. Policy Statement Regarding Feeding of Deer.

It is the city's policy that prohibiting the feeding of deer in the city limits is necessary and appropriate to protect the public health and safety by reducing the number of deer in residential areas as one component of a comprehensive deer management program. The city shall endeavor to enforce these regulations first through education, then through warnings, then through the imposition of civil penalties, and then through the initiation of criminal proceedings should all of the previous methods prove ineffective.

Sec. 4-16. Feeding of Deer Prohibited. ..."

Council directed City Attorney Young to take the Ordinance as proposed tonight, make corrections to typos as located by Council Member Tanner, incorporate the new section on 'Interpretation and Purpose' to the proposed ordinance in order to emphasize the educational nature of the Ordinance (but not prohibit entirely criminal penalties), and return the Ordinance to Council at the next meeting on the Consent Agenda.

There was no vote taken.

Mayor Brugger recessed the meeting from 8:24 PM to 8:42 PM.

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

City Secretary Simpson introduced this item and provided the staff report. 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 that her first choice is consideration of appointment to Wildlife Advisory Committee and her second choice is 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 tonight's meeting. Although the application was 're-submitted' via 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.

Council Member Hisey made a motion to appoint Ms. Sandra Campbell to the Wildlife Advisory Group, and Council Member King seconded. Motion carried unanimously by a 7-0 vote.

Council determined that if they desire to consider, or reconsider, other BOA applications, they will discuss this during Future Agenda Items.

10. **WORKSHOP ITEMS:**

- a. 2016-2017 City Council priorities (*City Manager Ken Nickel*)

Mayor Brugger opened all three workshops simultaneously.

City Manager Nickel began by discussing priorities.

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 – a multi-year approach.
 - 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:

Council Member Hisey had requested information related to the estimated cost(s) which would be incurred if the Police Department were to be moved to City Hall or to another location. Interim Chief Gary Boshears discussed the space requirements for the Police Department to operate, including office space, records room, interview rooms, garage area, and evidence room which meets applicable requirements for space and security. Chief Boshears expressed doubt that there is another city facility which could serve as a Police Department.

There was a short discussion related to staffing levels of the Police Department. City Manager Nickel and Chief Boshears crunched the numbers and estimated that not replacing the police officer vacancy that is open at this time would require more overtime from the remaining officers. The costs of the overtime and the stress of the overtime would be detrimental over the long term and any savings that might be realized would be minimal.

- 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
- 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

b. Arterial road improvements (*Mayor Carl Brugger, City Manager Nickel*)

Mayor Brugger disseminated a handout of suggested options for Arterial Road Improvements. (See Exhibit 'B' to these meeting minutes). There was an extended discussion of modifying the proposed project to include Valley View renovations, in addition to Prairie Creek and Phillips Ranch Road.

Mr. and Mrs. Utey: Explained that Elm Creek goes through several lots of private property.

There was a brief discussion of ordering environmental studies, reviewing the water lines, researching drainage issues, and possibly requesting that KC Engineering / Greg Haley return for more discussion of the arterials.

c. Budget reduction options (*Councilwoman Anita Hisey, Mayor Carl Brugger*)

There was not additional discussion of this item due to time constraints.

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, 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.

Mayor Brugger recessed the Open Session of the meeting at 10:00 PM and convened the Executive Session.

Mayor Brugger adjourned the Exec. Session and reconvened the Open Meeting at 11:19 PM.

Any action resulting from Executive Session(s).

Mayor Brugger made a motion, and Council Member Tanner seconded, to approve the renewal of contract for employment for City Manager Ken Nickel, for July 1, 2016 through June 30, 2018. Motion carried unanimously by a vote of 7-0.

12. **Written Reports**

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

13. **Future Meetings and Agenda Items**

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

14. **Adjournment**

With no further business, and no objections from Council, Mayor Brugger adjourned the meeting at 11:26 PM.

Approved by City Council on the 12th of July, 2016

By: _____
Carl Brugger, Mayor

Attest:

Elaine Simpson, City Secretary

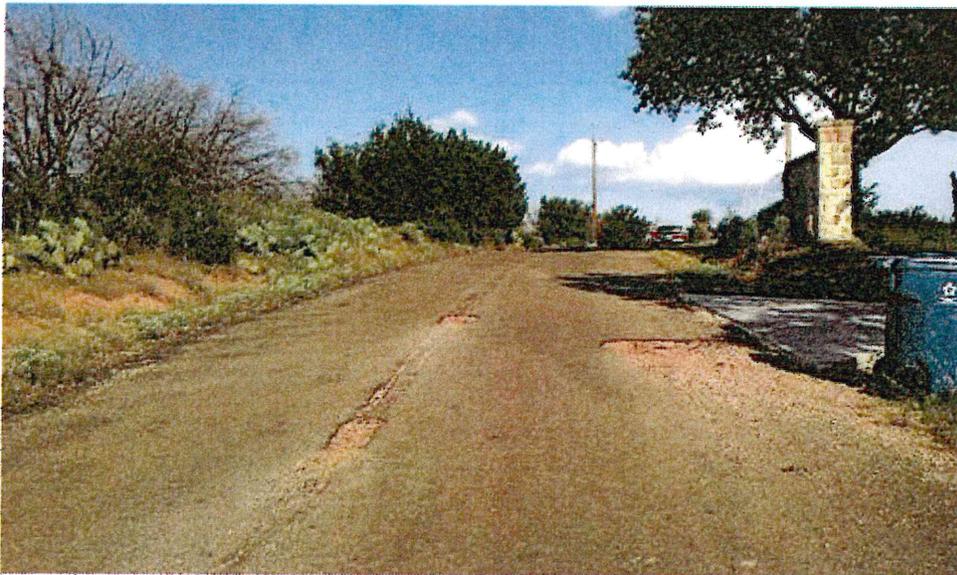
June 28, 2016
City Council Mtg. minutes
Exhibit 'A'

Michael Steenbergen
Granite Shoals City Council Meeting
Agenda Item: Citizen Comments

Honorable Council, fellow citizens

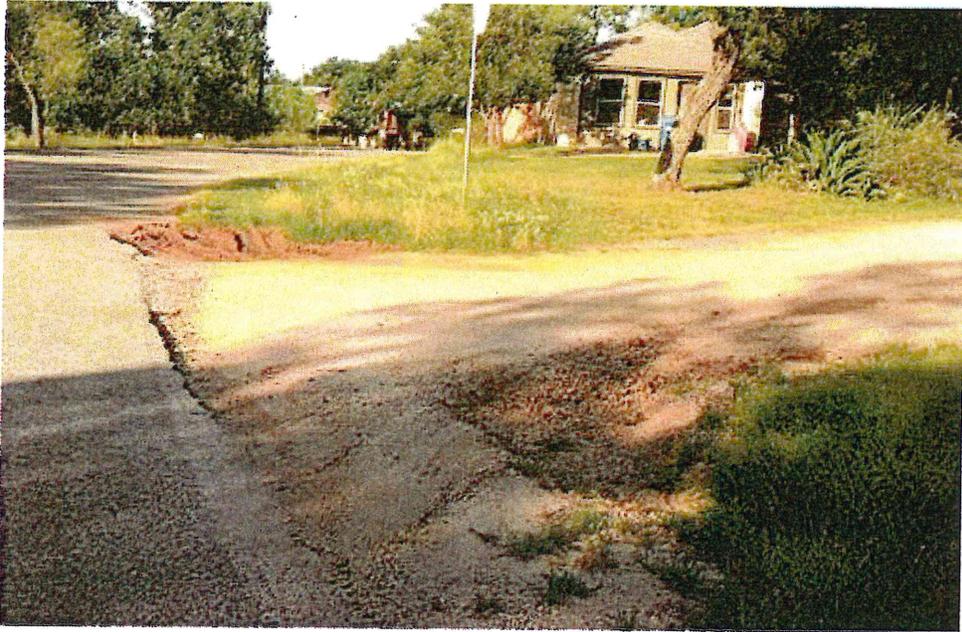
Last meeting I addressed the council in an attempt to express citizen feedback. The manner, content and tone of the presentation were not well received and little progress was made on addressing specific citizen concerns. In response, this week I will simply and very briefly list 4 citizens and their specific requests for action from their city government. Perhaps in this way we can begin addressing issues in a more constructive manner.

Valorie Bassi Becker, property owner and registered voter, has specific asked that the city look at Woodland Hills Drive where it intersects Hill Top Drive and to follow Hill Top to the summit. I reviewed the most significant damage and conditions on Hill Top. See photograph [close to the summit] below. Runoff, drainage and significant road damage are all issues.



Charles Manning, property owner and registered voter has requested the city look at the intersection of Kingstrail Dr. and Valley East Lane where, according to Manning, the culvert has been collapsed for several years and becomes a mosquito pool after rains. See photograph below. Close by cross streets that are

not yet paved like Kingscross are also in very substandard condition.



Charles Hyman, registered voter and property owner, provided pictures and the following comments about the drainage and damage at East Briar and North Castle Hills Drive. "This is at the corner of East Briar and N. Castle Hills Dr. I'm sending it to you maybe you can do something to get something done." He requests the city send someone to look at the problem. The orange cones have been there for extended periods of time, according to Hyman, but the deterioration of the roadway continues.



Finally, property owners [Jesse Ratliff Jr.](#) and his wife Elizabeth, ask that the city send a crew to look at the road damage and drainage issue in front of their home on Valley West Lane. There is standing water and significant road damage at Valley West and Kingsport. When we met in early June, the water was filled with scum, algae and mosquitoes and all drainage from the area is blocked. The problem started 20 years ago when the county first dug the ditch according to Jesse. The roadway at this T-intersection and close by curve is greatly deteriorated.



Thank you for reviewing these citizens' action requests.

Sincerely,
Michael Steenbergen
2208 Belaire Dr.
Granite Shoals TX 78654
Tuesday, June 28, 2016

CITY OF GRANITE SHOALS - ARTERIAL ROADS 2016

6/28/2016

PAGE 3

| ROAD | CURRENT PROPOSAL | | | ALTERNATIVE PROPOSAL #3 | | |
|--|--|--|-----------------------------|--------------------------------|--|--|
| | SECTION 1 | SECTION 2 | SECTION 3 | SECTION 1 | SECTION 2 | SECTION 3 |
| | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE- BRIAR DR | BLUEBRIAR TO LIVE OAK | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE- BRIAR DR | BLUEBRIAR TO LIVE OAK |
| LENGTH | 4,800 FEET | 2,950 FEET | 3,440 FEET | 4,800 FEET | 2,950 FEET | 3,440 FEET |
| COST \$ (W/DITCHES) | \$ 768,000 | \$ 472,000 | \$ 550,400 | \$ 768,000 | \$ 472,000 | \$ 550,400 |
| | ALL SECTIONS COST & FT. PAVED | | | | | ALL SECTIONS COST & FT. PAVED |
| | 11,190 FEET \$ 1,790,400 | | | | | 11,190 FEET \$ 1,790,400 |
| PRAIRIE CREEK | FM 1431 TO FORREST HILLS | FORREST HILLS TO SHERWOOD FORREST | | FM 1431 TO FORREST HILLS | FORREST HILLS TO SHERWOOD FORREST | |
| LENGTH | 4,963 FEET | 1,954 FEET | | 4,963 FEET | 1,954 FEET | |
| COST \$ (CURB & GUTTER & STORM SEWER) | \$ 2,038,000 | | | \$ 2,038,000 | | |
| COST \$ (W/DITCHES) | | \$ 268,000 | | | \$ 268,000 | |
| | | | | | | 6,917 FEET \$ 2,038,000 |
| ALLEY VEIV | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | |
| LENGTH | 3,907 FEET | 4,171 FEET | | 3,907 FEET | 4,171 FEET | |
| COST \$ (W/DITCHES) | \$ - | \$ - | | \$ 633,000 | \$ 676,000 | |
| PROPOSED ROAD IMPROVEMENT COSTS | | | | | | 8,078 FEET \$ 1,309,000 |
| DESIGN CONTINGENCY | | | | | | \$ 5,405,400 |
| PRAIRIE CREEK WATER LINE | | | | | | \$ 250,000 |
| | | | | | | \$ 653,600 |
| TOTAL PROJECT COSTS | | | | | | \$ 6,309,000 |
| FEET PAVED | | | | | | <u>26,185 FEET</u> |
| NANCING | | | | | | |
| JSDA GRANT | | | | | | \$ 3,470,000 |
| GRANITE SHOALS BONDS | | | | | | \$ 2,589,000 |
| GRANITE SHOALS FUNDS | | | | | | \$ 250,000 |
| TOTAL FINANCING | | | | | | <u>\$ 6,309,000</u> |

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 CREATE A NEW SECTION 4-15 ET SEQ. RELATING TO THE PROHIBITION AGAINST FEEDING DEER IN THE CITY LIMITS; 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 are 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 prohibiting 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 (Policy Statement Regarding Feeding of Deer), *et seq.* as follows:

“Sec. 4-15. Policy Statement Regarding Feeding of Deer.

It is the city’s policy that prohibiting the feeding of deer in the city limits is necessary and appropriate to protect the public health and safety by reducing the number of deer in residential areas as one component of a comprehensive deer management program. The city shall endeavor to enforce these regulations first through education, then through warnings, then through the imposition of civil penalties, and then through the initiation of criminal proceedings should all of the previous methods prove ineffective.

Sec. 4-16. 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 No 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. 4-17. 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 \$0 for the first offense in any 12-month period, \$50.00 for a second offense in any 12-month period, and \$200.00 for the third through fifth offenses in any 12-month period. For a sixth or subsequent offense in any 12-month period, the amount of the penalty shall be \$1,000.00.

Sec. 4-18. 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. 4-19. 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.
- (h) 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.
- (i) 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. 4-20. 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. 4-21. 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.
- (d) 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 shall take effect immediately from and after its passage and publication as may be required by governing law.

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 12th DAY OF JULY, 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
July 12, 2016

Agenda Item: 9.a. 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

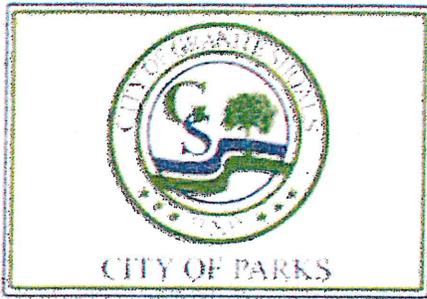
The following Boards and Committees have vacancies:

| | |
|-----|--|
| | 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 |

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

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 months. 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. Mr. Michael Steenbergen submitted an application for BOA via fax on June 20th. Mr. Arturo Rubio has expressed interest in being considered for the BOA as well. He submitted an application for BOA at the same time he submitted his application for SWAG, and he was appointed to SWAG. He recently expressed to the Assistant City Manager that he is still interested in being appointed to BOA.



Application for Appointment to Boards,
Commissions and Committees

Board, Commission or Committee you are applying for: Board of Adjustments

Name: Rubio Arturo P.
Last First Middle

Mailing Address: 1202 Viewcrest dr - Granite Shoals TX 78654

Daytime Phone: 512-203-3816 Alternate Phone: 512-203-3816

Employer: Arromex Coast Co. Inc. Business Phone: 830-598-2268

Occupation: Owner e-mail address: arromex@gmail.com
(if retired please indicate former occupation or profession)

How long have you lived/owned property in Granite Shoals? 15 years

Education: G.F.D.

Professional and/or community activities: Contractor

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

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

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

Been doing road, street, water distribution, sewer collection
storm management, lift stations, communication and integration
of water plants for the last 25 years.

Arturo Rubio 5/26/2016
Signature Date

RECEIVED

MAY 26 2016

CITY OF GRANITE SHOALS

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 Regular Meeting
Agenda Item Cover Memo
Date: July 12, 2016**

Agenda Item: # 9 b. Resolution # 508 – Policy related to Public Information requests for Body Worn Camera Data in Police Department

Prepared/Submitted By: Gary A. Boshears, Interim Chief of Police

Department: Police Department

AGENDA CAPTION

9.b. Discuss, consider and possibly take action related proposed Resolution #508, related to establishing policy and procedures for processing Public Information Requests for Body Camera Data from the Police Department. *(Interim Chief of Police Gary Boshears)*

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

1. Continue to provide a safe Community
7. Continue to focus on Customer Service and Teamwork
11. Improve Communications to the citizens of Granite Shoals

BACKGROUND

This policy was originally brought before council on March 8, 2016 at which time council requested some modifications to the policy. City Manager Nickel, City Secretary Simpson, Chief Boshears, and Sergeant Decker met to address how to handle these modifications while still having a policy that conforms to state law, best practices, and is accessible to our citizens. The new policy as presented is a result of this collaborative work. The changes made address the concerns of council and maintain a policy that is compliant with new laws governing release of body camera data.

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.

RECOMMENDATION

Adopt policy and procedures as presented.

ATTACHMENT(S): (IF APPROPRIATE)

List of the items behind this cover sheet:

- *Proposed Resolution #508 with Attachment (policy) and sample version of request form for Body Worn Camera data.*

RESOLUTION NO. 508

A RESOLUTION OF THE CITY OF GRANITE SHOALS, TEXAS, ESTABLISHING POLICIES AND APPROVING PROCEDURES FOR THE PROCESSING OF PUBLIC INFORMATION REQUESTS FOR AUDIO/VISUAL DATA FROM GRANITE SHOALS POLICE DEPARTMENT BODY WORN CAMERAS.

WHEREAS, the City Council of the City of Granite Shoals, Texas (“Council”) seeks to provide for the health, safety and welfare of its citizens; and

WHEREAS, Section 3.06 of the Granite Shoals City Charter provides that the Council shall determine all matters of City policy; and

WHEREAS, the Texas Local Government Code, Chapter 522, establishes the Texas Public Information Act, which applies to the City of Granite Shoals; and

WHEREAS, the City Manager establishes procedures and issues directives to execute the policy of the City Council; and

WHEREAS, the City Council wishes to establish city policy regarding how the City will respond to requests for certain public information, being audio/visual data from Granite Shoals Police Department Body Worn Cameras, conforming to Texas Senate Bill 158, passed 2005; and

WHEREAS, the City Manager has drafted procedures for the processing of routine Public Information Requests, and wishes to amend them to integrate provisions regarding the handling of these special requests which are covered by SB 158;

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

The Council hereby establishes this *Police Department Body Worn Camera Recording Request Policy*, as attached as Exhibit ‘A’.

EFFECTIVE DATE. This RESOLUTION shall be in full force and effect from and after its date of approval.

APPROVED: this 12th day of July, 2016.

APPROVED:

Carl J. Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary

Resolution #508 – Attachment A
The City of Granite Shoals
Police Department Body Worn Camera
Recording Request Policy

It is the policy of The City of Granite Shoals Police Department (GSPD) to allow for inspection and copying of public records in its possession. As a police department, GSPD has in its possession many records that in whole or in part are confidential by law. Requests for copies of video from Body Worn Cameras (BWC) present a unique challenge in determining whether the requested record is available for public release. Further challenges arise when confidential material is contained within the recording. It is the policy of GSPD to balance the interests of individuals who seek access to BWC records with individual privacy rights and applicable confidentiality laws.

The GSPD Criminal Evidence Manager (or his designee) is responsible for the operations and management of the department's BWC program. In the event the GSPD Criminal Evidence Manager is the officer who recorded the video, then the Chief of Police or the Chief's designee will conduct all contacts with the requestor. Part of that management responsibility is receiving, processing and fulfilling requests for inspection and possible copying of BWC recordings. The GSPD Criminal Evidence Manager shall coordinate with the City's Public Information Officer regarding all Public Information Requests received under this policy.

REQUESTS

Requests to inspect BWC recordings shall be made in writing and submitted to the Public Information Officer in the same manner as other Public Information Requests. All requests, regardless of how they are received, should be documented on a GSPD Body Worn Camera Video Public Records Request form which is available at the City Hall (2221 N Phillips Ranch Rd). The form is available to ensure accuracy, accountability, and timely responses. Requestors can complete and submit this form through email, fax, standard mail, or in person. Specific instructions on the entire request process are detailed on the request form. It may be necessary for the GSPD Criminal Evidence Manager (or the Chief of Police or Chief's designee, in the event that the GSPD Criminal Evidence Manager is the person who recorded the video) to contact the requestor for clarification or to discuss refinement of the scope of the request. Texas law requires that requestors limit their requests to a specific incident (see Texas Senate Bill 158, Regular Session, TX 2015) and include the following information: (1) the date and approximate time of the recording; (2) the specific location where the recording occurred; and (3) the name of one or more persons known to be a subject of the recording. In the event the requestor declines use the form, the request may be rejected if it does not include all statutorily required information.

BWC recordings that are evidence in an ongoing investigation, judicial or administrative proceeding, may not be released until either the matter is concluded and results in conviction or deferred adjudication or, in the case of a criminal proceeding, the evidence is submitted in a public forum (filed with the court or submitted in open court). Such recordings will not be released until they become public.

Due to the likelihood of confidential information being contained within a BWC recording and GSPD's inability to pre-screen all responsive video, it is GSPD's policy to require requestors to inspect requested video prior to requesting copies. Pursuant to SB 158, within 20 business days of receiving a request for a public record, the office will:

- Allow the requestor to inspect the responsive record, or
- Notify the requestor that the office does not possess a record responsive to the request, or
- Notify the requestor that inspection of the record is not available within 20 business days and provide a date and time after which the record will be available to inspect, or
- Notify the requestor that the record may be confidential and that the GSPD will seek an opinion from the Texas Attorney General regarding whether the information must be released.

Generally, the department will be able to grant the requestor the right to inspect a recording that is a public record within 20 days. The determination of whether a copy may be made may take longer due to the technical aspects of redacting personal or law enforcement sensitive material from the recording. This processing time may be reduced significantly if the scope of the request is reduced during the inspection process.

The GSPD Criminal Evidence Manager is responsible for these operations and can be reached at:

Mailing and Physical Address:

Granite Shoals Police Department
Criminal Evidence Manager
410 N Phillips Ranch Rd.
Granite Shoals, TX 78654

Email: police602@graniteshoals.org
Phone: (830) 598-4818

PROCEDURES

The procedures for handling requests for BWC recordings are outlined as follows; Requests BWC recording by submitting a written request as outlined in the Requests section above.

Requestor will be contacted by the GSPD Criminal Evidence Manager (or the Chief of Police or Chief's designee, in the event that the GSPD Criminal Evidence Manager is the person who recorded the video) within 20 days to discuss the request and, if applicable, arrange an appointment to inspect the recording or for a copy.

- **Inspection.** Requestor comes to GSPD Headquarters, or alternate location determined by the Chief of Police or designee, to view the recording. This will occur in the presence of the GSPD Criminal Evidence Manager (or the Chief of Police or Chief's designee, in the event that the GSPD Criminal Evidence Manager is the person who recorded the video) in a designated and controlled room with video surveillance. No electronic equipment, including cellular phones will be allowed in the recording room. No recording of the BWC footage will be allowed. Viewing time may be limited due to department staffing and/or other logistical issues.
- **Copy requested.** Requests a copy of the recording, if needed, on the previously submitted records request form or amends the request, if applicable. An estimate of cost will be given to the requestor at the time of inspection.
- **Fees.** The requestor shall be advised of \$3.00 per DVD required for the video and an hourly rate of \$15.00 hour to produce, redact, and prepare.
- **Delivery.** Requestor shall then return to the City Hall to pick up recording when it is ready to be released. Payment must be made at the City Hall by cash, money order, or credit/debit card, prior to the release of any recordings. Please note that use of a credit card/debit card may subject to associated fees.

“VOLUMINOUS” REQUESTS

As defined by SB 158, voluminous request includes:

- A request for body camera recordings from more than five separate incidents;
- More than five separate requests for BWC recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or
- A request or multiple requests from the same person in a 24-hour period for BWC recordings that, taken together, constitute more than five total hours of video footage.

A department who receives a voluminous request is considered to have promptly produced the information for purposes of release, if the department takes the actions required by section 552.221 of the Texas Public Information Act before the 21st business day after the date of receipt of the written request.

OTHER REQUESTS FOR BWC RECORDINGS

Dissemination of recordings pursuant to a criminal court proceeding will be handled by the Burnet County Attorney's Office or the District Attorney's Office. Dissemination of recordings pursuant to a filed lawsuit or claim made against GSPD will be handled by The City Attorney.



*Sample of
Possible
Public Info.
Request Form
re: Res. #508*

City of Granite Shoals, Texas
2221 N. Phillips Ranch Road
Granite Shoals, Texas 78654
City Secretary Office # 830-598-2424 x303
City Secretary Fax # 830-598-6538
'citysecretary@graniteshoals.org'

**CITY OF GRANITE SHOALS BODY WORN CAMERA
PUBLIC INFORMATION REQUEST FORM**

NAME: _____ DATE: _____

REPRESENTING PERSON/FIRM/COMPANY: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

INFORMATION REQUIRED: (1. Date and approximate time of recording, 2. Specific location where recording occurred, and, 3. Name of one or more persons known to be subject of the recording.)

Under Senate Bill 158, Regular Session 2015, Open Records Request will follow the Granite Shoals Police Department Body Worn Camera (BWC) Policy.

SIGNATURE: _____

OFFICE USE ONLY

ROUTED TO: City Secretary DEPARTMENT: Administration

ROUTED TO: _____ DEPARTMENT: _____

(Routine requests should be completed promptly, without delay. Notify the City Secretary and City Manager if the request cannot be completed by the seventh business day.)

REQUEST COMPLETED AND REQUESTOR CONTACTED ON: _____ BY: _____
(DATE) (INITIALS)

SENT TO CITY ATTORNEY: _____ SENT TO ATTORNEY GENERAL: _____

AMOUNT DUE: _____ RECEIPT NUMBER: _____

Please sign below to acknowledge receipt of responsive documents:

INFORMATION RECEIVED ON _____, 20____, BY _____



City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
Date: July 12, 2016

Agenda Item: #9.c. Discuss, consider and possibly take action related to proposed 'Form Survey' requirement policy for building permit applications and related forms. (City Attorney Brad Young/Council Member Todd Holland)
Prepared/Submitted By: Elaine Simpson, City Secretary for Brad Young
Department: Administration

AGENDA CAPTION

9.c. Discuss, consider and possibly take action related to proposed Ordinance #694 'Form Survey Requirement' establishing a policy for building permit applications and related forms. (City Attorney Brad Young/Council Member Todd Holland)

CORRESPONDING BUDGET YEAR PRIORITY(IES) (IF APPLICABLE)

1. Continue to provide a safe Community
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

During the months of City Council discussions of the Non-Conforming Ordinance revisions (Ord. 691 – adopted June 28, 2016), Council Member Holland has recommended that city policy be changed to require a 'Form Survey' be done when a property owner applies for a building permit. This Form Survey requirement should prevent new construction from encroaching on setbacks and easements.

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.*

RECOMMENDATION

City Manager recommends adoption of this policy.

ATTACHMENT(S): (IF APPROPRIATE)

List of the items behind this cover sheet:

- *Proposed Ord. 694*

Ordinance No. 694

“Form Survey Required”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 8 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (TECHNICAL CODES), SECTION 8-29 (BUILDING CODE ADOPTED), TO ADD A NEW SUBSECTION (d) (FORM SURVEY REQUIRED) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council (“Council”) of the City of Granite Shoals, Texas (the “City”) seeks to promote the public health, safety, and general welfare of the residents of the City; and

WHEREAS, the Council finds that requiring a property owner to submit a form survey will protect the property owner from costly reconstruction requirements caused by unintentional encroachments onto public utility easements and setbacks as well as help to promote compliance with the City’s Code of Ordinances; and

WHEREAS, the Council finds that the recommended amendment as enumerated herein is in the best interest of the public health, safety, and welfare;

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

Chapter 8 (Buildings and Building Regulations), Article II (Technical Codes), Sections 8-29 (Building code adopted) is hereby amended to add a new subsection (d) as follows:

“(d) *Form survey required.* A form survey prepared by a state-licensed surveyor shall be submitted and approved by the building inspector prior to calling for the first inspection. The form survey shall verify placement of the foundation on the lot.”

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



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
July 12, 2016**

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

AGENDA CAPTION

10. WORKSHOP:

- Arterial road improvements (*Mayor Carl Brugger, City Manager Nickel*) which may include discussion of any of the following topics or other issues related to an Arterial Road Improvement Project.
 - a. Bond rates
 - b. Construction costs
 - c. Continuation of discussion of Mayor Brugger's list of 'Options' for Road Arterial Project, as discussed at June 28, 2016 Council meeting and June 30, 2016 *Meet With Mayor* event.
 - d. Elm Creek Drainage – in general and as relates to proposed improvements to Prairie Creek Drive.
 - e. Financing Options.
 - f. Alternative projects related to arterial road improvements.

6/30/2016 Revision #1
 Costs & road measurements from KC Engineering, Inc., Greg Haley, P.E.)
 Mayor - Carl Bruggen

| ROAD | CURRENT PROPOSAL | | | ALTERNATIVE PROPOSAL #1 | | |
|--|--------------------------|-----------------------------------|-----------------------|--------------------------|-----------------------------------|-----------------------|
| | SECTION 1 | SECTION 2 | SECTION 3 | SECTION 1 | SECTION 2 | SECTION 3 |
| PHILLIPS RANCH ROAD | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE-BRIAR DR | BLUEBRIAR TO LIVE OAK | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE-BRIAR DR | BLUEBRIAR TO LIVE OAK |
| LENGTH | 4,800 FEET | 2,950 FEET | 3,440 FEET | 4,800 FEET | 2,950 FEET | 3,440 FEET |
| COST \$ (W/DITCHES) | \$ 768,000 | \$ 472,000 | \$ 550,400 | \$ 768,000 | \$ - | \$ - |
| | | | | | | |
| PRAIRIE CREEK | FM 1431 TO FORREST HILLS | FORREST HILLS TO SHERWOOD FORREST | | FM 1431 TO FORREST HILLS | FORREST HILLS TO SHERWOOD FORREST | |
| LENGTH | 4,963 FEET | 1,954 FEET | | 4,963 FEET | 1,954 FEET | |
| COST \$ (CURB & GUTTER & STORM SEWER) | \$ 2,038,000 | \$ 268,000 | | \$ 2,038,000 | \$ - | |
| COST \$ (W/DITCHES) | | | | | | |
| | | | | | | |
| VALLEY VEIW | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | |
| LENGTH | 3,907 FEET | 4,171 FEET | | 3,907 FEET | 4,171 FEET | |
| COST \$ (W/DITCHES) | \$ - | \$ - | | \$ 625,000 | \$ 667,500 | |
| | | | | | | |
| PROPOSED ROAD IMPROVEMENT COSTS | | | | | | |
| DESIGN CONTINGENCY | | | | | | |
| PRAIRIE CREEK WATER LINE | | | | | | |
| TOTAL PROJECT COSTS | | | | | | |
| FEET PAVED | | | | | | |
| FINANCING | | | | | | |
| USDA GRANT | | | | | | |
| GRANITE SHOALS BONDS | | | | | | |
| GRANITE SHOALS FUNDS | | | | | | |
| TOTAL FINANCING | | | | | | |
| | | | | | | |
| FINANCING - TAXPAYER COSTS (Interpolation of First Southwest information) | | | | | | |
| Estimated based on bonds of 4.5% for 15 years | | | | | | |
| | | | | | | |
| FINANCING - TAXPAYER COSTS (SOURCE - FIRST SOUTHWEST-12-1-2015) | | | | | | |
| \$1,500,000 @ 4% for 10 Years, I&S rate increase of \$0.0621 / \$100 evaluation, or \$62.10 for a \$100,000 home | | | | | | |
| \$1,500,000 @ 4.5% for 15 Years, I&S rate increase of \$0.0506 / \$100 evaluation, or \$50.60 for a \$100,000 home | | | | | | |
| \$1,000,000 @ 4% for 10 Years, I&S rate increase of \$0.0956 / \$100 evaluation, or \$95.60 for a \$100,000 home | | | | | | |
| \$1,000,000 @ 4.5% for 15 Years, I&S rate increase of \$0.0761 / \$100 evaluation, or \$76.10 for a \$100,000 home | | | | | | |

SECTIONS COST & FT. PAVED

ALL SECTIONS COST & FT. PAVED

4,800 FEET \$ 768,000

4,800 FEET \$ 768,000

11,190 FEET \$ 1,790,400

6,917 FEET \$ 2,038,000

\$ 268,000

8,078 FEET \$ 1,292,500

\$ 4,098,500

\$ 247,900

\$ 653,600

\$ 5,000,000

17,841 FEET

\$ 2,750,000

\$ 2,000,000

\$ 250,000

\$ 5,000,000

\$0.06335 / \$100

\$63.35 / Yr. Estimate

\$0.0634 / \$100

\$63.35 / Yr. Estimate

Costs & road measurements from KC Engineering, Inc., Greg Haley, P.E.)
 Mayor - Carl Brugger

| ROAD | CURRENT PROPOSAL | | | ALTERNATIVE PROPOSAL #2 | | |
|---|--------------------------|-----------------------------------|-----------------------|--------------------------|------------------------------|-----------------------|
| | SECTION 1 | SECTION 2 | SECTION 3 | SECTION 1 | SECTION 2 | SECTION 3 |
| PHILLIPS RANCH ROAD | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE-BRIAR DR | BLUEBRIAR TO LIVE OAK | FM 1431 TO NEWCASTLE | NEWCASTLE TO BLUE-BRIAR DR | BLUEBRIAR TO LIVE OAK |
| LENGTH | 4,800 FEET | 2,950 FEET | 3,440 FEET | 4,800 FEET | 2,950 FEET | 3,440 FEET |
| COST \$ (W/DITCHES) | \$ 768,000 | \$ 472,000 | \$ 550,400 | \$ 768,000 | \$ 472,000 | \$ - |
| PRAIRIE CREEK | FM 1431 TO FORREST HILLS | FORREST HILLS TO SHERWOOD FORREST | | FM 1431 TO FORREST HILLS | FORREST HILLS EAST 100 YARDS | |
| LENGTH | 4,963 FEET | 1,954 FEET | | 4,963 FEET | 300 FEET | |
| COST \$ (CURB & GUTTER & STORM SEWER) | \$ 2,038,000 | | | \$ 2,038,000 | | |
| COST \$ (W/DITCHES) | | \$ 268,000 | | | \$ 48,600 | |
| VALLEY VEIV | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | | FM 1431 TO KINGSOAK | KINGSOAK TO LEEWAY | |
| LENGTH | 3,907 FEET | 4,171 FEET | | 3,907 FEET | 4,171 FEET | |
| COST \$ (W/DITCHES) | \$ - | \$ - | | \$ 633,000 | \$ 676,000 | |
| PROPOSED ROAD IMPROVEMENT COSTS | | | | | | |
| DESIGN CONTINGENCY | | | | | | |
| PRARIE CREEK WATER LINE | | | | | | |
| TOTAL PROJECT COSTS | | | | | | |
| FEET PAVED | | | | | | |
| FINANCING | | | | | | |
| USDA GRANT | | | | | | |
| GRANITE SHOALS BONDS | | | | | | |
| GRANITE SHOALS FUNDS | | | | | | |
| TOTAL FINANCING | | | | | | |
| FINANCING - TAXPAYER COSTS (Interpolation of First Southwest information) | | | | | | |
| Estimated based on bonds of 4.5% for 15 years | | | | | | |

ALL SECTIONS COST & FT. PAVED

ALL SECTIONS COST & FT. PAVED

8,078 FEET \$ 1,309,000

4,635,600

250,000

653,600

5,539,200

21,091 FEET

3,046,560

2,242,640

250,000

5,539,200

\$0.07104 /\$100

\$71.04 / Yr. Estimate

\$0.0634 /\$100

\$63.35 / Yr. Estimate

FINANCING - TAXPAYER COSTS (SOURCE - FIRST SOUTHWEST 12-1-2015)

\$1,500,000 @ 4% for 10 Years, I&S rate increase of \$0.0621 / \$100 evaluation, or \$62.10 for a \$100,000 home

\$1,500,000 @ 4.5% for 15 Years, I&S rate increase of \$0.0506 / \$100 evaluation, or \$50.60 for a \$100,000 home

57 300,000 @ 4% for 10 Years, I&S rate increase of \$0.0956 / \$100 evaluation, or \$95.60 for a \$100,000 home

57 300,000 @ 4.5% for 15 Years, I&S rate increase of \$0.0761 / \$100 evaluation, or \$76.10 for a \$100,000 home



**City of Granite Shoals, Texas
City Council Regular Meeting
Agenda Item Cover Memo
July 12, 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 SOAH DOCKET NO. 407-16-4527.F5, JP Wilson v. Granite Shoals Police Department, in the State Office of Administrative Hearings.

Any action resulting from Executive Session(s).



**City of Granite Shoals, Texas
City Council Meeting
Agenda Item Cover Memo
July 12, 2016**

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

AGENDA CAPTION

12. Future Meetings and Agenda Items

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

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

Agenda Calendar

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

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 | CM/ACM/CS Reports | | | |
| | Exec. Session | Legal Advice from City Attorney | Mayor | Young | |
| | Consent | Meeting Minutes June 28, 2016 | | Simpson | |
| | Consent | 'No Deer Feeding' Ordinance - #680 | | Nickel | As modified 6-28-2016 |
| | Consider | Board and Commission Appointments | | Simpson | |
| | 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 – |
| | Consider | Policy for requiring 'Form Survey' for Building process including proposed standard submittal form | Holland | Nickel / Young | Proposed Ord. by B. Young. |
| | Workshop | Arterial Roads Infrastructure Project | | Nickel | |
| | Executive Session | Personnel – a.) Council appraisal process for direct reports b.) Legal Advice | | 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 | <i>Presentation – Mayor Brugger – Jim Tenny recognized for volunteer service</i> | <i>Brugger</i> | | ????? |
| | | | | | |
| | Hear | GIS Software demonstration | | | |
| | Hear | CM/ACM/CS Reports | | | |
| | | | | | |
| | Consent | Meeting Minutes July 12, 2016 | | Simpson | |
| | Consent | Accept Certified Appraisal Rolls | | Nickel | Due from Stan Hemphill 7-25-2016 |
| | Consider | Board and Commission Appointments | | Simpson | |

| | | | | | |
|----|----------|--|--|--------------|----------------|
| | 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 |
| | Consider | Ord. 688, Modifications proposed to Ord. 191 – Revision to Police Reserves | | Police Chief | |
| | | 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 | | | |
| | Workshop | Budget | | | |
| | Workshop | Tax Rate | | | |
| | Hear | CM/ACM/CS Reports | | | |
| | Consent | Meeting Minutes July 26, 2016 | | Simpson | |
| | Consider | Record Vote – 2016 ‘Not to Exceed’ Tax Rate for consideration | | Nickel | |
| | 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 - SWAG Meeting 7/11/2016 |
| | Consider | Annual review of the City Employees Personnel Manual. | | Simpson | |
| | | Future Agenda Items/Adjournment | | | |

Tuesday, August 16, 2016
Special Called Meeting
w/ Budget Workshop
28 days to budget adoption

| Item # | Action | Subject | Requestor | Staff | Status |
|--------|-----------|---|-----------|------------------|---------------------------------------|
| 1-3 | | CTO/Invocation/Pledge | | | |
| | | Citizens Comments | | | |
| | Workshop | Budget Workshop | | | |
| | Consider? | Ord. to call Special Bond Election for November Uniform Election Date | | Nickel / Simpson | Arterial Road Infrastructure Project? |

Tuesday, August 23, 2016
City Council Regular Meeting –
21 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 | | | |
| | Pub. Hear | 2016-2017 FY City of Granite Shoals Budget | | | PH #1 |
| | Pub Hear | 2016 City of Granite Shoals proposed Tax Rate | | | PH #1 |
| | Consent | Meeting Minutes August 9, 2016 Regular Meeting and August 16, 2016 Special Meeting | | Simpson | |
| | Consider | Board and Commission Appointments | | Simpson | |
| | | Written Department Reports | | | |
| | | Future Agenda Items/Adjournment | | | |

Tuesday, August 30, 2016
Special Called Meeting
Budget and Tax Rate Public Hearings (2nd Public Hearings)
14 days to budget adoption

| Item # | Action | Subject | Requestor | Staff | Status |
|--------|-----------|---|-----------|-------|--------|
| 1-3 | | CTO/Invocation/Pledge | | | |
| | | Citizens Comments | | | |
| | Pub. Hear | 2016-2017 FY City of Granite Shoals Budget | | | PH #2 |
| | Pub Hear | 2016 City of Granite Shoals proposed Tax Rate | | | PH #2 |
| | | | | | |
| | | | | | |

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?? |

| | | | |
|---------|---------------------|--|--|
| 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 |
| | | | |
| | 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 | |