



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

MEETING MINUTES  
CITY OF GRANITE SHOALS, TX  
REGULAR CALLED CITY COUNCIL MEETING  
TUESDAY, JANUARY 26, 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 6:03 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

City Staff Present:

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

Wildlife Committee Members / Workshop

Jason Brady - Chair  
Steve Hougen  
Willie Pack - Secretary  
Mary Jane Waters

2. Randy Taylor of First Baptist 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.*

There were no comments.

5. Management Reports

a.) City Manager

- Park Grants Update – subcontractor has filed against the surety bond for his payment. When this payment processes, the grant will be closed out.
- Way Company; selection of engineering firm related to energy usage audit. City selected Jacob and Martin from Abilene as the Engineering firm to conduct this audit. They are the same firm the city is working with regarding the new GIS project.
- Planning and Zoning – update on meeting 1/21/2016 – The last P&Z meeting went very well, the Commissioners hope to be through their complete Zoning Ordinance review project within the next two to three meetings.
- CAPCOG meeting – presentation of City-Wide Clean Up grant application 1-22-16. The grant application to fund the 2016 October City Wide Clean Up scored well, it was ranked #7 of 25 applications received. We hope that it will be funded at \$9,300. The grant application to fund the 2017 October City Wide Clean Up scored well enough to be recommended for a grant, but it is likely that the grant money will be expended before our 2017 project is conducted.
- City Council Members and city staff input regarding Non-conforming Structure workshop held at January 12, 2016 Regular City Council meeting. In the City Council agenda tonight, the meeting minutes from the last city council meeting have detailed notes from the non-conforming workshop. At the next City Council meeting when a Non-conforming workshop is held, the city staff comments will also be reviewed.

b.) Assistant City Manager

- Geographic Information Systems – Update on meeting held 1-14-2015  
Will Dugger with Jacob and Martin has come to conduct the first of our meetings to prepare and customize the GIS software system. The graphics in the system will move from a Silverlight platform to a newer HTML5 format. We are making good progress.

c.) City Secretary

Elections Update - The Bond Attorney has been providing information related to the regulations for when, if Council desires, a November 2016 bond election would be called. Calling early is not allowed, so calling between 90 days and 78 days before the election may mean calling this election during a Special called August meeting. Since we customarily hold many special called meetings in July / August for budget, this is not expected to cause too much inconvenience.

There have been no applications yet received for a place on the ballot for May 7th General Officers Election. Paper candidate packets are available downstairs, and the packet has also been posted on the City's official website on the Elections page.

Human Resources: The Affordable Care Act required reporting (IRS forms) for City Employees: The Affordable Care Act (ACA) presents continuing opportunities. The city employees will receive proof of insurance forms from our carrier TMLIEBP. This information is estimated to arrive to their homes in the mail during month of March or April. This year, the IRS has granted a grace period to all employers / insurers. They do not have to provide these proof of insurance coverage reports at the same time as the W2s. Next year, tax payers will provide W2 information and insurance coverage information at the time of filing their annual income tax. This process is new to everyone, and because the rules and procedures for implementation are still subject to change, we plan to provide the employees information, as it becomes available to us, in order to keep them in the loop. I have participated in webinars held by our insurance carrier, in order to keep as up to date as possible.

The city has one position open at this time, for Light Equipment Operator.

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 January 12, 2016.

City Secretary Elaine Simpson noted that per Mayor and City Manager request, a notation was made on page 3 of the meeting minutes that states that when SWAG Chair Hardy asked that the SWAG committee be 'released' from the obligation of their charge – to identify funding sources for Road Improvement Infrastructure Projects, that there was consensus agreement on City Council that this was appropriate.

*"There was consensus of City Council agreeing with Chair Hardy's request, as this was appropriate for 'closure' of this task".*

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

Brad Young noted that on the Election Agreement, page 1; paragraph II, "Appoint Election Officer," the time frame should read "August 2015 through July 2016" instead of "August 2014 through July 2015." This was corrected.

Council Member Tanner made a motion, and Council Member Dillard seconded, to approve, with edits as read tonight by the City Secretary, both item a. and item b. from the Consent Agenda. Motion carried unanimously by a vote of 7-0.

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

7. Special Agenda Items

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

City Manager Ken Nickel introduced the item and presented the staff report. Mrs. Strehlow was available to field questions as the applicant.

Ken Nickel briefed the Council related to the Board of Adjustments meeting held Jan 11, 2016. The Strehlows requested and were granted a variance for the eave and house encroachments into the side setbacks on both the right and left side of the house.

Council Member Holland discussed concerns regarding the poor quality of the plat drawing submitted with this item (the same plat drawing was used at BOA meeting 1-11-16, a meeting he attended), because it confused the issue of true ownership of a small sliver of property at lot 133. The Strehlows were told the sliver of property was owned by the neighbors. Researching through deed records, it appears that this may not be the truth. Due to the poor quality of the plat and the inability to read it, there was a question of a possible surveyor error on the plat, or misleading information being given to these applicants by their Title Company. Requests were made of city staff to request readable plat drawings and copies. Clarification was requested from City Attorney Young related to whether the case should be brought back to BOA with corrected plat documents. City Attorney Young noted that BOA decisions are final and the setbacks were granted for each side of the property separately, so if the sliver of land in question is owned by the Strehlows, the setback variance for that side of the house will simply not be needed.

There was a discussion that tonight's request was for a Release of the City's water utility easement. Pedernales Electric Cooperative (PEC) and Verizon have already released, respectively, their utility easements (partial easement releases). The proof of these releases were included with the application for the Release of City Easement requested tonight.

Mrs. Strehlow explained that these releases of easement are being sought in order that the family be able to improve this property. The property is on the lakefront, so there is no need for utility on the other side of the structure, as that is lakeshore.

Council Member Holland made a motion, Council Member Dillard seconded, to approve, a Partial Release of City Easement for Mr. and Mrs. Strehlow, 2820 Lakeview Drive, Granite Shoals, for a partial release, mirroring the exact dimensions released by Pedernales Electric Co-op, for lot 133 of the Bellaire section of Sherwood Shores, at lot 133 and 132 as reflected in the PEC Release of Easement document dated 10-28-15. Motion carried by unanimous 7-0 vote.

*The PEC Partial Release of Easement document dated 10/28/2015:*

Portion of Easement to be released

*That the five foot (5') utility easement along the westerly property line be partially abandoned and released save and except the first 70' from the road of Lot 133 and the five foot (5') utility easement along the easterly property line be partially abandoned and released save and except the first 85' from the road of Lot 133, Sherwood Shores Subdivision, Bel Air Section, Burnet County, Texas.*

Council directed the Strehlows to file a legible copy of the BOA variance and the City's partial release of utility easement in the public records at the Burnet County Courthouse.

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

City Manager Ken Nickel introduced the item and presented the staff report. Mr. Blythe was available to field questions as the applicant.

Ken Nickel briefed the Council related to the Board of Adjustments meeting held Jan 11, 2016. The Blythes requested and were granted a variance for the eave encroachments into the side setback at the home at 513 Briarway, as requested.

There was a discussion that there was a full release of the PEC Easement, not just a partial release, as was seen in the previous agenda item.

Mayor Pro Tem Shirley King made a motion, and Council Member Tanner seconded, to grant a full release of easement, as requested to Mr. Blythe for a Release of City Utility Easement at his home at 513 Briarway, Granite Shoals, TX, along the common lot line between lots 995 and 996 of Sherwood Shores Subdivision, Mystic Castle Section. Motion carried unanimously by a 7-0 vote.

Description of property from PEC release:

*Easement property to be released, that the five foot (5') utility easement along the most westerly property line of Lot 995, as shown and dedicated by that certain plat, filed as Volume 1, Page 150, Sherwood Shores Subdivision, Mystic Castle Section, in the Plat Records of Burnet County, Texas, be abandoned and released in full.*

Council requested that Mr. Blythe file the release of easement documents with the Burnet County Courthouse Public Records.

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

Chair Jason Brady of the WAC noted that there was a quorum of his members to call this workshop meeting to order at 6:46 PM. Members in attendance: Brady, Pack, Waters and Hougen constituted a quorum.

The Mayor conducted a brief review of Chair Brady's report to City Council from December 15, 2015 meeting.

Council Member Holland also provided a brief review of the activities of the committee, stressing that the Committee was charged with following the guidance of the Texas Parks and Wildlife Department, and that the Committee has followed the guidebook from the TPWD in the stepwise manner, they have conducted a Town Hall Meeting with representatives of the TPWD as speakers (May 2, 2015), conducted the deer census in August in cooperation with the TPWD biologists, and now are presenting this pilot program plan to City Council as the result of the original charge. The TPWD has been involved in advising the committee during each step of the process.

The Wildlife Advisory Committee members presented their project plan for a 'pilot program' of bow-hunting based urban deer management in the city limits, on a very limited scale, to test the feasibility of this methodology. The WAC members have studied similar programs in other states.

The plan includes a small 'team' of 10 to 12 hunters, and approximately six pre-determined locations to conduct the 'hunts'. These hunt sites will be chosen based upon their appropriateness for the program; the most important quality being that the site is isolated from homes and other structures. Some of the properties being recommended for inclusion in the program are owned by the city; but none of them are parks. A few properties may be privately owned and volunteered by their owners for use in the program.

The regulation of the 'teams' would be very rigorous. Each team member must pass a proficiency test administered by the Chair of the WAC Committee, or by Council Member Holland. All members would be subject to passing the test before they were allowed to participate. All members must re-qualify on a monthly basis. All members must be registered (along with their vehicles) with the program and on file with the members of the Police

Department, in order that no unauthorized hunters or hunt sites would be used. Any person found to be hunting deer in the city limits, other than those authorized to be on the team in the pilot program, would be guilty of criminal poaching.

There was a discussion related to the assignment of the 'tags' by Texas Parks and Wildlife Department in order that the deer can be harvested. Only antlerless deer would be subject to removal. Each hunter would assume responsibility for any deer that he/she harvests.

The hunters/team members are required to follow the State Laws which prohibit venison to be 'wasted'. Part of the pilot program would be seeking food pantries or individuals who would be able to legally take the venison for human consumption. Council Member Morren is qualified to process/prepare the 'brain stem sample' from the required number of deer (a percentage) for use by Texas A&M for the study of Chronic Wasting Disease.

There was a discussion of notifying property owners within a specific distance from all the designated hunt areas that the pilot program was going to begin. The suggestion was made that these property owners might also be presented at the same time with a 'permission form' to sign, in case a deer runs out of the hunt area to the private property owners land. This permission form would be on file from the beginning of the program that the owner will allow a hunter to track a deer onto their property.

There was an extended discussion regarding that this would be a 'test' and a 'pilot program', but deer management, as an activity, is not a 'one and done' effort. It is a continual effort and each year a new deer census must be conducted, and the annual deer harvesting is based upon the most recent numbers.

There was a discussion regarding how the team would deal with a member that could not requalify one month, or refused to hunt by the established rules of the program. The rules of the program would be provided to all members and any member discovered to have violated the rules in any way would have team member status revoked. He/she would not be registered with the police department and would be guilty of poaching and violation of city ordinance if caught hunting in the city limits after being expelled from the pilot program. Any 'tags' in the possession of the former member would revert back to ownership of the Texas Parks and Wildlife Department.

There was an extended discussion regarding the 'above and beyond' requirements with which the hunters would have to comply. The repeated proficiency tests, a requirement that a specific floss be used with all arrows, in order to more efficiently track a deer and requirements for minimum size of the cutting edge on the arrowheads. The team members would be responsible for establishing all deer blinds and back stops, as required. These items would not be provided by the city. They will be provided by the team members.

There was a brief discussion that the statistics on deer / vehicle collisions can now be compiled by the dispatch office; as long as 911 is notified, and it is reported that a deer was involved.

Council Members praised the Committee on their diligent work, the comprehensive nature of the project plan, and significant commitment to safety measures. It is obvious the committee spent some time creating the requirements for the proficiency testing, and the regulations.

There was a discussion of the proposed 'time-line' for the various activities of the program. There was discussion of the pros and cons of when a 'No Deer Feeding' Ordinance (which has been drafted by City Attorney and awaits passage by the Council) might be passed. If the pilot program is begun in the Fall of 2016, through the hunting season in February of 2017, then perhaps the "No Deer Feeding" Ordinance might best be timed for summer of 2016, instead of April of 2016. There was a discussion related to any feeding ban being the 'first step' in adopting a deer management plan, but it is not, by itself, a 'silver bullet'.

City staff was directed to research liability for the City with the insurance carrier.

There was a discussion that this pilot program will not be based on the current deer census numbers, but rather from the 2016 census, which will be formulated in July. The pilot program might be started with a set goal of 200 deer, to test the program itself.

Mr. Kelly Misfeldt, 303 E. Bluebriar: Spoke regarding his concerns for the safety of the program, and suggested that the pilot program be restricted to only city owned property. Also he spoke of his concerns that the game wardens would not be as involved with this program as originally discussed.

Wildlife Advisory Committee was asked to return their proposal to City Council with minor corrections and edits, as discussed. This amended project plan will be discussed at the February 9, 2016 Regular City Council meeting. The WAC adjourned their meeting at 7:51 PM.

#### 9. Regular Agenda Items

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

No action taken. No applications.

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

Council resumed the discussion regarding what would be the most beneficial 're-allotment' plan for the Sales Tax. City Attorney Brad Young presented three options for the City Council to consider based on allotment schemes that were discussed at previous City Council workshops.

There was an extended discussion related to the required wording for ballot propositions under State Law. The City Council was informed that in order to present a ballot option to the voters

on May 7, 2016 which would allot the 2 cents Sales Tax as one (1) cent for the City General Fund, and one (1) cent for the Street Maintenance Tax, the ballot would require two Propositions. Proposition 2 will be fairly straightforward and easy to understand, it simply 're-authorizes' the quarter percent .025% sales tax that is currently approved for Street Maintenance Tax. This tax is required to be 're-authorized' every four years by the voters. Proposition 1 would be required to be worded in a convoluted manner, but in essence, the .025% Sales tax that is not now being levied would be proposed to be levied. This quarter cent would go to Streets Maintenance Fund. Then, the .050 % sales tax currently being levied for Property Tax Relief would be proposed to be 're-allocated' to Street Maintenance Fund. In total, the city would continue a levy of 1 cent for General Fund (unrestricted) and increase and re-allocate to a total of 1 cent for Street Maintenance Fund. This 1% General Fund and 1% Street Maintenance Fund option was labeled as 'Option 3' on the proposed Ordinance #681 Exhibit 'A'.

Here is the ballot wording of Option 3 as required by State Law:

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

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

Mayor Brugger made a motion, and Council Member Holland seconded, to adopt, with Option #3 ballot wording on Exhibit A, proposed Ord. #681, as presented. Mayor Brugger read the Ordinance caption:

**ORDINANCE NO. 681**

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

The motion carried with a unanimous vote of 7-0.

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

City Attorney Young discussed that in the codification process of the city ordinances back in 2013, the ordinances related to regulation of alcoholic beverages were not included. In this proposed Ordinance tonight (#682), Ordinance 85 is repealed. A location restriction is added for any person selling alcoholic beverages must be 300 feet away from a church, school or hospital. The sale of any liquor is prohibited in all residential sections or areas of the City.

There was a proposed section related to establishing city-issued permits. City Attorney Young was asked to bring this proposed Ordinance back to City Council at a future meeting without sections 3.4 and 3.5 (which established a procedure for issuing city alcohol permits) and with clarification related to Ordinance from 2008 and any possible ramifications to distance requirements for alcohol sales from schools, churches and hospitals.

No official action took place.

## 10. REGULAR WORKSHOP

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

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

Mayor and City Manager briefed City Council on the positive meeting held with the USDA – Rural Development representative earlier this month. The City of Granite Shoals is in a unique position size-wise and in relation to median income; we qualify for many of the grants that are administered by the USDA Rural Development agency.

There was a discussion of Council Member Tanners newest additions to the Update to the Transportation plan – 2016.

There was an extended discussion regarding the possibilities presented by the USDA grant opportunities, including grants with very favorable matching. If the City Council still desires to propose a bond issue to the voters in November for Street Infrastructure improvement, the USDA program might make it possible to use the bond money as matching funds to complete more improvements that previously discussed; possibly including Phillips Ranch Road and Prairie Creek.

There was a continuation of the discussion that if the Council presents this plan to the voters, it should be done correctly. If curves need to be re-engineered for safety, this should be done at this time with this project, if rights-of-way need to be purchased for widening or for drainage, it should be done, correctly, at this point with this money.

There was a discussion that North Phillips Ranch Road has two three-way stops at Bluebriar Drive which could be 'straightened out', but it is the site of water lines, the water standpipe, and new Verizon fiber optic lines. Relocation of utilities would be a very expensive and time-consuming project.

City Manager will discuss USDA grant options with city Department Heads and will return to the Council with proposals of most promising opportunities. At the next City Council meeting, the engineer Greg Haley will be speaking on engineering options for road infrastructure projects.

There was no action taken.

11. Written Reports (December 2015)
  - a.) Code Compliance, b.) Fire, c.) Parks and Streets, d.) Police
  
12. Future Meetings and Agenda Items
  - o Review Agenda Calendar
  - o Identification of future agenda items

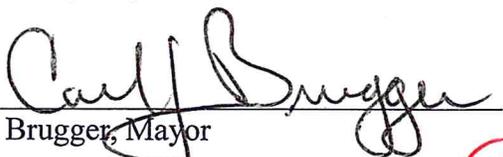
The Council discussed a Non-Conforming workshop for 2/9/16 consider staff comments.

Council discussed setting future item related to modifying Ord. 667, the Ordinance establishing the 50<sup>th</sup> Anniversary Committee, to allow 'non-residents and non-property owners' to serve on the committee.

13. Adjournment

With no further business, and no objections from Council, Mayor Brugger adjourned the meeting at 9:21 pm.

Approved by City Council on the 9th of February, 2016

By:   
Carl J. Brugger, Mayor

Attest:

  
Elaine Simpson, City Secretary