

The Regular Council Meeting of August 23, 2016 was called to order at 6:30 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley

Tom Haberman

David Bejar

Laurie Hawkins

Chris Mikel

Andy Vyverman

Gigi Duke

Kerry McEntire

Kay McCloskey

Murry Hughey

Dottie Watt

Jeff English

Chris Anderson

COUNCIL MEMBERS

Lou Hoffman

Susan Darst

Jennifer Nottingham

Mitch Thornton

Lynn Tiner

Mayor Reinhard declared a quorum with all Councilmember's present.

APPROVAL OF MINUTES

The minutes of the June 11, 2016 City Council Workshop Meeting were reviewed. The motion to approve the June 11, 2016 minutes as written was made by Council member Nottingham, seconded by Council member Tiner and passed unanimously.

The minutes of the June 28, 2016 Regular Council Meeting were reviewed. Council member Tiner stated on Page 12, Agenda Item No. 15, second line, the record should reflect "Franklin" instead of "Frank". Council member Nottingham stated she would like to see quotation marks when the Mayor reads something into the minutes. For example on Presentations by Citizens and Visitors that are not in attendance. She would like to make sure there is no miscommunication on who is making the statement. Mayor Reinhard stated we will incorporate this into the minutes. Council member Nottingham stated the statement by Tom Crick on Page 2, fourth paragraph, second line, the record should reflect "lowers our inhibitions" instead of "wars our ambitions". The statement by Susan Beavin on page 2, sixth paragraph, sixth line down, the record should reflect "The park was named after" adding the word "after". Council member Nottingham stated on Page 4, Grey Forest Community Board Update, she gave the board update because Laurie Hawkins couldn't be present. She needs to remove the last three lines of the paragraph after it states Council member Nottingham stated and what she should have read into the record is Council member Nottingham stated "the GFCB were told by the SLPC at the last Council Meeting that the well was considered "plugged" by the TWDB but there's no such record of this determination and TWDB cannot actually make this determination, only the Trinity Glen Rose Groundwater District (TGRGCD) or the TDLR can make that determination. Several entities have looked for any documentation regarding this well in various databases: TGRGCD, TCEQ, TDLR, SAWS and TWD and they can't locate any documentation reflecting such". In addition, same paragraph, fifth line down, the record should reflect "Weissmann" rather than "Wissmann". Council member Nottingham stated on Page 4, Senator Frank L. Madla, Jr. Natural Area Update, last line, remove "maintenance of the Madla Park property" and replace with "of the leftover materials". Council member Nottingham stated on Page 11, last paragraph, it doesn't state who made the motion to accept Ordinance No. 217. It was noted the motion was made by Council member Darst and the minutes would be updated to reflect that. The motion to accept the June 28, 2016 minutes as amended was made by Council member Thornton, seconded by Council member Nottingham and passed unanimously.

The minutes of the July 12, 2016 City Council Workshop Meeting were reviewed. The motion to accept the July 12, 2016 minutes as written was made by Council member Tiner, seconded by Council member Darst and passed with 4 YES and 1 ABSTAINING by Council member Thornton as he wasn't present at that meeting.

Mayor Reinhard stated the minutes of the July 26, 2016 Regular Council Meeting are in the process of being completed and will be carried over to the next meeting.

PRESENTATIONS BY CITIZENS AND VISITORS

Mayor Reinhard stated this is an opportunity for citizens and visitors to address Council. Council can ask for clarification but there can be no discussion.

Dottie Watt stated everyone is questioning the property across the street from her that is going to be rentals. The owner has worked very hard on repairing that property and it looks real nice. No one is questioning her neighbor's yard that has beehives, inoperable vehicles, bamboo, weeds and rats. In addition, you have his neighbor that adds to the filth. She feels these two properties are the worst looking homes in Grey Forest and are a health/fire hazard. There should be some restrictions and it's not fair to her personally. Dottie Watt stated she does the best that she can with what she has to work with and feels personally offended by the way these two neighbors have kept their properties.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard stated the financials are through July and represents a little over 80% of the budget year. We remain on track and within budget. We still have expenses that will be coming in through the end of the year. Mayor Reinhard reviewed the City Attorney Legal Activity for June. The City Attorney reviewed the alcohol use policy in Grey Forest public parks, researched a question regarding a closed meeting to discuss candidates for board appointments and provided a legal opinion on possible violation of the ordinance addressing single family properties. All activity was done under the City Attorney's monthly retainer. Council member Hoffman stated the City Attorney spent 2.5 hours on June 27th to provide a legal opinion on Ordinance No. 45B for the Mayor to present the next evening, June 28th. He stated that's an interesting late run.

COUNCIL/STAFF ANNOUNCEMENTS

Council member Nottingham stated WIAC has not met.

COMMITTEE ANNOUNCEMENTS/REPORTS

Mayor Reinhard stated there are no active committees.

GREY FOREST COMMUNITY BOARD UPDATE

Laurie Hawkins stated on August 11th they received good news and concurrence from TCEQ that the four structures in the Helotes and Lee Creeks are not considered dams regulated under the TCEQ rules as of 2009. The City Engineer is running an assessment report on the structures as part of the scope of work that the City requested. The results from the last E.Coli testing at the pool came back today at 460. We're only allowed 399 so the pool has been closed until that number goes down. This is a result of the recent rain and they expect that number to go down once the storm runoff stops flowing. Signs for the rules of conduct have been ordered for the pool as part of the Ordinance that is before Council this evening. The well was excavated. They were only able to go about 16 feet before the equipment started rubbing into existing galvanized pipe and electrical wire. George Weissmann with the Trinity Glen Rose Groundwater Conservation District was on site. He inspected the work and gave them direction on what to do to plug the well which required a Variance from TDLR. George Weissmann was kind enough to coordinate the Variance with TDLR. TDLR waived logging requirements typically associated with plugging or capping a well. In addition, he coordinated his permit through SAWS who actually issues the permit and waived the fee associated with this type of permit. This saved the City a lot of money. The required permits have been turned into TDLR and SAWS. We've received clearance to pump in a slurry of cement aggregate to hopefully get a really good cap between the well and aquifer. This action should start on Thursday. They've coordinated with the Fire Department and GFU for a meter on the hydrant. SAWS assigned an Inspector to the project and permit. We have the TDLR Variance/Permit. George Weissmann will be on site on Thursday as well.

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated she will defer to Agenda Item No. 2 of New Business.

BOARD OF ADJUSTMENT UPDATE

Mayor Reinhard stated the Board of Adjustment has not met.

POLICE DEPARTMENT ACTIVITY REPORT

Chief Bejar reviewed the July 2016 Monthly Activity Report. There were 116 calls for service, 935 hours worked, 4626 miles driven, 42 traffic stops, 26 summons issued, 18 warnings issues and 3 arrests. He stated the three arrest stem from calls on Oak Wilt violations. Citations were issued for these violations and the individuals turned out to have active warrants and were taken into custody. The Damage to Property is from one of our citizens hitting a floodgate. Public Works was able to repair the flood gate. Chief Bejar introduced to Council recent hires to the department as Reserve Officers; Elliot Rodriguez with 17 years of experience and Ezra Bailey with 31 years' experience. Mayor Reinhard and Council welcomed them to the department.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the July 2016 Monthly Activity Report. Public Works continues to work on tree trimming, citizens brush chipping, road work, mowing/weed eating, regular upkeep of the City and animal control. He met with individuals from the City Engineer's Office and assisted in measuring the dams. Public Works re-cemented the floodgate on Hillside that was knocked down by a citizen.

GFU UTILITY ANNOUNCEMENTS

Jeff English stated the utility is through the mid-year point. They are a little ahead of last year on new customer connections. They have a number of civic projects going on where the County or City will ask them to relocate their lines from the right-of-way. Financially they are on budget and almost exactly on track with where they were this time last year. He predicts between now and the end of the year, they will probably do about the same as they did last year which was excellent. They continue to operate conservatively with the same number of 33 employees. They've almost completed the first phase of their geographic information system. The water utility is in great shape. They did find a couple of small seeping type leaks around the bottom of the water tank at the foundation. They had a diver go in and assess the situation. They used an epoxy that can be used in the water to repair it. They've engaged their engineers to give them an estimate and tools to work with in considering the idea of another tank. The current tank has basically hit what they originally projected the life span of that tank would be. They do have some reserve funds for this purpose but tanks are quite expensive so it will need to be determined how that will be handled. Jeff English stated there was some speculation several months ago that the City's subsurface water had been damaged by some sort of pesticide intrusion. It continued to be perpetuated with a number of anonymous letters sent to him at the office and even to his home insinuating that they weren't on the watch and protecting the water supply. Jeff English stated personally, he's been responsible for the water since 1981 and he takes it very serious. He looks at the water tests every month and the City has a superior water system. That's not an accident and it doesn't just happen that way, it's a result of hard work and a dedicated crew. They had a bench mark test done on the wells and at a couple of other points at homes in Grey Forest to determine if there's any sign of poison that we should be concerned with. All the tests came back as non-detected. The City's well is very deep, operated very carefully and monitored closely.

FIRE DEPARTMENT REPORT

Chris Anderson stated there were 49 calls in the district for the month of July 2016. Of those calls, four were in the City; two EMS and two other than EMS. The average response time was 3 minutes.

NEW BUSINESS:

1. DISCUSS AND ACT ON REQUEST FROM THE GREY FOREST COMMUNITY BOARD (GFCB) TO APPLY DIATOMACEOUS EARTH, ON THE GFC FIELD

Mayor Reinhard stated the ordinance of the Grey Forest Community Board (GFCB) had a provision added that any use of pesticides would be subject to City Council approval. There's been a request from the GFCB to use Diatomaceous Earth on the ball field to address ant problems. Laurie Hawkins stated she's provided Council the Material Safety Data Sheet (MSDS) for Diatomaceous Earth to be used as an insecticide which is why it was given an EPA Registration Number. This means it's a pesticide and per the ordinance, they have to receive Council approval to use this kind of material on the new City park property. She's provided Council information on Natural Ant Hill Remedies and Treatment which gives instructions on how you would apply Diatomaceous Earth. In addition, she's provided Council a copy of the label with the EPA Registration Number. It's good information and there's always room for education regarding what is considered a pesticide. Diatomaceous Earth is food grade which means you can eat it but as soon as you use it to control insects, that makes it an insecticide. According to the TDA and EPA, once you use it to kill insects, it becomes a pesticide and a whole separate set of rules apply. Council member Hoffman asked when was it determined to use this product and why the decision was not brought through their Board. He stated this looks like a good product but given all the concerns that the glyphosate issue raised, he would make the suggestion that in the future with things like this, from a public relations view point, they might want to get the word out to the public that this is what they're presenting to Council rather than it just showing up on the Agenda as an unclear item. Laurie Hawkins stated they could do that. They had a request to apply something to the ball field for ants and she was simply trying to fix the issue as soon as possible. Council member Darst stated since the pesticide issue came up, it has been brought up at every GFCB Meeting that the grounds would have to be addressed because they have several leagues that utilize the ball fields. They wanted to make sure they had something in place so the kids didn't get fire ant bites. Council member Thornton stated if it's a public relations issue, we wouldn't want kids to get bit by fire ants due to timing because the GFCB had to first have a meeting and then wait until the next Council Meeting for approval. Laurie Hawkins stated with the recent rain, the ants have started mounds on the surface. In addition, in Council Meetings and a couple of GFCB Meetings ago, they talked in length about various methodologies that they could utilize for these types of issues. Council member Thornton made the motion to allow the GFCB to apply Diatomaceous Earth to the ball field. The motion was seconded by Council member Tiner and pass unanimously.

2. DISCUSS AND ACT ON APPOINTMENT OF TWO BOARD MEMBERS TO THE SENATOR FRANK L. MADLA, JR. NATURAL AREA BOARD OF DIRECTORS PURSUANT TO ORDINANCE NO. 180

Mayor Reinhard stated the Board had two long serving members that would like to resign due to personal commitments. One of them will continue to serve on the Madla Conservancy. The Board solicited resumes by posting it on the marquee and announced it at the last Council Meeting. There were two individuals interested in the open positions; Bill Hoover who actually sold the property to the City at a very good price and Matt Baker who recently moved into the City and is interested in serving the community. Council has resumes for both. Council member Thornton made the motion to accept Bill Hoover and Matt Baker to fill the two open Board positions on the Senator Frank L. Madla, Jr. Natural Area Board of Directors. The motion was seconded by Council member Darst and passed unanimously.

3. DISCUSS AND ACT ON UPDATING SIGN FOR BEXAR COUNTY ESD NO. 8 FIRE AND RESCUE

Mayor Reinhard stated this should reflect Fire Rescue leaving out the "and". The ESD has approached the City regarding the sign in front of the station and would like to put their name up since they've taken over the responsibilities. Mayor Reinhard stated he measured the sign and put together a conceptual diagram. He's sent a copy of the diagram to the individual that originally made the sign to get a quote of what the change would cost. This would be paid by the ESD and would match as close as possible to the existing look. Once the quote is received, the ESD may or may not agree to the cost. Mayor Reinhard stated this is just a concept so there's no specific action for Council to approve at this point but he did want to get Council's concurrence that they didn't have any issue with allowing ESD No. 8 to put up there sign. Council member Nottingham stated George Parker, an internationally known metal artist that has since moved to Colorado designed the sign and it was a gift to the Fire Department several years ago. The Fire Department had wanted a sign for many years. Victor Simonis partnered with George Parker to cut the metal. George Parker has a

tag on one of the posts with his name as the artist. Council member Nottingham stated she's not speaking for the Fire Department but speaking personally as a citizen that she would like to see the sign stay as intended as there is a tie to the sign. Council member Thornton stated it was a gift from George Parker to the Fire Department. It's all that's left of the GFVFD. It says Fire Department and people know where to go, he doesn't know if they necessarily need a sign that says the ESD name. Council member Thornton stated he would like to leave the sign as it was originally intended. Council member Hoffman stated the essence of George's work is still there, there's no difference; it's just a name change. Council member Darst stated she would like to see the sign remain as originally intended. Mayor Reinhard stated he understands the concerns. With this being City property and the ESD being the one conducting the business, he feels it would be more appropriate to have something similar to the existing sign rather than additional signs. He did the best possible to match the existing sign. Mayor Reinhard asked if there was further input. Laurie Hawkins stated they should put their own sign on the building; the ESD is leasing the building, not the right-of-way. Kay McCloskey stated she sees the sign as a historical part of Grey Forest. There was lengthy discussion on keeping the existing sign as intended and the ESD putting additional signage on top of it. Mayor Reinhard stated the request from ESD No. 8 was to have their name prominent on the sign. Council member Hoffman made the motion to move forward with the Mayor's design. There was no second and the motion failed. Council member Thornton made the motion that they take the Bexar County ESD 8 Fire Rescue and mount it on top of the existing sign. The motion was seconded by Council member Tiner and passed with 4 YES and 1 OPPOSED by Council member Hoffman. Mayor Reinhard stated he will bring this back to ESD 8.

4. DISCUSS AND ACT ON ICS TRAINING FOR CITY COUNCIL AND CITY STAFF

Mayor Reinhard stated ICS is the Incident Command System. All elected officials are required to have ICS Training. Although it might not be required, he would also like to see City staff take the training. It's a two hour training class that Bexar County is willing to offer to the City. They will provide the training and materials. His understanding is that there is also online training. Mayor Reinhard stated he will work on getting some dates that Bexar County is available to provide the training and get those dates to Council to get their availability.

5. DISCUSS AND ACT ON DRAFT ORDINANCE NO. 218 OF THE CITY OF GREY FOREST, TEXAS REGARDING THE ACCESS AND USAGE OF CITY OWNED PARK PROPERTY

Mayor Reinhard stated Ordinance No. 218 is in regards to access and usage of the City owned property. The action this evening is not to adopt the ordinance. Prior to adoption, he believes we might need to hold a Public Hearing. The proposed ordinance has been on past Agenda's and the Grey Forest Community Board (GFCB) has made some recommendations. The City Attorney has reviewed the ordinance and also made some recommendations. The premise of the ordinance is that the park property will be open to any member of the public. However, it will be by permit only. The residents of Grey Forest can obtain a permit at no cost. Non-residents can purchase an annual permit for \$350 per person, per year. Individuals in the ETJ can purchase an annual permit for \$100 per person, per year. All permit holders will be required to sign a liability waiver. They will be required to have their permit in possession at all times to present to the Grey Forest Police upon request. It hasn't been determined if the permit will be a pin, card, wrist band, etc. but it will be something the Police Officers can easily see when approaching people and something easily worn in the pool. There's rules outlined to protect the park property such as you can't mark, deface, injure any park property. There's protection for wild animals, sanitation, trees, abusive language, etc. Mayor Reinhard stated this ordinance addresses only access and usage of the property. The prohibited use of alcohol is addressed in the alcohol ordinance. It was discussed under Definitions, Park; "creek and swimming areas" would be added to the definition. Section 3.01(a)(3), Access to Park Property; "per person, per year" should be added to the \$100 permit. Section 4.01.007(a)(3), Animals; add "with the exception of designated areas" as the corral was originally built for horseback riding. Council member Hoffman stated he would like see that ugly area go away. That area is grown up and he'd like to see a Master Plan developed for the entire park. The majority of Council didn't have an objection to this addition. Council member Hoffman asked if it's safe to say the philosophy behind the permit fee for Non-residents and ETJ citizens is somewhat

akin to what citizens pay through taxes to maintain the park. Mayor Reinhard stated that could be considered the basis for it but we don't have any historical information to say how much the park is going to cost the City. Council member Hoffman stated now that that City isn't enforcing Ordinance No. 45B, we're going to have multiple families living out here that are not paying any taxes. The property manager or owner will be paying the taxes. He thinks this is an aberration and something needs to be addressed now that we have multifamily dwellings in our community. Mayor Reinhard stated Ordinance No. 45B is in fact being enforced with what's in place. Our Warranty Deed states the property is available for use by citizens and residents. There are currently numerous renters in the City that are all citizens. Section 4.01.009(2), Fires; will be changed to use the same terminology as number (1) above. Section 5.01.003, Operating or Parking Motor Vehicles; remove "except along or upon City roadways". Section 5.01.004, Unauthorized Vehicles; add "or Police Department approval". Section 5.01.005, Special Provisions Applicable to Bicycles; the Mayor will reword that "operating bicycles on creek trails is prohibited except for specifically designated areas set by the GFCB". Section 6.01.002(b), Park Property Area Closings; remove (b) as it's not needed and renumber. Section 6.01.002(c), Park Property Area Closings; the Mayor will reword to show the intent is to give the Police the authority to arrest or detain people if they are in closed areas. Council member Hoffman stated given the recent events, he would like to suggest that Section 12 be renumbered to Section 13 and interject a new Section 12 that makes the statement by the City Attorney that says he has reviewed the ordinance and deems it enforceable. He doesn't see what harm that statement would do if the City Attorney stands by his work. Mayor Reinhard stated that's not typically the process and he doesn't feel it's appropriate. Mayor Reinhard stated he wanted to get a consensus that Council likes the basic concept of what's being proposed. He proposes scheduling a Public Hearing for September 20th as Council will already be present for the Budget Public Hearing. With the changes discussed, he will incorporate them and get the ordinance ready for Public Hearing.

UNFINISHED BUSINESS

6. DISCUSS AND ACT ON UPDATING SECURITY CAMERAS AT CITY HALL

Mayor Reinhard stated at the last Council Meeting, they discussed upgrading the security cameras at City Hall. At the meeting, Council member Thornton recommended and encouraged Council to get additional bids to ensure the City is getting the best price. Mayor Reinhard stated it appears no one got additional bids. Council member Nottingham stated the proposed cost of the upgraded system is nowhere near \$50,000 so additional bids are not required. Council member Hoffman stated he would like to clarify that at the last meeting, Council member Nottingham thought it would be a good idea to get additional quotes. Council member Nottingham stated she did think it would've been a good idea but no one did it. She doesn't feel this should be held up any longer since it's well under the required bid amount of \$50,000. Council member Thornton stated he can extend the quote if needed. Council member Nottingham made the motion to approve the acquisition and installation of the upgraded security system per the quote in the amount of \$4,933.39. The motion was seconded by Council member Darst and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

7. DISCUSS AND ACT ON PRELIMINARY PLANS FOR ADA MODIFICATIONS TO PARKING AT CITY HALL

Mayor Reinhard stated Council has been provided the proposed plan to allow ADA parking at City Hall. The plans propose handicapped parking be moved to the front of City Hall. The first step is Council would need to approve the plans. We've asked the City Engineer to provide updated construction costs. The original estimate was in the range of \$10,000-\$15,000. If the plans are approved, the construction cost will be brought back to Council for approval. Council member Nottingham stated they will be removing the concrete in front of City Hall and she is concerned about the oak trees. She would like to have the City Arborist be involved so that no damage is done to the oak trees. Mayor Reinhard stated the City Engineer is aware of this and the plans state to regrade SOD as needed to match edge of concrete and minimize damage to existing tree roots. Laurie Hawkins stated a 12 inch saw cut along the tree side would minimize impact to the roots. Council member Thornton made the motion to approve the City Engineer's City Hall Accessible

Parking design with the addition of a 12 inch saw cut on the tree side. The motion was seconded by Council member Tiner and passed unanimously.

There was no further business. Mayor Reinhard adjourned the Regular Council Meeting at 8:27 p.m.

These minutes were written/recorded by Shamuan Kinsky.

These minutes were approved as written ~~amended~~ on the 22nd day of November, 2016.

Signed: Ronald G. Reinhard

Ronald G. Reinhard, Mayor