



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

MEETING MINUTES
CITY OF GRANITE SHOALS, TX
REGULAR CALLED CITY COUNCIL MEETING
TUESDAY, FEBRUARY 23, 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
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. Council Member Mark Morren 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 Davant, 310 S. Shorewood, Granite Shoals, TX 78654: expressed concerns on his own behalf, and those of his neighbors who signed a petition, related to the staff recommendations included in tonight's city council packet for workshop item #9 on Non-Conforming structures and uses. He read the names of his neighbors who signed the petition: Jim Davant, John Silva, Lois Silva, William Harlowe, Joyce Harlowe, Joanna Bennett, Ruby Gault, Kay Giesecke, A. Hood, Crystal Hinds, Sally May, Susan Davant, Stephen Mattingly and Nancy Mattingly. The statement on the petition was that that 'We, the undersigned residents of Granite Shoals, call upon the City Council of Granite Shoals to reject the staff recommendations as denoted on page 115/128 of the City Council agenda February 23, 2016. We do not believe staff recommendations are in the best interests of the residents and property owners of Granite Shoals.'

Jim Tenny, 100 Burnett Ranch Road, Wimberley, Texas: spoke regarding the workshop held on February 9, 2016 on the Granite Shoals airstrip. He apologized for not realizing the scope of the charge that the City Council members have to balance the needs of the entire city, and not just the airport area of town. He indicated a willingness to work with the city and the other pilots to help the airstrip to support itself and have pilots and volunteers help the city. He explained he called the FAA, other pilots, the experimental aircraft organization, the Texas Aviation Organization, TXDOT, and any other organization or group that he thought might provide assistance. Of the five airstrips in Texas, owned by a city with 5000 or less population, the Granite Shoals airstrip is the only one not opened to the public. He requested an opportunity to make a presentation to the City Council during the City Council regular meeting of March 8, 2016.

Calvin Boyd, Candidate for Sheriff of Burnet County: introduced himself and asked for the support of the voters in the upcoming election.

David Dittmar: asked that the City Council consider an item on their upcoming agenda March 8, 2016 to re-establish the 'Airport Advisory Committee' and that the re-established committee have allowances for some 'advisory/non-voting' members to be appointed to serve (citizens who are not residents and do not own property in the city of Granite Shoals) as the Council created for the 50th Anniversary Committee.

Neil Harverlah, 612 E. Briarway Drive, Granite Shoals, TX: (currently approved for membership on the Airport Advisory Committee): asked that the City Council consider an item on their upcoming agenda March 8, 2016 to re-establish the 'Airport Advisory Committee' and that the re-established committee have allowances for some 'advisory/non-voting' members to be appointed to serve (citizens who are not residents and do not own property in the city of Granite Shoals) the same as the Council created for the 50th Anniversary Committee.

Judge Roxanne Nelson: Spoke in advance of the Consent Agenda item for City Council to consider her contract renewal. She noted that she has served as Associate Judge of the

Municipal Court under both Judge Ed Cutchin and now under Judge Frank Reilly. She works from the Burnet County jail and is able to address Granite Shoals prisoners on site. She is also running for re-election for Justice of the Peace, Precinct #3, and requested voter support.

Judge Lisa Whitehead, Justice of the Peace, Precinct #2. She spoke in advance of the consent agenda item upcoming for the Council to consider appointing her as the backup Associate Judge of the Municipal Court. At this time, since she is not under contract as an Associate Judge of the Municipal Court, she may not handle Granite Shoals misdemeanors from the jail.

Leslie Ray, Deputy Constable, now running for Constable, Place #1, requested the voters support.

5. **Presentations, Recognitions and Reports**

a. Judge Frank Reilly: Granite Shoals Municipal Court Quarterly Report

Judge Reilly presented his Quarterly report for the Municipal Court, as provided in advance in the agenda packet as page 5. (Attached to these meeting minutes as Exhibit 'A'). He added that the new City Court clerk is doing a very good job.

b. Gandolf Burrus, Grant Development Services: Options and information related to upcoming park grant opportunities.

We are still working on the Outdoor Recreation Grant that we discussed 6 months ago. This grant application is planned to include playing fields, basketball, batting cage, under 14 soccer, and 'Pickleball' fields, among other features.

The cost for administrating the contract will be the same as quoted last time (\$1,500). The fees for contract administration and for engineering are refundable from the grant. The Texas Parks and Wildlife Department (TPWD) will accept the city land for matching purposes for this grant.

There was a discussion that the application deadline is October, 2016, so any costs for this application will be out of next year's budget.

Mr. Burrus asked that a change be made to the contract, as proposed in the Consent Agenda, that the actual cost of any required archeological study will be paid for by the City, and not by Grant Development Services.

c. Wendy Gholson, Finance Director: City of Granite Shoals First Quarter Financials and Investment Report.

Finance Director Gholson went through her report page by page. She noted that the revenue numbers look good, and she has no cause for concern with the budget at this time. The investment report was reviewed, and it was noted that the investments were performing well against benchmarks.

6. **Management Reports**

a.) **City Manager**

- Park(s) Grants Update.

Final touches are being made to the Interpretive Center. City staff is now starting to focus on the new TPWD Outdoor Recreation Grant application.

- 50th Anniversary Committee: Updates on activities and advertising and vendor booth opportunities and volunteer opportunities.

There was a discussion of the planned Fun Run with Leo Manzano, and it was noted that there will be a music festival headed by John Arthur Martinez. Applications are still being accepted from those interested in reserving a vendor booth. There will probably not be alcohol at the event, due to regulations with the Texas Alcoholic Beverage Commission. On March 8, 2016, 50th Anniversary Committee chair Jackie English will present a Chairman's Report to update Council on the Big Bash.

- City Wide Clean Up Day for Spring 2016: April 30, 2016 8 AM to 12 Noon. We are planning for 15 roll-off dumpsters capable of removing 100 tons of trash/junk. We have noticed that many areas of town are cleaned up since these Clean Up Days started.
- LCRA holds open house-style meeting regarding dealing with nuisance vegetation in Lake LBJ, including information program at 3 PM, Wednesday, Feb. 24, 2016, at Granite Shoals Fire Hall. This will be held from 3 PM to 6 PM.
- Upcoming meeting with Marble Falls ISD representatives February 26, 2016 to discuss possible partnership between city/ISD to create youth athletic playing fields. Mr. Nickel related that he had recently attended a meeting with Dr. Allen with the MFISD, Council Member Tanner and Pastor Randy Taylor about two months ago to discuss youth playing fields in the city. This is a follow-up meeting.
- Warrant Round-Up event 2016: Note the banners have been placed on main arterials.
- Houseboat issue resolved on Woodland Hills. The city has signed an agreement with the owner of the partially sunken houseboat for a contractor to remove and demolish the houseboat/nuisance.

b.) **Assistant City Manager**

- CDBG Grant for water storage tank update. Completed.

c.) City Secretary

- Elections Update

This year, the following City Council seats are up for re-election: Place 2 currently held by Mayor Pro Tem Shirley King Place 4 currently held by Tom Dillard Place 6 currently held by Mark Morren

Candidates: Shirley King has filed her application for a place on the 5-7-2016 City General Officers Election for re-election to place #2. Mayor Pro Tem King will serve as her own Campaign Treasurer, and she has signed the Code of Fair Campaign Practices.

Arturo Rubio has filed to run for place #4. He will serve as his own Campaign Treasurer, and has subscribed to the Code of Fair Campaign Practices.

Tom Dillard has filed for re-election to place #4. He will serve as his own Campaign Treasurer and has subscribed to the Code of Fair Campaign Practices.

Will Skinner has applied to run for place #6. Brittany A. Skinner is his Campaign Treasurer.

Mark Morren has filed for re-election for place #6. He will serve as his own Campaign Treasurer.

Michael Lee Steenbergen has filed to run for place #6. He will serve as his own Campaign Treasurer and has subscribed to the Code of Fair Campaign Practices.

Code of Fair Campaign Practices is a voluntary pledge. All candidates have chosen to conduct their campaigns with a \$500 limit. This is called 'Modified Reporting'. It means that so long as the campaign neither raises, nor spends, more than \$500, the Campaign Treasurer is not required to file certain Financial reports.

Drawing for Order of Names on the Ballot was held before the City Council meeting tonight. The results are as follows:

Place #2: Shirley King

Place #4

1. Tom Dillard
2. Arturo Rubio

Place #6

1. Mark Morren
2. Michael Steenbergen
3. Will Skinner

7. Consent Agenda Items

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

prior to a motion and vote. The item will be considered in its normal sequence of the regular agenda.

- a. Approval of City Council Regular Meeting minutes for February 9, 2016.
- b. Approval of professional contract extension with Roxanne Nelson for services as Associate Judge of the Municipal Court, renewing contract for another two-year term.
- c. Approval of professional contract with Lisa Whitehead for services as Associate Judge of the Municipal Court, for a two-year term.
- d. Approval of proposed Ord. #684 to amend the City's General Fee Schedule to remove the 'LCRA Drought Rate Fee for surface system customers' from customer utility bills, related to a drought fee previously charged to the city by LCRA for raw water.
- e. Grant Development Services contract for administration services on Park Grant.

City Secretary Simpson noted corrections made to the Meeting minutes, as requested by Mayor Brugger: *"1) Comments: Page 6, second paragraph from the bottom, the ranch name is Ebeling, not Ehbling per John Hallowell's article. On the same page, in the next paragraph, it reads ... information was included the in the agenda packets. I believe, the first "the" needs to be removed, so it reads ... was included in the agenda packets ...*

On page 9, item 1 under cons, you said that neither Marble Falls or Kingsland has an airstrip. Kingsland has one that runs along Airport Blvd. You might not call it an airport, but they do have a short unpaved runway.

On page 10, item 6, you say planes as large as 175 ... I don't know what this means. Do we need a manufacturers name in front of the 175?"

City Secretary noted she made the spelling correction, removed the duplicated word, removed 'or Kingsland' from page 9, and clarified the meaning of a plane as large as 175 by adding the make Cessna and the model 'Skylark' to the meeting minutes.

Council Member Tanner made a motion, and Council Member Dillard seconded, to approve items a., b., and c., from the Consent Agenda, with item a. the meeting minutes corrected as read by the City Secretary, and items b. and c. approved as presented. Motion carried unanimously by a 7-0 vote.

Mayor Brugger made a motion, and Council Member Dillard seconded, to approve item d., Ordinance #684, with the modification that this drought fee will be removed effective **March 1, 2016**. Motion carried unanimously with a 7-0 vote.

Council Member Tanner made a motion, and Councilman Dillard seconded, to approve item e. on the consent agenda, the contract with Grant Development Services, with the addition of item g.) to number 4, that the City will be responsible for the cost of any archeological study requested by the Texas Parks and Wildlife Department in relation to this Outdoor Recreation Grant application. Motion carried unanimously by a 7-0 vote.

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

8. **REGULAR AGENDA ITEMS**

- a. Hear update/report from Mr. Greg Haley, of KC Engineering, Inc., discuss, consider and possibly take action related to options for public road infrastructure improvements, including design and cost options for arterials, and project approval related to grant application(s) discussed at previous City Council meetings December 15, 2015, January 12, 2016, January 26, 2016 and February 9, 2016. *(City Manager Ken Nickel)*

Mayor Brugger provided written notes on this item: these are attached to these meeting minutes as Exhibit 'B'.

Mr. Greg Haley noted that they have been discussing Prairie Creek, and at the last meeting he was asked to prepare a preliminary estimate of the cost of improving all of Prairie Creek, south from FM 1431 to Sherwood Forest. Mr. Haley provided estimates for two options, doing the improvements to Prairie Creek with 'Hot Mix' or with 'Seal Coat'. It was noted that the hot mix provides some strength and structural capacity.

There was a discussion of the Mayor's handouts, including discussion of moving utility poles out of the right of way and also straightening out the 'S' curve in Phillips Ranch Road.

There was an extended discussion of the time frame for this item, Mayor and Council wish to have some sense of how much assistance USDA – Rural Affairs might be able to provide by August, because that is the time frame when a November bond election would need to be called.

There was an extended discussion of the state of the water lines along Prairie Creek and in the Kingswood area. It was noted that some portions of Prairie Creek Road has residents who are on only well water. There was a discussion that it would be solid planning to plan to run 'stub outs' to these locations, off an eight inch (8") line, at least.

Streets and Water Advisory Group (SWAG) Chair Susie Hardy and member Jim Davant were in the audience and submitted several ideas, and agreed to take the proposed update to the Transportation Plan (composed by Council Member Tanner) back to the SWAG for review.

It was noted that there seemed to be general agreement with the idea of doing these public improvements on both arterials (Phillips Ranch Road and Prairie Creek) all the way, the full length. This is option #1 on the Mayor's handout page 2. This is due to the favorable match that we believe we would qualify for with a USDA grant for this project. It was decided to direct staff to prepare a Resolution to propose the program at \$4.346 million, plus a figure representing the cost – as estimated by city staff – related to cost of the water lines to be installed on Prairie Creek, as discussed.

Mayor Brugger made a motion to direct staff to draft such a Resolution, and bring back to City Council on the next agenda, and Council Member Dillard seconded. Motion carried with unanimous vote of 7-0.

- b. Discuss, consider and possibly take action related to proposed Ord. #682 Amending City Regulations of alcohol sales, as discussed at the City Council meeting January 26, 2016. *(City Manager Ken Nickel/City Attorney Brad Young)*.

Mayor introduced this agenda item and City Attorney Brad Young provided the staff report. This was previously discussed in January and tonight the proposed Ordinance is presented with modifications requested. All references to having a 'city permit' for alcohol have been removed. The Ordinance has been streamlined to conform to State Law. Although city staff did research, as directed by Council, there were no other ordinances found that regulate alcohol that would conflict with this Ordinance, if it is adopted tonight.

It was noted that there is a Repealer Clause in this Ordinance, which would eliminate issues with any previous ordinance having conflicting provisions.

There was a brief discussion of the ability of a city to regulate alcohol with ordinances such as this one, as well as with zoning.

Council Member Dillard made a motion, and Council Member Holland seconded, to approve, as presented, Ordinance #682. Council Member Dillard read the Ordinance caption:

Ordinance No. 682

"Regulation of Alcoholic Beverages"

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

Motion carried by a unanimous 7-0 vote.

- c. Approval of proposed Ord. #685 to formally adopt the Granite Shoals Deer Management bow-hunting program, as a pilot program for 2016-2017.

There was a short discussion that the plan has been presented to Council at previous meetings and has been 'workshopped'. Council has commended the safety measures incorporated into the design of the pilot program by the Wildlife Advisory Committee.

City Attorney Brad Young noted that he removed some of the 'forms' from the Ordinance, in order that these forms might be adapted, as needed, during the pilot program, without the need for Council to amend the Ordinance.

Mr. Young also noted that he updated 'Exhibit A', to stress that the volunteer participants in the pilot program are donating their service and are not paid. The new verbiage is:

Hunters shall serve on a volunteer basis only and without financial compensation. The hunter will be responsible for lawful recovery and disposal of the harvested animal in the manner provided by state law.

There was a discussion related to the upcoming 'Information Meeting', for potential volunteer hunters. The information about this meeting and applications for those who are interested in volunteering will be posted on the city website.

Council complimented the WAC, Chair Brady and Council Members Holland and Morren for a job well done.

Council Member Tanner made a motion, and Council Member Dillard seconded, to approve and adopt, with updates to Exhibit 'A' as read tonight, Ord. 685 to authorize a Pilot Program for Deer Management in Granite Shoals. Council Member Tanner read the Ordinance Caption:

Ordinance No. 685

"Deer Management Pilot Program"

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, ADOPTING A PILOT PROGRAM FOR WILDLIFE MANAGEMENT HARVESTING; AMENDING SECTION 24-19 OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES TO PERMIT BOW HUNTING BY AUTHORIZED PARTICIPANTS IN THE PILOT PROGRAM; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

Motion carried by a unanimous vote of 7-0.

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

There are no applications from citizens for any Boards or Committees tonight except for those interested in the Airport Advisory Committee. Since the February 9, 2016 City Council workshop on Airport Issues the following individuals have submitted an application:

- 1.Sandra Buschhorn
- 2.Barry Lee Sylvester
- 3.James Tenny
- 4.Joseph Swift
- 5.Nancy Sylvester
- 6.Jimmy Fermin
- 7.Tanya Fermin
8. Sheryl Garner, 902 Mystic Drive 2/22/2016
9. Stephen Lyng, currently Wisconsin 2/22/2016

On evening of 2-23-2016, the following applications were received:

10. George Forester
11. David Dittmar

Mayor Brugger recommended that the City Council not appoint any more members of the Airport Advisory Committee until city staff conducted a thorough review of when and how the previous Airport Committee might have been 'dissolved'. Council Members have no memory of dissolving the Airport Committee, as was established about seven years ago. Because there is no Ordinance in the City Code related to the committee, our 'new' staff believed the Committee had been dissolved.

Mayor Brugger directs City staff to research the Airport Advisory Committee which was established and held meetings in 2009 and 2010, and had input regarding the Comprehensive Plan section on the Airport.

If it is found that the Committee was dissolved by Council, Mayor Brugger requests that a new Ordinance be drafted to re-establish the committee with updated 'charges' / objectives.

At the next Council meeting, there will be a workshop item to discuss:

- a.) if Airport Advisory Committee was officially/legally dissolved by City Council
- b.) if not, the best way to update the Ordinance that created the Committee, in order that it will be relevant to the discussions that the Council is having now related to maintenance and use of the airstrip.
- c.) prospect of adding 'non-voting' advisory members to the Airport Committee, as are allowed to serve on the 50th Anniversary Committee.

Since Mr. Jim Tenny had requested to make a presentation regarding the airstrip at the March 8th meeting, Council determined to resume discussion on this topic on the 8th, as well.

No formal action was taken.

9. **Workshop**

Discuss non-conforming structures regulations, follow up on January 12, 2016 Workshop. (*Mayor Brugger / City Manager Ken Nickel*)

The City Council members reviewed the Non-Conforming Ordinance. (Exhibit 'C' to these meeting minutes)

The City Council Members had previously submitted their questions, concerns and suggestions at the City Council meeting January 26, 2016. Tonight the Council reviewed the City Staff recommendations to the Non-conforming Ordinance. (Exhibit 'D' to these meeting minutes)

There was an extended discussion of encroachment of eaves, and of structures (foundations) into easements and setbacks. There was an extended discussion of standard practice related to how measurements are taken to determine if a structure encroaches, or eaves encroach.

Recommendation #1 from City Staff included adding a provision for allowing structures with only encroachment of eaves (not foundation), be allowed if the structure was constructed before July 1, 2015.

There was general agreement related to this recommendation.

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

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

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

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

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

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

Mayor Brugger requested that this item be brought back by City Staff in a workshop on the next meeting, to continue to consider these issues.

10. **Written Reports**

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

Written reports were accepted.

11. **Future Meetings and Agenda Items**

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

12. Adjournment

With no further business, and no objections from Council, Mayor Brugger adjourned the meeting at 10:03 pm.

Approved by City Council on the 8th of March, 2016

By: 
Carl J. Brugger, Mayor

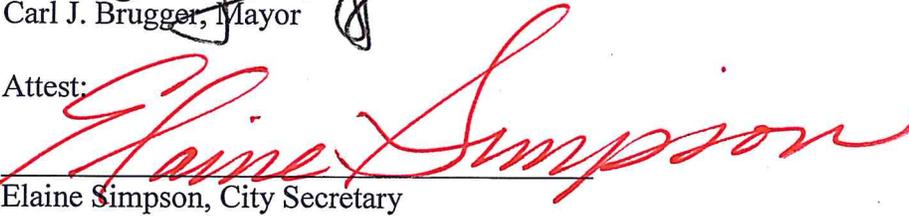
Attest: 
Elaine Simpson, City Secretary

Exhibit 'A' Feb 23, 2016
City Council Mtg. minutes.
MUNICIPAL COURT REPORT
October - December 2015

Open Cases at beginning of Quarter: 1075

New Cases Filed (opened):

Traffic	115
State Law	26
City Ordinance	<u>2</u>
Total	143

Disposition of cases closed before Court:

Uncontested at Window	95	58%
Dismissed by Prosecutor	5	3%
Bench Trial / Jury Trial	0	0%
Community Service / Jail Credit	30	18%
Driver Safety Course	22	13%
Compliance	<u>13</u>	8%
Total	165	

TOTAL OPEN CASES: 1053

PENDING COMPLETION OF PAYMENT PLAN: 26

WARRANTS:

Issued	18
Executed (served)	2

REVENUE:

TO CITY	\$20,665.98
TO STATE	\$10,138.82
NON-CASH CREDITS	\$3,722.10
LOST DUE TO DISMISSAL	\$1,245.00

Note from Judge Reilly:

Exhibit 'B'

Item 8, Regular Agenda Item – Arterial Road Improvements – February 23, 2016

Future Activities

City Council Mtg. minutes 2/23/16.

- Discuss the idea of one USDA grant for two roads, knowing the 55% would do one or part of one road.
- Obtain an estimate for Prairie Creek from KC Engineering, Inc.
- Request review of Comprehensive Plan update for roads by Planning & Zoning and SWAG. (How does Eric's road layout compare with KC Engineering?)
- 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 in August calling for a November special election.
- Hold an informative town hall meeting on the road improvement plan. (USDA grants require a public hearing prior to submission.)

Grant Options & Assumptions:

- Phillips Ranch Road costs
 - FM 1431 to Bluebriar Drive, 7,750 feet – \$1,240,000
 - Bluebriar Drive to Live Oak, 3,440 feet – \$ 550,400
 - Total of two sections \$1,790,400
- Prairie Creek to Forest Hills Drive costs (not Sherwood Forest Dr.) 4,900 feet
 - Concrete cube & gutter / storm sewer - \$2,038,000
 - Ditch cross section - \$1,720,000
- Prairie Creek from Forest Hills Drive to Sherwood Forest Drive, 3,900 feet
 - Hot mix asphaltic pavement \$ 268,000
 - Seal coat pavement \$ 222,000
- Design Contingency (Utility pole relocation, right of way purchases, straightening curve sections, minor water line replacement) \$250,000
- Financing
 - \$1,500,000 @ 4% for 10 years, I&S rate increases by 0.0621, or \$62.10 for a \$100,000 home
 - \$1,500,000 @ 4.5% for 15 years, I&S rate increases by 0.0506, or \$50.60 for a \$100,000 home
 - \$2,500,000 @ 4% for 10 years, I&S rate increases by 0.0956, or \$95.60 for a \$100,000 home
 - \$2,500,000 @ 4.5% for 15 years, I&S rate increases by 0.0761, or \$76.10 for a \$100,000 home
- USDA Matching Requirements 45%

pictures from Mayors #2 hand-out.

- USDA Grant Options



- Option 1: Full length of PRR and PC, all four sections, with hot mix plus a design contingency, \$4,346,400 (\$1,240,000, \$550,400, \$2,038,000, \$268,000 and \$250,000)
 - Grant funds \$2,390,520
 - Bond funds \$1,955,880 (and, perhaps, a monthly fee)
- Option 2: First segment only for PRR and PC from FM 1431 with hot mix plus a design contingency, \$3,528,000 (\$1,240,000, \$2,038,000 and \$250,000)
 - Grant funds \$1,940,400
 - Bond funds \$1,587,600
- Option 3: Full length of PRR, two sections, with hot mix plus a design contingency. \$2,040,400 (\$1,240,00, \$550,400 and \$250,000)
 - Grant funds \$1,122,220
 - Bond funds \$ 918,180
- Option 4: First segment only of PRR from FM 1431 with hot mix minor road or utility pole changes. \$1,340,000 (\$1,240,000 and \$100,000)
 - Grant funds \$730,000
 - Bond funds \$610,000
- Option 5: _____
 - Grant funds \$ _____
 - Bond funds \$ _____

February 23, 2016

Carl Brugger

Arterial Road Design Items Needing Consideration

The following twelve pictures are from Phillips Ranch Road and Prairie Creek Road, taken on February 23, 2016. Each picture represents an issue that, in the Mayor's opinion, should be considered and possibly corrected when Phillips Ranch Road and Prairie Creek are improved by building a new road base and installing a hot mix asphalt surface.

Phillips Ranch Road

Pictures 1 & 2: The southwest corner of the intersection of Phillips Ranch Road and FM 1431 requires motorist to make a turn greater than 90 degrees. The City owns the right away on the southwest corner to widen the intersection. As the pictures show, possibly the cross walk signal relocation might be the only relocation required.

Pictures 3 & 4: The curve on Phillips Ranch Road between the entrance to the granite mine and the Christ Redeemer Church is sharp. The pictures show the open right away that the City owns adjacent to the curve and in front of the Christ Redeemer Church.

Picture 5: The last curve before entering the city proper on Phillips Ranch Road has a utility pole within a few feet of the payment. At this point in the curve, the standard shoulder width does not exist. Two options:

1. Obtain adjacent property to relocate both the utility pole and fencing.
2. Obtain a much larger portion of the adjacent property to realign the road from where the utility pole is located all the way the Christ Redeemer Church.

Picture 6: This picture shows part of the zig-zag on Phillips Ranch Road at the Bluebriar intersection. The proposed revision to the Comprehensive Plan suggests realigning Phillips Ranch Road to eliminate the zig-zag.

Prairie Creek

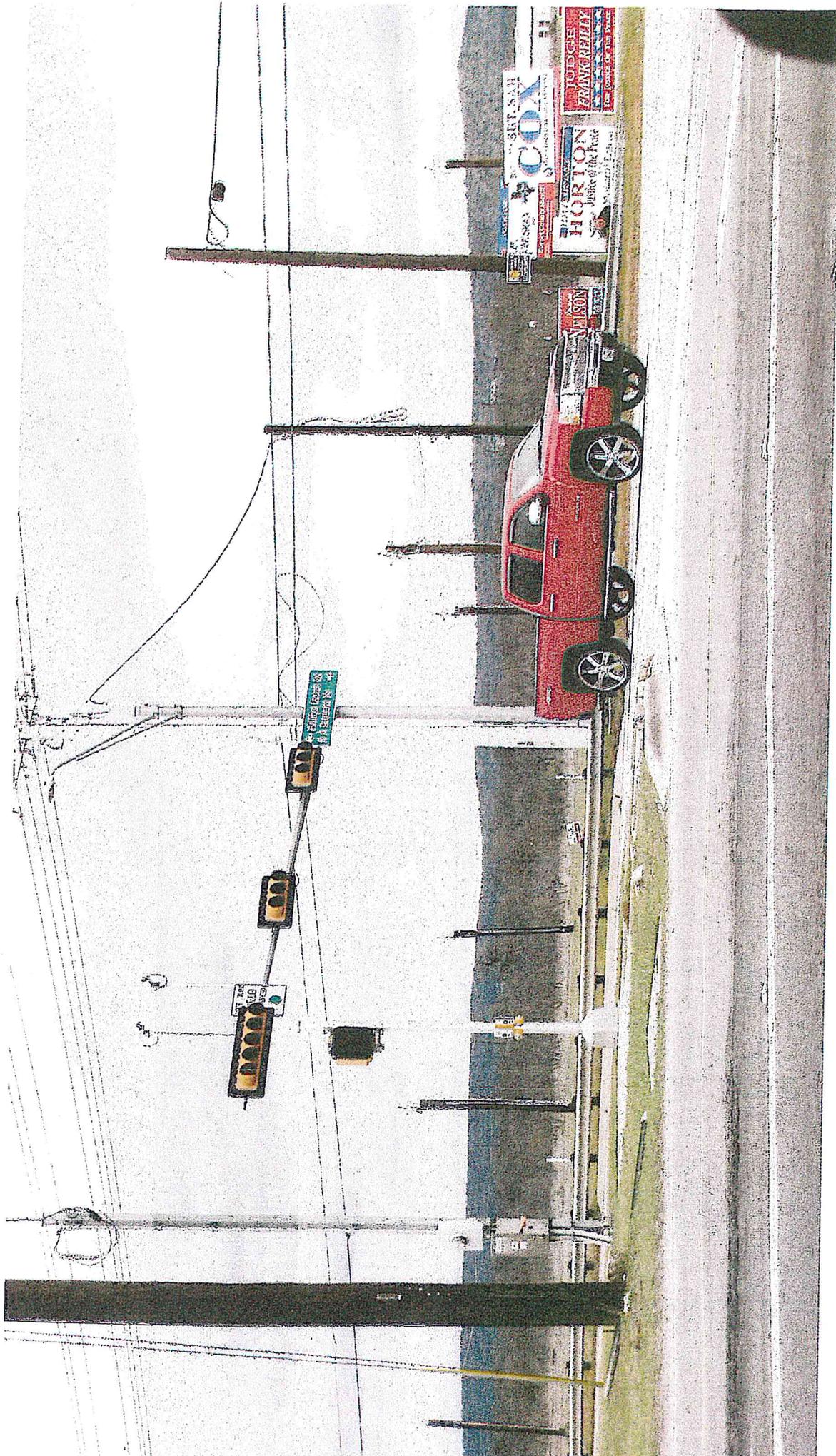
Picture 7: This picture shows the intersection between Prairie Creek and Forest Hill Drive. Enlarging the two Forest Hill entrances to the intersection along with improvements on Prairie Creek would provide a safer intersection.

Picture 8: This picture shows a curve on Prairie Creek where a utility pole is within feet of the edge of the payment, and needs to be relocated.

Picture 9: This picture is typical of utility pole placements along Prairie Creek.

Pictures 10 & 11: This picture shows a curve on Prairie Creek where a utility pole is within feet of the edge of the payment, and needs to be relocated and possibly right away needs to be obtained.

Picture 12. This picture shows the angle that Prairie Creek takes as it enters FM 1431. Could or should this intersection be realigned?



4.

P-1



P-2

5



P-3

6.





8.

P-5



9



P-7

10.



11.



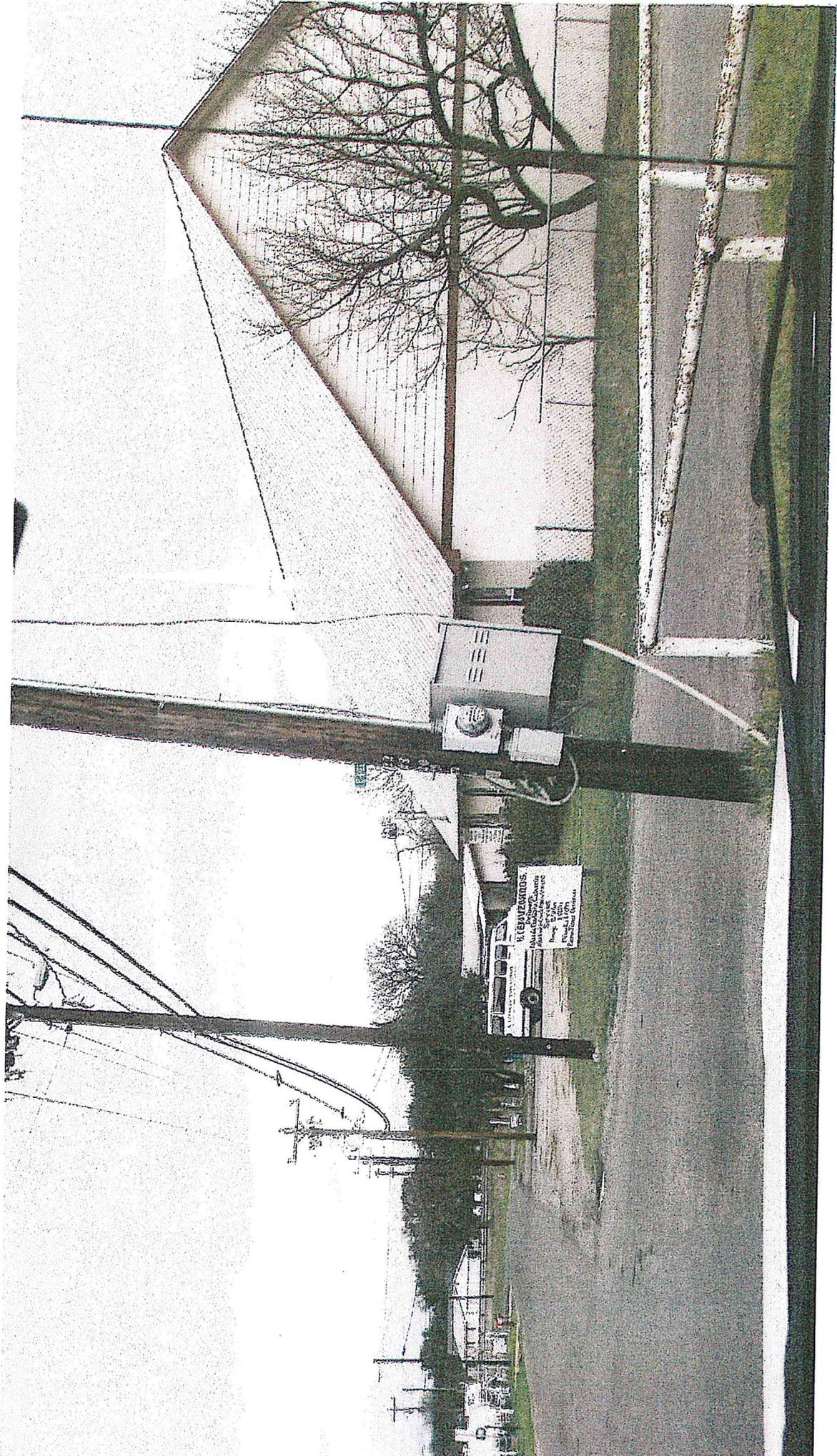
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12.



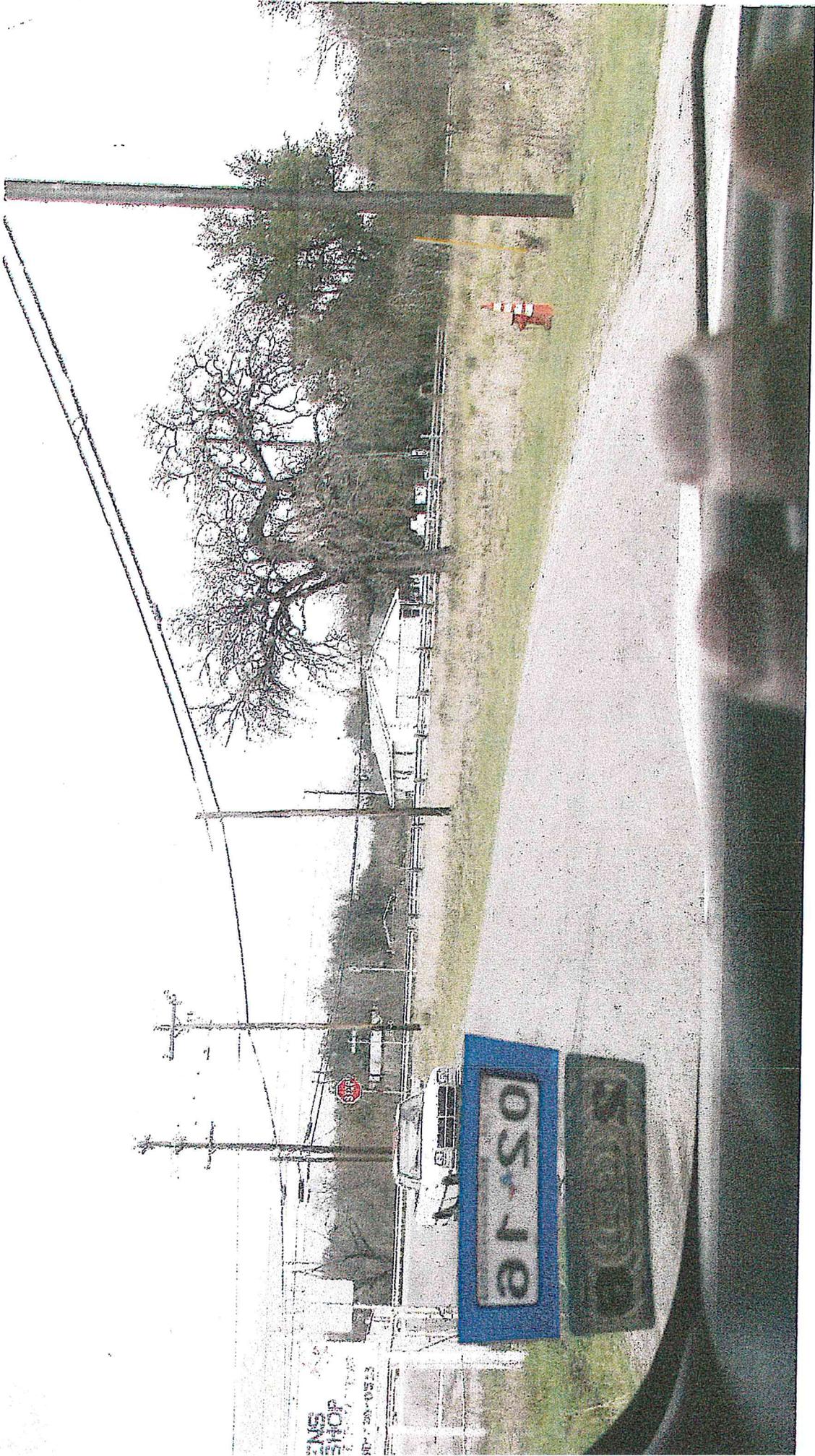
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13.



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14.



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15.

*Exhibit 'C' to Feb 23, 2016
CC mtg. minutes*

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.
- (3) A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the zoning district in which it is to be located.
- (4) If a nonconforming building or structure is damaged or destroyed to an extent of less than 60 percent of its fair market value by fire, explosion, act of God or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than 60 percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the zoning district in which it is located, and it shall be treated as a new building.
- (5) A vacant, nonconforming building or structure lawfully constructed before the day of enactment of the ordinance from which this chapter is derived may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 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.

(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.

(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.
- (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.
- (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)