



## Minutes

Granbury City Council  
Regular Meeting

City Hall, 116 W Bridge St.  
Granbury, Texas

August 1, 2017  
6:00 p.m.

The City Council of the City of Granbury, Texas, convened in regular session on August 1, 2017, at 6:00 p.m. in the Council Chambers of City Hall, 116 West Bridge Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Nin Hulett, Mayor Place 1  
Tony Allen, Councilmember Place 2  
Gary Couch, Councilmember Place 3  
Rose Myers, Councilmember Place 4  
Tony Mobly, Councilmember Place 5  
Mickey Parson, Mayor Pro Tem Place 6

Chris Coffman, City Manager  
Carla Walker, City Secretary

### CALL TO ORDER

Mayor Hulett called the meeting to order at 6:04 p.m. announcing that all Councilmembers are present except for Councilmember Couch.

### INVOCATION

Marci Martinez, Cornerstone Christian Academy, gave the invocation.

### PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

The Pledge of Allegiance and Texas Pledge were recited.

### CITIZEN PARTICIPATION

Leta Andrews, Weatherford Highway, expressed concerned for motorist and pedestrians due to the narrow streets through the downtown square. Andrews added that motorist will focus on narrow streets rather than on pedestrians.

John Lutton, Dunn Court, expressed concern with traffic at First National Bank and spoke about a recent traffic incident that resulted in a bent awning post on the downtown square.

Ken Hackett, E Pearl Street, stated that he supported the project and asked that everyone give it some time. Hackett explained that motorist will change their turning radius and/or routes and stated that concrete can be changed if we cannot live with it.

Councilmember Couch entered the meeting at 6:14 p.m.

### CONSENT AGENDA

1. Consider approving City Council meeting minutes: July 18, 2017, Regular Meeting.

2. Consider adopting Ordinance 17-43 amending the Master Fee Schedule codified as Article 1.50 of the Granbury Code of Ordinances.
3. Consider approving a Memorandum of Understanding between CTMGT Granbury, LLC (known as the Developer of Knox Ranch) and the City of Granbury.
4. Consider approving the Proposal for Legal Services as Interim City Attorney as received by Wayne K. Olson of Taylor Olson Adkins Sralla Elam L.L.P.
5. Consider adopting Ordinance 17-44 amending the General Fund budget for Fiscal Year 2016-2017.

Councilmember Allen made a motion to approve the consent agenda including an amendment to a motion made in the July 18, 2017, minutes. Motion seconded by Councilmember Mobly. Motion carried with 5 ayes and 0 nays.

#### DELIBERATION AGENDA

6. Public hearing and consider adopting Ordinance 17-45 approving a request of Pedro Aguado to amend the 2016 Comprehensive Plan for Lots K, L and M of the Granbury Industrial Park Addition, to allow for Industrial development instead of the Commercial development as suggested on the "Future Land Use Plan" contained within the 2016 Comprehensive Plan. The property is located SE of the intersection of Industrial Avenue and Acton Circle.
7. Public hearing and consider adopting Ordinance 17-46 approving a request of Pedro Aguado to rezone Lots K, L, and M of the Granbury Industrial Park Addition from Interim Holding [IH] to Industrial [I]. The property is located SE of the intersection of Industrial Avenue and Acton Circle.
8. Public hearing and consider adopting Ordinance 17-47 approving a request of Pedro Aguado for a Specific Use Permit to allow for a "Brick/Stone Company, Sales, Outside Storage" in an Industrial 'I' zoning district. The property is located SE of the intersection of Industrial Avenue and Acton Circle.
9. Public hearing and consider approving a request of Pedro Aguado to Replat Tracts K, L, and M of the Granbury Industrial Park Addition as Lot M-1 of the Granbury Industrial Park Addition. The property is located SE of the intersection of Industrial Avenue and Acton Circle.

Scott Sopchak, Community Development Director, stated that Eagle Stone is an existing Granbury stone yard with outside storage and proposes to change the zoning from Interim Holding (IH) to Industrial (I). They desire to build two additional buildings and a canopy across Industrial Avenue to the east from their current location to this vacant site. The base zoning request to Industrial would then allow for the consideration of a Specific Use Permit for stone sales, as it is a use not allowed by-right in Industrial.

All Development Review Committee comments have been addressed in regards to the Replat request.

The Planning and Zoning Commission unanimously recommended approval of the Comprehensive Plan amendment as presented by the applicant, unanimously recommended approval of the rezoning request as presented by the applicant, and unanimously recommended approval of the Specific Use Permit request for Brick/Stone sales (with outside storage) as presented by the applicant.

The Planning and Zoning Commission also unanimously recommended approval of the Replat with the following variances:

- Variance is requested to Sections 3.1.E and 4.10.A to not upgrade Industrial Avenue and Acton Circle to urban standards
- Variance is requested to Section 3.6.A.4 to not install sidewalks along Industrial Avenue and Acton Circle

- Variance is requested to Sections 3.9, 4.5, and 4.10.A to not install sewer lines on Industrial Avenue and Acton Circle, and to allow for the use of a OSSF system in lieu-of a central sewer main
- Variance is requested to Sections 3.9, 4.6, and 4.10.A to not upgrade water lines on Industrial Avenue and Acton Circle
- Variance is requested to Section 4.6 to not install fire hydrants on Industrial Avenue and Acton Circle

Mayor Hulett opened the public hearing for items 6, 7, 8, and 9 at 6:33 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 6:33 p.m.

Mayor Pro Tem Parson asked who owns and will maintain both Industrial Avenue and Acton Circle. Sopchak explained that those are public streets which were annexed 2005. The service plan at the time of annexation recognized that the streets did not meet city standards.

**Councilmember Couch made a motion to adopt Ordinance 17-45 approving the Comprehensive Plan amendment as presented. Motion seconded by Councilmember Mobly. Motion carried with 5 ayes and 0 nays.**

**Councilmember Mobly made a motion to adopt Ordinance 17-46 approving the rezoning request as presented. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**Mayor Pro Tem Parson made a motion to adopt Ordinance 17-47 approving the Specific Use Permit as presented. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.**

**Councilmember Mobly made a motion to approve the Replat along with the variances as presented. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**10. Public hearing and consider adopting Ordinance 17-48 approving a request of Vicki Nivens for a Specific Use Permit to allow Produce Sales (Inside) in a Light Commercial (LC) zoning district. The property is addressed as 520 E. Pearl St.**

**11. Public hearing and consider approving a request of Vicki Nivens to Replat Lots 1-3, Block 1 of the Ewell Addition as Lots 1R and 2R, Block 1 of the Ewell Addition, which includes an approximate 10' x 130' section of a previous alley also purportedly owned by Vicki Nivens. The property is addressed as 500-520 E. Pearl St.**

Scott Sopchak clarified that the proposed use is for a flower shop. In the ordinance definition of produce sales inside, sales of flowers are a part of the definition and this allows for sales in the enclosed building.

The applicant also owns an existing commercial structure on eastern portion, which was most recently functioned as a counseling office. A historic residence on the western portion has been demolished, except for the brick fireplace which remains in place. Deed records show this portion of the alley being granted by the City of Granbury (Mayor Rick Frye) to Paul W. Brothers (previous owner of Lot 2) in 1992.

The Planning and Zoning Commission unanimously recommended approval of the Specific Use Permit for Produce Sales (Inside) "Flower Shop" as presented by the applicant.

The Planning and Zoning Commission also unanimously recommended approval of the Replat as presented by the applicant, with the following variances:

- Variance is requested to Section 3.9 and 4.5 to not upsize to an 8-inch sewer main along Cleburne St. and E. Pearl St. The applicant will continue to utilize the existing 6-inch sewer mains.

- Variance is requested to Section 3.9 and 4.6 to not upsize to an 8-inch water main along E. Pearl St. The applicant will continue to utilize the existing 4-inch low pressure sewer main, and service is provided in an 8-inch line on the opposite side of E. Pearl St.

Mayor Hulett opened the public hearing for items 10 and 11 at 6:47 p.m.

Julie Crofton, 422 E Bridge, expressed concern with parking and whether it is going to be a farmer's market or a flower shop.

Barry Gilbreath, Pro Cad Plans, stated that there are no plans for the corner lot closest to Cleburne Road at this time and the application is for a flower shop; the category just happens to be produce sales. The site plan meets the City's parking requirement.

With no additional speakers, Mayor Hulett closed the public hearing at 6:51 p.m.

Chris Coffman, City Manager, asked if the building meets the City's masonry requirement. Sopchak stated that a Certificate of Appropriateness was granted from the Historic Preservation Commission waving the masonry requirement.

**Councilmember Allen made a motion to adopt Ordinance 17-48 approving a request of Vicki Nivens for a Specific Use Permit to allow Produce Sales (Inside) in a Light Commercial (LC) zoning district. Motion seconded by Mayor Pro Tem Parson. Motion carried with 5 ayes and 0 nays.**

**Mayor Pro Tem Parson made a motion to approve a Replat of Lots 1-3, Block 1 of the Ewell Addition as Lots 1R and 2R, Block 1 of the Ewell Addition, which includes an approximate 10' x 130' section of a previous alley also purportedly owned by Vicki Nivens. Motioned seconded by Councilmember Allen. Motion carried with 5 ayes and 0 nays.**

**12. Public hearing and consider adopting Ordinance 17-49 approving a request of Family Safe Granbury for a Specific Use Permit to allow "Portable Building Sales" in a Heavy Commercial (HC) zoning district. The property is addressed as 2116 E. Hwy. 377.**

Scott Sopchak explained that the applicant wants to sell storm shelters from this location, classified as "Portable Building" from the Zoning Ordinance. The property has two other businesses, a roofing business and a printing/sign business. If the Specific Use Permit is granted, the applicant will need to go to Zoning Board of Adjustment for an approval request for a variance to the sign ordinance for the advertising wrap on the storm shelter and open storage of the storm shelter without screening.

The Planning and Zoning Commission recommended approval, by a vote of 3 ayes and 2 nays, of the Specific Use Permit for Portable Building Sales, with the following conditions:

1. The applicant will need to go to Zoning Board of Adjustment for an approval request for a variance to the sign ordinance for the advertising wrap on the storm shelter and open storage without the screening requirement within 60 days of City Council's 'conditional approval'. After 60 days from City Council action if the Zoning Board of Adjustment (ZBA) does not grant authorization or the applicant does not choose to go to ZBA, any non-compliant building/shelter on site will be in violation of the ordinance and will be addressed by Code Compliance.
2. The Specific Use Permit shall automatically expire 1 year from City Council approval (August 1, 2018).
3. Only one (1) Storm Shelter shall be displayed.
4. The displayed storm shelter shall be at least 10 feet from the property line.
5. Storm Shelters are the only type of portable building that this SUP permits to be sold under this SUP ordinance for this property.

Mayor Hulett opened the public hearing for this item at 7:01 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 7:01 p.m.

Councilmember Allen asked if the unit could be moved to the back of parking lot. Annett Riggan, applicant, stated that there would not be as much traffic there for visibility.

Councilmember Couch asked if the permit falls under outdoor sales or if the building is the qualifying component. Sopchak stated that this application falls under the definition of portable buildings in the City's Zoning Ordinance. Couch expressed concern with setting a precedent and whether it would be fair to businesses investing in floor space inside buildings. Sopchak stated that any outside activity typically prompts a Specific Use Permit. The Zoning Ordinance distinguishes portable buildings from merchandise display. The City would not see a proliferation of portable buildings in front of stores because they will need a Specific Use Permit, which is granted at Council's discretion on a case by case basis. It is only allowed by right in Industrial Zoning, which there is not an abundance of.

Mayor Pro Tem Parson asked what size the current unit is. Riggan stated that it is 4' x 6'. Parson asked if that is the largest. Riggan stated that they could be made as large as the customer would like.

**Mayor Pro Tem Parson made a motion to adopt Ordinance 17-49 approving a request of Family Safe Granbury for a Specific Use Permit to allow "Portable Building Sales" in a Heavy Commercial (HC) zoning district with the presented conditions approved by the Planning and Zoning Commission and an additional requirement to Condition 3, that only one storm shelter shall be displayed and that storm shelter will be 4' x 6' or smaller. Motion seconded by Councilmember Allen. Motion carried with 4 ayes and 1 nay by Councilmember Couch.**

**13. Public hearing to consider approving a request for Equibrand Real Estate for the construction of an Irrigation water well located at 3500 W Hwy 377, Granbury, TX 76048.**

Rick Crownover, Director of Public Works, explained that Equibrand has requested a water well permit within the City's Exterritorial Jurisdiction (ETJ) at 3500 W Hwy 377. It is also located within the City's Certificate of Convenience and Necessity (CCN). The nearest water source is a public water supply well and is located within 150 feet. According to City Ordinance Section 13.17.003, if water service from the City or another utility district is not available within one thousand feet of the property line of the subject property, a private water well or irrigation well for a single-family residence may be drilled upon receiving a permit.

The current well on the property is next to the Equibrand building. During the platting of this property, there was an agreed condition that the well would be drilled, inspected, and approved at the expense of the developer then dedicated to the City as a public well along with a 60,000-gallon underground storage tank. In turn, the City agreed to grant water free of charge for 5 years to Equibrand. That agreement lapsed, and the City began metering in April. April's usage was 75,000 gallons, May was 325,600 gallons, June was 200,000, and July was 186,000.

Public hearing at 7:26 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 7:26 p.m.

Councilmember Mobly pointed out that 5 years ago, the water well was dedicated to the City and the business received free water. Mobly asked what the understanding of that agreement was when the 5 years was exhausted. Coffman identified that they would be charged for the water going forward. Mobly stated now that it is time for the business to start paying the City for water, the business is looking to rework the deal.

**Mayor Pro Tem Parson made a motion to approve the request for Equibrand Real Estate for the construction of an Irrigation water well located at 3500 W Hwy 377. Motion seconded by Councilmember Couch. Motion denied by a vote of 2 ayes and 3 nays.**

Ayes: Councilmembers Parson, Couch  
Nays: Councilmembers Allen, Mobly, Myers

**14. Discuss and consider taking action on signage to discourage truck traffic downtown and police patrols.**

Councilmember Couch explained that as the Downtown Streetscape and Pedestrian Improvement Project evolves, this is an aspect that could address some issues with the tight turning radius.

Chris Coffman provided some photos and an analysis of right turns onto Bridge Street. The analysis included the number of hits and misses by vehicle type, pickup trucks were shown to have the most hits. Drone video footage showing turns and traffic at the Bridge and Houston Street intersections was also provided. Coffman added that the truck route is being enforced all over town. Granbury Police Department is monitoring the square as time allows.

Mitch Galvan, Chief of Police, stated that for 3 days, 2 bike patrol officers worked for 5 hours per day on the square. On average, 2 to 3 trucks came through per day. The officers mainly saw pickup trucks and passenger cars hitting the curbs which cannot be enforced.

Carter Schuld, Vineyard Drive, stated that the square has 3 highways feeding into it, Hwy 377 Business, Hwy 51, and Hwy 4. There is not signage on in-bound Hwy 4 nor Hwy 51 advising of No Thru Trucks.

Coffman provided a map showing current truck route signage as well as locations of new signs to be installed. Crownover added that the City met the minimum signage requirement, however, staff is working to place additional signs.

Councilmember Couch stated that if there isn't verbiage about fines or penalties either above or below the truck route signs, he would like to see if that can be added.

With no further discussion, Mayor Hulett closed the agenda item. No action taken.

**15. Discuss the Proposed Fiscal Year 2017-2018 Annual Budget and set the date, time, and place for a public hearing to receive public input on the Proposed Fiscal Year 2017-2018 Annual Budget.**

Eva Gregory, Director of Finance, explained that since the budget workshop, staff has made recommended changes as well as included the final Ad Valorem appraised value adjustment. Gregory identified changes to revenues and expenses.

**Councilmember Myers made a motion to set the public hearing date, time, and place as September 5, 2017, 6:00 p.m., at City Hall, 116 West Bridge Street, Granbury, Texas, 76048. Motion seconded by Councilmember Mobly. Motion carried with 5 ayes and 0 nays.**

**16. Discuss the proposed Fiscal Year 2017-2018 Property (Ad valorem) Tax Rate for the City of Granbury; and vote to place a proposal to adopt the rate of \$.399385 on the agenda of a future City Council meeting as an action item.**

Eva Gregory stated that the effective tax rate allows the City to generate the same revenue as the year prior. Greg Stewart, Hood County Chief Appraiser, calculated the 2017 effective tax rate for the City of Granbury to be \$0.399385 per \$100 valuation.

Mayor Pro Tem Parson proposed a tax rate of \$0.36. Parson spoke on the amount of surplus funds and the under estimated sales tax revenue. Parson stated that the sales tax revenue for 2017-2018 should be adjusted to \$8 million which would account for the decrease in Ad valorem taxes. Coffman cautioned Council that should taxes be decreased to \$0.36 cents,

it may be impossible to get back to this effective rate in the future. Without relying on sales tax, the City's property tax rate would be around \$0.62 which shows the City is heavily dependent on sales tax.

Councilmember Mobly cautioned against the decrease stating that when in a good economy, we expect it to continue, however, we do not know when another recession will come.

Councilmember Couch stated that if there is to be a reduction, he would like to see it on the utility rates.

Gregory spoke on the reserve fund balance and explained that cities who rely on sales tax prefer a higher percentage of reverse funds.

**Councilmember Couch made a motion to propose to adopt the effective tax rate \$0.399385 as presented. Motion seconded by Councilmember Mobly. Motion carried with 5 ayes and 0 nays.**

**ADJOURNMENT**

There being no further business, Mayor Hulett announced the meeting adjourned at 8:46 p.m. on August 1, 2017.

  
Nin Hulett, Mayor 8/15/2017  
Date

ATTEST:



Carla Walker, City Secretary

