

ORDINANCE NO. 811

"Street Paving Lien Interest Ordinance"

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, TO AMEND ORDINANCE NOS. 143, 152, 165, 171, 184, 193, and 220, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** Pursuant to Texas Transportation Code Chapter 313 and its predecessor statutes, a municipality, by ordinance, may assess the cost of roadway improvements against any property that abuts the road to be improved, and
- WHEREAS,** Assessments adopted pursuant to Chapter 313 and its predecessor statutes are apportioned under the "front foot rule," which means the amount of the assessment is based on the number of linear feet of property that a particular landowner owns that abuts the improved street, and
- WHEREAS,** Chapter 313 and its predecessor statutes allow a city to adopt an interest rate on street paving and improvement assessments of up to eight (8) percent per year; and
- WHEREAS,** Between approximately 1979 and 1985, the City Council (the "City Council") of the City of Granite Shoals, Texas (the "City") made assessments against landowners for the paving and improvement of various streets within the City; and
- WHEREAS,** These street paving and improvement assessments were made in a series of ordinances which were approved by the City Council, signed by the Mayor, and affixed with the City Seal, and which list the property owner, the legal description of the lot owned, and calculate the total amount assessed to each respective landowner based upon the prevailing cost of paving, at the time, per linear foot of street abutting the assessed property; and
- WHEREAS,** The street paving and improvement assessments were adopted by the City Council in Ordinances 143 (adopted March 23, 1979), 152 (November 24, 1980), 165 (January 25, 1982), 171 (December 14, 1982), 184 (January 9, 1984), 193 (December 10, 1984), and 220 (October 27, 1985); and
- WHEREAS,** Each of these ordinances adopted an interest rate of eight (8) percent per year; and
- WHEREAS,** As stated in Transportation Code Chapter 313 and its predecessor statutes, these assessments remain valid and enforceable against subsequent owners of the assessed land, and unless paid and released, remain a valid and enforceable lien held by the City; and
- WHEREAS,** Each of these ordinances has been recorded in the Burnet County real property records; and

SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law, and shall remain effective for two (2) years from its effective date unless extended by action of the City Council.

SECTION VII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.



City of Granite Shoals
2221 North Phillips Ranch Road
Granite Shoals, Texas 78654
(830) 598-2424 Fax: (830) 598-6538
www.graniteshoals.org

March 15, 2023

RE: City of Granite Shoals Ordinance #811 – Addendum

On March 14, 2023, the Granite Shoals City Council unanimously voted to extend the 0% interest rate on all outstanding street liens. No end date was given at this time. The approved minutes of this meeting capturing the motion and voting have been attached.

Dawn Wright – City Secretary





**GRANITE SHOALS CITY COUNCIL REGULAR CALLED CITY COUNCIL MEETING
TUESDAY, MARCH 14, 2023 – 6:00 PM
CITY OF GRANITE SHOALS
CITY HALL
2221 N. PHILLIPS RANCH ROAD
GRANITE SHOALS, TX 78654
PHONE (830) 598-2424 FAX (830) 598-6538**

MINUTES

Present: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort
Absent: Samantha Ortis

**This Notice and Meeting Agenda, and the Agenda Packet, are posted online
at www.graniteshoals.org**

Notice is hereby given of a meeting of the City Council of Granite Shoals, Texas to be held on the above-mentioned date, and location for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in closed session on any agenda item should the need arise and is applicable pursuant to authorization by Title 5, Chapter 551, or the Texas Government Code.

From desktop, smart phone, or tablet: Topic: City Council
Time: Mar 14, 2023, 06:00 PM Central Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/82184859340>
Meeting ID: 821 8485 9340
Passcode: 495811

1. Call to Order/ Roll Call /

Welcome 6:00 PM

Moved by Ron Munos; seconded by Kevin Flack to Declare Absence Excused

. Motion Passed: 6 - 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort
Voting Against: None

2. Invocation

- Pastor Mike Mitchell

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

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

4. Public Comment / 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.*

- Judy Salvaggio- 902 Shorewood Downs- Appreciation and thanks to the city employees, Mayor Pro Tem, Dr. Hougen, and council majority for the decision to hire Ms. Smith as city manager.
- Ron Munos announced the April 1st Texas Clean-up Day and the volunteers needed to help with Texas Litter Lifters.
 - April 7th at 7 PM Community Worship Event at Quarry Park.
- Phil Ort announced the Meet the Pilots Event on April 1st at 9 AM.

5. Presentations, Recognitions, Proclamations or Reports:

5.a Recognition of Officer of the Year, Josh Gomez of GS Police Department and Josh Nugent, Firefighter of the Year of GS Fire Department as awarded by the Hill Country 100.

- Police Chief John Ortis and Fire Chief Tim Campbell presented police officer Josh Gomez and firefighter Josh Nugent as the recipients of the Officer of the Year and Firefighter of the Year by the Hill Country 100 Club.
- Chief Ortis announced that he was awarded an NRA grant for the department in the amount of \$5000 for firearms and training purposes.
 - The Friends of NRA will be hosting a banquet on April 20th for their annual fundraising event, and tickets are available.

6. Public Hearing(s)

6.a Public Hearing

Proposal Mike & Dianne Pfister, residents of Granite Shoals at 1005 Moss Downs Dr. propose to purchase from the city a small tract of land platted as a dead-end street extension

off the Moss Downs Drive cul-de-sac.

- Open Public Hearing
- Consider Public Comment
- Consider Staff Recommendation
- Close Public Hearing

- Discuss, consider and possibly take action to recommend approval of property purchase to City Council.

Open Public Hearing- 6:15 PM

- Mr. Pfister presented the proposal to purchase land. He had recently received the agreement letter from Tropical Hideaway.
- The Planning and Zoning Commission gave a favorable recommendation for this at their last meeting.

Closed Public Meeting- 6:18 PM

Moved by Ron Munos; seconded by Phil Ort to consent to the sale of the property as proposed.

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

7. **Meeting Minutes/Consent Agenda:** *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.*

- 7.a Consider approval of minutes from 2/28/2023 and 3/6/2023.

Moved by Steve Hougen M.D.; seconded by Phil Ort to Approve the minutes from 2/28/2023 and 3/6/2023.

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

- 7.b Civil Rights Policies to be reaffirmed in preparation for submittal of Community

Development Block Grant in 2023.

1. A1003 Excessive Force Policy
2. A1015 Fair Housing Policy
3. A1004 Section 504 Policy and Grievance Procedures
4. Code of Conduct Policy

Moved by Phil Ort; seconded by Kevin Flack to Affirm the Civil Rights Policies in preparation for submittal of Community Development Block Grant in 2023.

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

8. Regular Items - items to be considered or upon which action may be taken:

- 8.a Consider, discuss, and take possible action concerning award of the engineering services contract for the preparation of the City's 2023-2024 Texas Community Development Block Grant (TxCDBG) application and subsequent engineering contract if funded.

•Only one engineering company, TRC, applied and met the requirements.

Moved by Ron Munos; seconded by Kevin Flack to approve the contract for engineering company, TRC, for the preparation of the City's 2023-2024 Texas Community Development Block Grant (TxCDBG) application and subsequent engineering contract if funded.

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

- 8.b Consider, discuss, and take possible action regarding action concerning Ordinance # 811 - Street Lien Interest Moratorium on Interest Charged. Ordinance #811 was approved by Council on April 13, 2021. As of this effective date, the interest rate on all outstanding and unrelease street paving liens was reduced to zero percent.

Ordinance #811 is effective for 2 years. The Ordinance and the zero percent interest rate expire April 13, 2023.

On April 14, 2023, the interest rate of 8% will again begin to accrue on the unreleased street liens.

Council action is requested to provide direction to staff for rate of interest to accrue on the unreleased street liens.

- Ron Munos commented that the debt cannot be forgiven, but the city council can approve to reduce the interest.

Moved by Ron Munos; seconded by Steve Hougen M.D. to approve the extension of the 0% interest rate on all outstanding and unreleased street paving liens .

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

8.c Review, Discuss, and possibly take action on the progress of the employee benefits committee.

Mayor Aaron Garcia - Chairman

- Mayor Aaron Garcia reported on the recent meeting and progress of the committee.
 - Next meeting is set for April 4th
 - No action taken

8.d Review, discuss, and take possible action regarding process of issuing Building Permits.

- Josh Hisey reported that all current permit submittals have been cleared to date.
- The council asked that the flowchart be redesigned for clarity before placing it on the webpage.
 - No action taken.

8.e Review, discuss, and possibly take action regarding Consumer Confidence Reports of 2021.

- No action taken

8.f Review, discuss, and possibly take action regarding Grants.

Moved by Steve Hougen M.D.; seconded by Ron Munos to consider setting up a fund for future grants.

Motion Passed: 6- 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

8.g Review, discuss, and possibly take action regarding Street Paving Project.

- Council discussions regarding chip and seal, paving and draining issues prior to paving.
 - Mr. Corley gave a report on the drainage, culverts, and engineer inspections.
- No action taken.

9. **Executive Session (Closed to the Public)** *The Council shall meet in Executive Session per Texas Government Code Section 551.071 consultation with attorney regarding Peggy Smith contract.*

- Council went into executive session at 7:03 PM
- Council returned from executive session at 8:14 PM
 - No action was taken.

10. **Written Department Reports**

10.a January Department Reports

- Council discussions regarding questions and clarifications on reports.
 - Council requested that community and public awareness for boat permits, dock fees, RV permits, water billing processes, and building permits be promoted on the web page and social media.

11. **Future Agenda Items**

- Economic Development Committee
- Sales contract for Lot 51, 507 Cedar Hill, and lot appraisals.
- Adding of executive session at next meeting

12. **Adjournment 8:18 PM**

Moved by Ron Munos; seconded by Phil Ort to Adjourn the meeting.


Motion : 6 - 0

Voting For: Aaron Garcia, Ron Munos, Kevin Flack, Steve Hougen M.D., Michael Berg, Phil Ort

Voting Against: None

CERTIFICATION

I, Aaron Garcia, certify that the above minutes are true and correct from the City Council meeting of March 14, 2023.

Mayor Aaron Garcia 

Attest:
Dawn Wright - City Secretary 