



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

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

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

Present:

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

Absent:

City Staff Present:

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

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

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

4. Public comment and announcements and items of interest

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.

Jim Luther, 220 Luther Lane, Burnet, TX 78611

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

5. Presentations, Recognitions and Reports:

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

The Committee continues to make great progress.

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

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

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

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

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

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 The subcommittee researching Historical information is working now to locate historical documents, pictures and artifacts.

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

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

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

For calendar year 2016, the Park Committee priorities are:

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

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

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

SWAG would like to be released from the 'charge' that we were tasked with last February to find revenue options for the Road Infrastructure improvements. There was consensus of City Council agreeing with Chair Hardy's request, as this was appropriate for 'closure' of this task.

The SWAG will soon be asked to review potential amendments to the traffic section of the Comprehensive plan.

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

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

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

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

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

5. Management Reports
a.) City Manager

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

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

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

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

- Boards and Committees – updates on activities and meetings

50th Anniversary, Parks and SWAG – presented reports tonight.

Wildlife Advisory Committee – Chair Brady made a Chairman's report at the last city council meeting, and the City Council and Wildlife Advisory Committee will meet in Special called Joint Workshop Session at the next City Council meeting (Jan 26th) to discuss the City Council adopting a deer management plan.

b.) Assistant City Manager

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

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

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

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

c.) City Secretary

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

d.) City Council Members Update

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

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

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

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

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

6. Consent Agenda Items

The items listed are considered to be routine and non-controversial by the City Council and will be approved by one motion, There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence of the regular agenda.

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

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

7. Regular Agenda Items

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

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

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

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

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

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

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

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

9. WORKSHOP ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO DISCUSS SALES TAX OPTIONS

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

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

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

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

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

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

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

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

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

TO DISCUSS PUBLIC IMPROVEMENTS (ROADS)

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

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

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

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

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

This item will return on a future agenda.

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

10. Executive Session:

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

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

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

There was no action taken.

11. Future Meetings and Agenda Items

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

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

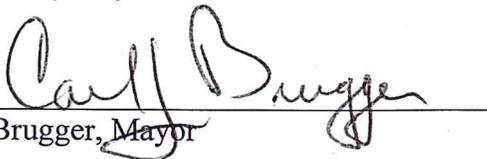
12. Adjournment

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

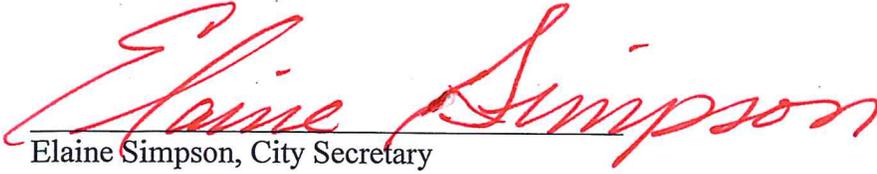
Approved by City Council on the 26th of January, 2016

By: _____

Carl J. Brugger, Mayor



Attest:


Elaine Simpson, City Secretary

Ordinance No. 409 – Granite Shoals Zoning Ordinance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 409, § XVII, 8-24-2004)

Role of City Attorney/Team Approach

Training for city staff

Consult with staff on individual cases

Advise Zoning Board of Adjustment

January 12, 2016

Exhibit 'B' January 12, 2016 City Council meeting minutes

Nonconforming Ordinance Granite Shoals January 2016

Understanding the ordinance

How it affects property owners

How it affects city moving forward

2012 resident survey

Council priority

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

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

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

GB-2 business in a GB-1 district

M-1 in an R-1 district

What is nonconforming structure?

(Sec. 4-18)

Size of structure. Must meet minimum standards.

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

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

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

How are nonconforming use and structure issues being enforced?

Strictly to the minimum standards of the law/ordinances.

Consistency, consistency, consistency.

What can be done with or to nonconforming structures?

They can be brought into compliance.

Normal maintenance and repairs can be performed.

Replace roof

Replace *material that has been lost to rot*

Replace windows and doors (like for like)

Paint, etc.

Internal remodeling if permits are NOT required for:

Plumbing

Electrical

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

Workshop – Sales Tax

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

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

Past Accomplishments

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

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

Workshop – City Road Improvements – January 12, 2016

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

Future Activities

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