

The Regular Council Meeting of January 24, 2017 was called to order at 6:30 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley

Tom Haberman

Chief David Bejar

Brenda Reinhard

Mitch Thornton

Mike Lockwood

Don Reddout

Pat Warr

Kimberly Verity

Dana Jacobson

Neil Verity

Gigi Duke

Chandler Baker

COUNCILMEMBERS

Susan Darst

Lou Hoffman

Phil Howard

Jennifer Nottingham

Lynn Tiner

Mayor Reinhard declared a quorum with all Councilmember's being present. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Mayor Reinhard stated the first order of business is approval of minutes. The first set of minutes is from the October 25, 2016 Regular Council Meeting. Council member Nottingham stated she has the following corrections: Page 1, last paragraph, seven lines from the bottom, the record should reflect "restrict the property through a permit" rather than "to a permit". Page 2, under Presentation by Citizens and Visitors, Robert Kuhn is mentioned later; it would be helpful if the record was clear and reflects he's the Realtor of Mr. Carl Graves. Page 4, second line from the top, the record should reflect "that's how they're treating it" rather than "their". Page 6, Agenda Item No. 6, fourth line down, the record should reflect "stated" rather than "started". Page 7, Agenda Item No. 5, second line down, the record should reflect "we're" rather than "were". Page 8, third line from the top, it should reflect "Hillside bridge" rather than "bride". Page 8, fourth line from the top, it should be "stabilize" rather than "stable". Page 8, fourth line from the top, the record should reflect "will coordinate with the landowners adjacent to the creeks" rather than "with our neighbors". Page 8, fourth line from the top, it states "The second phase" but then on the sixth line, it states "'The second phase" again. Line six should reflect "The third phase". Page 8, second line from the bottom of the paragraph, the record should reflect "as presented" rather than "present". There were no further corrections. Council member Tiner made the motion to accept the Minutes of October 25, 2016 as corrected. The motion was seconded by Council member Darst and passed unanimously.

The second set of minutes is from the November 22, 2016 Regular Council Meeting. Council member Nottingham stated she has the following corrections: Page 3, under Madla Update, second line down, after it states "When they finished," add before the comma "the November 19th work session". They are having monthly work sessions and the record should be clear on what session is being referenced. Page 3, under Madla Update, fourth line down, the record should reflect "They sowed wildflower seeds" rather than "wallflower". Page 3, under Public Works Announcements, four lines down, the record should reflect "completely boarded up" rather than "completed". Page 4, Agenda Item No. 3, first line, the record should reflect "sits in for him" rather than "from". Page 5, Agenda Item No. 8, last line, the record should be clear and reflect "early part of 2017" rather than "next year". There were no further corrections. Council member Howard made the motion to approve the Minutes of November 22, 2016 as amended. The motion was seconded by Council member Nottingham and passed unanimously.

Council member Hoffman stated he discovered that we don't have the minutes on the City website since January 2016 and asked if this has been addressed. Mayor Reinhard stated he's talked to Shannan about it and it will get addressed in the near future. She is the one who posts the minutes on the website and has had to prioritize as she's been extremely busy. Council member Hoffman stated he doesn't understand, Council just approved two sets of minutes, it's all digital, why can't they be posted the next working day.

PRESENTATIONS BY CITIZENS AND VISITORS

Mayor Reinhard stated the next order of business is Presentations by Citizens and Visitors. This is an opportunity for citizens to bring items to council. There can be no discussion however, Council can ask questions for clarification.

Pat Warr stated she would like to speak about Agenda Item No. 7 on Amending the Oak Wilt Ordinance. She asked if she could wait and be recognized during that discussion. Mayor Reinhard advised she can speak at that point.

Mitch Thornton stated he would like to read comments from a couple different emails. Mr. Thornton stated the first email dated December 12, 2016 is to the Mayor from Council member Hoffman whereas "Council member Hoffman states to the Mayor that he has submitted his house plans to the City for review. The house will be constructed with materials and procedures that are common to this area. He's retained an engineer to design his plans. As part of the agreement, the engineer will be performing the inspections that pertain to the designs. Given that, as a member of City Council, he's been highly critical of Bruce Bealor, the City Building Inspector, even including a report recently submitted to the Attorney General. He hopes that the Mayor is in agreement that it's prudent for Mr. Bealor to excuse himself from making inspections on his property and accepts inspection reports from his engineer. He warns the Mayor that it would be wise to keep this as low-key as possible as he doesn't think it would be useful to air this in a City Council Meeting as it would rehash a series of events involved in the 18419 Sherwood Trail precipitating report by him to the Attorney General's Office. Mr. Bealor should be urged to accept his engineer's inspections which would be the path of least resistance to ensure no bias or prejudice is involved". Mr. Thornton stated his question is, how we have a member of Council trying to get around the very rules that they put in place and all other citizens must follow. Mitch Thornton stated the second email dated October 10, 2014 was sent by Council member Hoffman to him when he was a Council member whereas "Council member Hoffman states to Council member Thornton that he should step down from serving on City Council because of an angry response to Mr. Vyverman and that he's doing this community a disservice by continuing to serve on Council". Mitch Thornton stated from a third email within the last couple of weeks to the Police Chief from Council member Hoffman whereas "Council member Hoffman states to the Police Chief that he is acting as the Mayor's bitch". Mayor Reinhard advised Mr. Thornton that he has exceeded his time. Mitch Thornton stated the third email is because a Police Officer had to stop Council member Hoffman's new construction because proper permits were not obtained. Council member Hoffman stated the emails he sent to Mitch Thornton as a Council member encouraged him to step down because of the very angry exchange he had with Mr. Vyverman and he even recommended Council member Thornton seek anger management classes.

Tom Haberman stated he's here in support of Pat Warr. He's been a member of this community since 1979. He's always been interested in the division we've had between the City, Volunteer Fire Department and SLPC. It's such a small community that we should all pretty much be on the same page, but were not. Laurie Hawkins is not here this evening but he wanted to applaud her for bringing Ordinance No. 164 to the City regarding trimming our oak trees. He agrees with most of it but he's in his 70's now and it's expensive to hire somebody that's a certified tree trimmer. He personally can still maintain some of his yard but Pat Warr can't. Pat has had the same man trimming her trees for years and years. She trusts him and he's like family. He wasn't trimming Oak Trees but was hassled in her front yard because he didn't have a permit and proper certification. Pat had to spend a couple thousand dollars for Matt Galvan to finish the job. Over the last 30 years that he's lived here, many people have paid for labor where there not certified tree trimmers. At some point, we're all going to get to a place where we can't do our own tree trimming. Tom Haberman stated he doesn't want to start trouble as he likes the ordinance but would like to suggest to Laurie Hawkins that maybe an exception to requiring a certified tree trimmer could be if the owner is actually physically present and supervising whoever's doing the work. He thinks that would be reasonable for people that aren't able to shell out the kind of money required for certified tree trimmers.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard stated the next order of business is the Financial Reports which Council has been provided. He stated we're still moderately early in the year, but we're doing acceptably well overall. Income is ahead, which is normal because of payment from GFU. Most of the expenses are around the 25% range which is roughly a quarter of the year. Nothing stood out that wasn't previously discussed. Mayor Reinhard stated Council has been provided the City Attorney's monthly activity which included research on the gift of two lots to the City, interpretation on replats and review of a contract for collection of delinquent taxes. All was done within our Monthly Retainer.

COUNCIL/STAFF ANNOUNCEMENTS – None.

COMMITTEE ANNOUNCEMENTS/REPORTS – None.

GREY FOREST COMMUNITY BOARD (GFCB) UPDATE

Mayor Reinhard stated Laurie Hawkins isn't present this evening but Board member, Madeline McCloskey would provide an update. Madeline McCloskey stated at the last Board Meeting, they worked on the list of volunteers for the Creek Restoration Plan outlining who needs to be where and when to implement the plan. They've received the signs for the trails and next need to identify locations to be installed. Brad Nettle who is an Architect, is going to design a set of plans to remodel the clubhouse to make it ADA compliant. His suggestion is to not change the existing footprint and will provide different options. The plans will need to be reviewed and approved by the City Engineer. The content for the kiosk at the clubhouse is being written up and will be presented at the next Board Meeting. The Board has set up a number of dates to hold permit drives for citizens to get their wrist bands and stickers for cars. A letter will be sent out to citizens and the ETJ notifying them of the permit drives and requirements of the permit to use the pool, creeks, etc.

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated the Madla Board had no monthly work sessions in December but picked back up and had one on January 21st. They only had a few volunteers but were able to get a lot done. They put together a plan on a fence that needs to be repaired. They continued cleanup at the pavilion and gained a brand new volunteer out of the work session. They have not had the prescribed burn yet. The April 1st fundraiser is coming together very nicely. The keynote speaker is Dixie Watkins. He will speak on The Northwest Arch. There will be a silent auction which Brenda Reinhard is running. Brenda Reinhard stated she would like to find one additional volunteer to help with the silent auction. Council member Nottingham stated the next Board Meeting is Sunday, January 29th at 6:00 p.m.

BOARD OF ADJUSTMENT UPDATE – None.

POLICE DEPARTMENT ACTIVITY REPORT

Chief Bejar reviewed the December 2016 Monthly Activity Report. There were 98 calls for service, 917 hours worked, 5056 total miles driven, 43 traffic stops, 43 summons issued, 10 warnings issued and 3 total arrests. Council member Hoffman asked Chief Bejar if the Police LTD vehicle is still amongst us. Chief Bejar stated we do have the vehicle and are in the process of trying to get the title.

PUBLIC WORKS ANNOUNCEMENTS

Mayor Reinhard stated Chris Mikel is not here this evening as he wasn't feeling well today but did provide the November and December 2016 Monthly Activity Reports for Council. Mayor Reinhard stated Public Works continues to do a great job for the City and work on tree trimming, citizen's brush chipping, road work, regular upkeep and animal control.

GFU UTILITY ANNOUNCEMENTS

Mayor Reinhard stated Jeff English was at the last Council Meeting and discussed a potential plan for replacing the water tank that we have now and are still working on trying to get everything finalized.

FIRE DEPARTMENT REPORT

Don Reddout stated there were three calls for service in the City for the month of December 2016; one No Response and two Fire. The fire calls were a fire prevention and an unauthorized burn. Don Reddout stated he didn't have any other details on those calls but doesn't think there's a reason for concern. The average response time was 1 minute and average personnel of 3.33. Council member Hoffman asked Don Reddout if the fire trucks have GPS on them. Don Reddout stated the County knows where the trucks are at all times.

NEW BUSINESS:

1. DISCUSSION AND ACTION ON AGREEMENT TO REVIVE AND EXTEND CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

Mayor Reinhard stated the Office of the Tax Assessor collects taxes for the City of Grey Forest. If someone doesn't pay their taxes, it goes into the collection process and Linebarger Goggan Blair & Sampson, LLP handles that process for the City. The City has had a contract with this firm for many years to handle the collection process. Mayor Reinhard stated what has happened is the contract lapsed September 1, 2010. Council needs to revive and extend the original contract retroactively for two (2) extension periods of five (5) years each beginning on September 1, 2010 and expiring August 1, 2020. The agreement states both parties fully intended to extend the contract in accordance to the identical terms of the original contract executed on August 10, 2005. Failure to renew the contract upon its expiration date was the result of administrative oversight and not intentional. The City of Grey Forest ratifies all actions specifically undertaken to fulfill the terms of the contract since the expiration. Edra Anderson Bush stated she is one of the attorneys with Linebarger Goggan Blair & Sampson. She stated unpaid taxes are turned over to their firm by the Tax Assessor-Collector for collection in July of every year. Currently, Grey Forest has 12 accounts that are delinquent. That represents a total of \$2,351.93 that is due and owing to the city. Of those 12 accounts; five of them are in litigation, one has an over 65 exemption on it, one has a deferral on it and then you have five accounts that are less than \$25.00 which is under the value limit so they're not able to really do much about those. Their office provides the City an annual report of where the city stands in its collections. When taxes are turned over to them for collection, they are typically already about 94 percent collected so the taxpayers actually do a pretty good job of paying their taxes. Then their firm is able to get them closer to 100 percent. They approach each delinquent account by sending mailings, phone calls and engage in litigation as necessary. When taxes are unpaid, there's a penalty, roughly 20 percent that goes to the firm and the City still receives the total amount of taxes they're entitled to. Edra Anderson Bush stated she hopes the City of Grey Forest continues to do work with their firm. It's an honor and privilege to represent Grey Forest in this effort. If the City has any questions or concerns, they urge us to contact them. Council member Howard made the motion to accept the Agreement to Revive and Extend the Contract for the Collection of Delinquent Taxes with Linebarger Goggan Blair & Sampson LLP. The motion was seconded by Council member Tiner and passed unanimously.

2. DISCUSSION AND ACTION ON PRELIMINARY PLANS SUBMITTED BY MOBILITIE INTELLIGENT INFRASTRUCTURE FOR PLACEMENT OF A POLE STRUCTURE

Mayor Reinhard stated the city was approached and supplied a preliminary plan by Mobilitie Intelligent Infrastructure to place a telecommunication pole behind the Grey Moss Inn in the City right-of-way. Mike Lockwood with Mobilitie stated they are a third-party company that is going across the nation building new infrastructure for wireless data. He stated everybody lives and dies by these little supercomputers and so now what's happening is the infrastructure was designed for 3G, there are some spots where they can get 4G but what they're doing is bringing it up to the 5G level. What that requires is for them to install this new infrastructure in the public right-of-ways. It's changing the way wireless data is viewed and moving towards a public utility. They are granted a CTP, Certified Telecom Provider status which allow them to be in the public right-of-way. They still have to go through the normal protocol and procedure in each and every jurisdiction. Grey Forest has been identified as an area where the signal is not good at all and they would like to propose to put in one of their towers, it's a 120-foot cylinder pole. They are open to a better site that would be more suitable for Grey Forest. Because they would be utilizing the City right-of-way, a Franchise Agreement would need to be established. They are in negotiations with most of the providers; AT&T, Verizon and T-Mobile but this particular column is Sprint. Coverage will depend on capacity usage. The idea behind these poles called small cells, is to get the signal we already have and separate it here, on a lower level. Every pole gets a power source but there is no automatic generator so if there is no power, then it just shuts down. It's designed to just saturate the signal. If we have a breakdown, the signal will be limited. The City has the ability to put a wireless receiver on the pole to receive signal. That has been a negotiation point with many cities where Mobilitie will put up the pole, a small cell unit on the pole and

if the City has the equipment, they will put it on the pole for the City. All expenses would be Mobilitie's except for the cost of the wireless receiver. Mike Lockwood stated considering placement of a wireless receiver, his proposal for pole placement would be on City Hall property where you already have Civil Service. The design they've come up with for the pole is a cylinder-type design. They have some done designs such as a palm tree in L.A. but he's not sure if that would fly here. The pole could be painted a different color to fit in with the community. The pole does have a flashing red light on the top. Mike Lockwood stated he's been authorized to offer two options for a Franchise Agreement. There's a flat-fee amount of \$500 per year or 4 percent annually of the revenue they generate off the pole. At this point because they don't have that historical data to back it up, they can't say what that would be. Some cities are talking about a five-year Franchise Agreement so it can be reevaluated when there's data. Mayor Reinhard stated his question for Council is if this is something they would like to consider exploring. We are not taking an official vote or approving this, just an agreement to move forward with negotiations, site selection and then come back to council for consideration. Council agreed they would like to explore the option. Mayor Reinhard asked if any Council members would be interested in taking the lead on this. Council member Howard stated he would be interested. Mayor Reinhard stated Council member Howard will lead the negotiations with Mike Lockwood. If he would like to bring in others to assist, that would be fine as long as it doesn't constitute a quorum. He asked Council member Howard to report on this at the next Council Meeting.

3. DISCUSSION AND ACTION ON APPOINTMENT OF CITY ATTORNEY PURSUANT TO ORDINANCE NO. 17 (10/2/79)

Mayor Reinhard stated as Council may recall, we're supposed to annually act on the appointment of the City Attorney. In June 2016, Council voted to extend the appointment of the City Attorney, the Jacobson Law Firm to the end January, 2017. Dana Jacobson with the Jacobson Law Firm is here this evening to answer any questions. Dana Jacobson stated the Jacobson Law Firm, or some iteration of it, has been the City Attorney for about the last 35 years and it has been an honor. They feel they have been generally responsive to the needs of the City and they react promptly. Council member Hoffman stated he brought this item up as he has problems with the way Mr. Jacobson has acted towards the requests for information he sent as a Council member to the City Attorney. To him, it seems as though Mr. Jacobson has become the Mayor's and City Secretary's personal attorney. He doesn't see him acting as a City Attorney. Last March, when Mr. Jacobson was here, Mr. Jacobson stated that he didn't have the right to ask questions as a Council member but then when he asked questions regarding the investigation of what he's calling Sherwoodgate, Mr. Jacobson stated any questions have to go through the Mayor and City Secretary. The whole purpose of him asking the questions were because he was concerned about actions they made that were questionable. Council member Hoffman stated it's not really an effective check and balance if it has to be filtered through people that he has questions about. Furthermore, Mr. Jacobson stated this is a policy that their firm has but it's not in accordance with our Ordinance No. 17. Dana Jacobson stated this is a working policy that the Jacobson Law Firm and prior firms have had. There are multiple City Council Members and heads of departments, if everybody is coming to them directly and asking them to do work, it becomes prohibitively expensive for the City because they can't respond to seven or more people's emails, requests for information or legal opinions at the same time within a \$1,000-a-month retainer, it's just not possible. It's been done as an administrative function that they've been very consistent and clear on. They don't do politics, only give legal advice in an impartial and nonpartisan way. Rather than being asked the same task multiple times, they have a single point of contact and they are sent through them to be answered. They answer in accordance with the law. Council member Nottingham stated a Council member doesn't call the City Attorney directly. It's administrative and should be directed through those channels. That was explained to her many, many years ago and she abides by it. Council does have access to TML for legal advice. Dana Jacobson stated TML is good and also understands the tension of being a Council member. Council member Hoffman stated he spoke with TML and it has been the biggest disappointment since being on Council, it's been worthless. In addition, we all know that how you ask a question; is how you can get the answer you want. Mayor Reinhard stated he has forwarded Council member Hoffman's emails directly to the City Attorney with its original context. Council member Hoffman stated should Mr. Jacobson continue as our City Attorney, he has

come across the signature page on ordinances from other cities where the City Attorney signs the ordinance “Approved as to form”. After working on Ordinance No. 45B for six years, he finds it extraordinary that after all that work, it was deemed unenforceable. In the future, any ordinances the City is working on should be signed “Approved as to form and intended purpose”. Dana Jacobson stated he has no problem with approving the form of an ordinance but it’s not the City Attorney’s job to decide Council’s purpose. Mayor Reinhard stated first of all Ordinance No. 45B was not worked on for six years. It was initially started when Mayor Don Darst was in office. It was not worked on constantly. Secondly, Ordinance No. 45B was not deemed unenforceable. Ordinance No. 45B is absolutely enforceable and has been enforced. Regardless of different opinions, it has been enforced to what is written in it. Council member Hoffman stated there are months when the hours of the City Attorney’s monthly retainer aren’t used. He thinks it’s appropriate during these months that the City Attorney review old ordinances and put the signature line “Approved as to Form” on them. He feels a revolving review of ordinances is probably appropriate. Shannan Kinsley stated there are several months that the City Attorney goes above and beyond the hours our monthly retainer covers. They have put in countless hours and typically don’t charge over the \$1,000 retainer. Mayor Reinhard stated he has no problem with adding a signature block “Approved as to form” on new ordinances but completely disagrees with a revolving review of old ordinances. Council member Nottingham stated many years ago, it was the Mayor and City Secretary writing ordinances but in recent years she thinks we have been consistently sending them through the City Attorney. There was Council discussion on trying get all appointments done at the same time versus staggered terms. Mayor Reinhard stated we are in the process of establishing a calendar that will track all required appointments. Mayor Reinhard stated he’d like to entertain a motion. Council member Howard made the motion to appoint The Jacobson Law Firm as the City Attorney for a period of February 1, 2017 to January 31, 2018. The motion was seconded by Council member Darst and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

4. DISCUSSION AND ACTION ON MAYOR’S RECOMMENDATION FOR APPOINTMENT OF BOARD MEMBER TO FILL THE UNEXPIRED TERM ON THE BOARD OF ADJUSTMENT

Mayor Reinhard stated Phil Howard was on the Board of Adjustment prior to being appointed as a Council member. We typically don’t have Council members on the Board of Adjustment so we are looking to fill his position. It has been our practice to approach Alternate Board members first to see if they would be interested in filling a Regular Board member position. Sue Peavy has been our longest serving Alternate Board member and she is interested in filling this position. Mayor Reinhard stated he recommends that Council appoint Sue Peavy to fill the unexpired term of Phil Howard. Council member Nottingham made the motion approve the Mayor’s recommendation and appoint Sue Peavy to fill the unexpired term of Phil Howard as a Regular Board member on the Board of Adjustment. The motion was seconded by Council member Tiner and passed unanimously.

5. DISCUSSION AND ACTION ON ORDER OF ELECTION FOR MUNICIPALITIES FOR THE MAY 6, 2017 GENERAL ELECTION

Mayor Reinhard stated every year we have an opportunity to have an election. Council has to formally order the election. The Order of Election is for Council member Places No. 1, 3 and 5. The office of Mayor alternates every other year. The election must be ordered by February 17th. The City contracts with Bexar County Elections Department to conduct our election. Early Voting begins on April 24th and ends on May 2nd. The election is on May 6th. The last day to file an application for office is February 17th. Council member Howard made the motion to approve the Order of Election for Municipalities for the May 6, 2017 Election. The motion was seconded by Council member Hoffman and passed unanimously.

6. DISCUSSION AND ACTION TO CONSIDER AMENDING ZONING ORDINANCE NO. 45B AS AMENDED FOR PROPERTY OWNER REQUESTING AN EXEMPTION

Mayor Reinhard stated basically there has been a request made that the City considered not using our City Building Inspector on a new building project. There have been a number of emails that have gone back and forth on this and the

basic discussion here is does Council want to consider making an amendment to the ordinance to allow for this. Council member Hoffman stated you give him credit for this when he didn't make a request for this to be put on the Agenda but so be it. He stated he's not asking for an overall general rule change from our appointed City Building Inspector. He does have questions to the fact that Mr. Bruce Bealor, not his son or organization was appointed in February of 2007 apparently for life. He spoke with the City of Helotes today where they also work and they maintain a contract with him. So one of his points is that we don't have a contract with Mr. Bealor. We just renewed a contract with The Jacobson Law Firm, we have a contract for trash pickup; but we don't have a contract for this gentleman who provides services to us. Council member Hoffman stated he requested his letter to the Attorney General's Office along with supporting documentation be included in the minutes tonight for clarification. These minutes would be completely confusing without this information to clarify the point he made about Mr. Jacobson and now Mr. Bealor. Mr. Bealor was mentioned in the same exact investigation and refused to answer his questions until he asked Mr. Bealor is he lives at such-and-such address because he thinks he works out of his house. Suddenly, he received an email response from Mr. Bealor because he probably thought he was going to show up at his home. And to go one step further, going way back to when he very first started investigating buildings, he told Shannan that he was going to build differently, not the way it's done here in South Texas and would like talk to our City Building Inspector. Shannan advised she would have the Building Inspector call him. That's when he learned the City Building Inspector calls you and unless you're sitting by the phone waiting for him, his number is blocked so you can't call him back. Granted, a Building Inspector doesn't need to be bothered with some yahoo's silly questions, but there are ways of doing things such as giving out your email address to communicate. The fact is that Mr. Bealor is not strong in communication and now that he's mentioned his poor communication in his letter to the Attorney General, he certainly will be biased against him. It's certainly within the International Building Code that Mr. Bealor could just say, I will accept inspections from other accredited individuals and that's all he has asked for. His project is engineered and an Engineer trumps a Building Inspector. All he has tried to get from the Mayor is to say, yes there is a potential conflict of interest. International Code Compliance, the organization that accredits Mr. Bealor, has a code of ethics that advises Building Inspectors shall not perform work where there might be a conflict of interest. He's trying to make it easier for everybody all around, where's it's not uncomfortable will all involved. The whole point of this is to build safe structures. Council member Hoffman stated he will abstain from this vote however Council wants to handle it as he's involved. Mayor Reinhard stated there has been quite a bit of discussion and email traffic going on concerning this subject. Council was added to some of it but not all. There was no decision made. Council members did not join the discussion, only copied at times so there was never a quorum. Mayor Reinhard asked Council member Hoffman if he agreed with that and he stated yes. Mayor Reinhard stated he did speak with the City Building Inspector regarding this and he stated he has absolutely no issue with Mr. Hoffman as a Council member or a citizen. He has no personal animosity with him. Mayor Reinhard stated the City has held the position that there is no conflict of interest. Mr. Bealor doesn't have any interest in the project except that it is built well. The City has held the position that Council member Hoffman needs to follow the ordinance which means the project would be inspected by the City Building Inspection with the exception of the foundation of which he will accept a certified letter from the Engineer. Framing, plumbing, electric and HVAC would be under the purview of our City Building Inspector. Council member Howard stated there's more to the foundation than just the steel and placement of that sort of thing. There's plumbing and electricity that is involved which can't be inspected by the Engineer. He hasn't given the Building Inspector the opportunity to show that he's not objective. Council member Hoffman stated he's asked the Mayor for a statement from the Building Inspector stating he will subscribe to his code of ethics and he refuses to do that. Mayor Reinhard stated the Building Inspector has not refused to provide Council member Hoffman that statement. As Mayor, he refuses to request that statement from Mr. Bealor. Council member Nottingham stated she sees no reason to change the ordinance. The Building Inspector has responded to all the plans that have been submitted. He's been very professional and detailed on what is required. He has communicated this but the City continues to not receive the required information. Council member Tiner stated he personally would rather have the Building Inspector nitpick everything so that he knows it's built right. Mayor Reinhard stated we're going to move on. Council member Hoffman stated he'll go by and visit with him then. Tell him I'm coming. Shannan Kinsley asked if that was another threat. She will let the City Attorney know. She stated you threaten me all the time and accuse my professional character. Council

member Hoffman stated he can't threaten her because you never know when she's here. He stated just tell him I'm coming. I want to visit with him, we've never met face-to-face. Council member Darst asked what that means exactly. Here we have a Council member asking for special favors. Council member Hoffman stated it is just sad what's going on in the City and left the meeting. It was noted that Council member Hoffman left the meeting at 8:10 p.m.

Mayor Reinhard called a brief recess. The meeting was reconvened at 8:14 p.m.

7. DISCUSSION AND ACTION TO CONSIDER AMENDING ORDINANCE NO. 164 AS AMENDED ESTABLISHING RULES AND REGULATION REGARDING OAK WILT

Mayor Reinhard this topic was brought to Council a couple of months ago. It was placed on the agenda for Council to consider if they wanted to amend the ordinance. Mayor Reinhard asked Pat Warr if she wanted to speak at this time. Pat Warr stated she's been a long-time resident of Grey Forest, about 35 years. During that time, she thinks she has been a very good custodian of her property. She's done that by hiring responsible people and they have maintained the integrity of her home. Then along comes Amending Ordinance No. 164 and we've divided our citizens into two parts. Those with a saw with the physical ability to do their own cutting and the people without a saw because they can't climb a tree. This really puts her at a disadvantage and everyone else of her maturity. Those with a saw may or may not have knowledge of what tree is what, but they can get after it on their property with no permit, penalties or fines. But she or anyone without a saw, is mandated by the City to hire a licensed tree maintenance individual that cost her \$2,000 this month. Then if she's noncompliant, she could pay fines of anywhere from \$25 to \$1,950 with no recourse. The fact is that she has maintained her property by hiring a responsible person that has been with her for over 30 years. Let her prove that this individual is responsible, as is anyone she would hire. She has that much invested in Grey Forest. Pat Warr stated what she's asking of Council is that they look at the ordinance again. The ordinance emphasizes on Oak Trees. One little sentence in there says "all trees". If Council would at least consider allowing her to responsibly hire help even if they couldn't touch Oak Trees, everything but. Her other suggestion is that if Council will not work with citizens on this, she suggest that the City offer citizens financial support for those who are unable to afford this level of service. Mayor Reinhard opened it up for Council discussion. Council member Howard stated it's very clear that this is an Oak Wilt Ordinance. If it's not an Oak Tree, it shouldn't fall under this. The ordinance should only apply to Oak Trees to prevent Oak Wilt. Council member Darst stated the ordinance does specifically address Oak Wilt. She can see how it could put you at a disadvantage if trimming anything other than Oak Trees. Council member Tiner stated we definitely need to keep obtaining a permit in the ordinance so it gives us the opportunity to educate even if they don't need the Tree Maintenance License. Council member Nottingham stated the history behind this is does the individual you hired really know what tree is what because we have had this situation in the past. Then you're risking bringing Oak Wilt into the City and it's too late, the damage is already done. She suggests that since Laurie Hawkins drafted the ordinance for the City, she would like to bring it back to her to see what kind of compromise we can come up. Mayor Reinhard stated he agrees education is most important. Given the input we've received, he would like to bring these concerns back to Laurie Hawkins and get her thoughts on it. Mayor Reinhard stated we will continue to work on this and appreciates Pat Warr for bringing this to Council.

8. DISCUSSION AND ACTION ON CHANGING THE TYPE OF MAILBOXES THAT ARE NOW ON CITY PROPERTY

Mayor Reinhard stated there were some thoughts about changing the mailboxes across from City Hall several years ago with the intent of putting in lockboxes for the more security. At that point, it wasn't City land and we couldn't invest in non-city property. Now that it's City property, does Council want to consider investigating looking at the expense of getting locked mailboxes. We have two sides; some people like the mailboxes because they're quaint and other are concerned about mail theft. There was an incident two or so weeks ago where all of the mailboxes were opened. We do not have any evidence that something is missing or anything was wrong; however, it was brought up that the City should consider locked mailboxes. In addition, it was discussed that the locked mailboxes by the Grey Moss Inn is a safety hazard. Menchaca has the biggest issue with mail theft but it is in the ETJ and the mailboxes are not occupied by

citizens. There was further discussion on possibly moving the location of the mailboxes to the clubhouse but would need to confirm that it doesn't violate our deed restrictions. Liability was discussed and does the City want to get in the middle of the Postal Services. Mayor Reinhard stated mail theft is an ongoing issue. His question is if this is something Council wants to investigate and look further into. Council agreed they would like to investigate further. Mayor Reinhard asked if any Council members would like to take the lead on this. Council member Darst stated she would take the lead. Mayor Reinhard asked Council member Darst to report back to Council at the next meeting.

Mayor Reinhard stated he is going to move to Agenda Item No. 10 and will go back to Item No. 9.

10. DISCUSSION AND ACTION ON USE OF GPS TRACKING ON CITY VEHICLES

Mayor Reinhard stated Council member Hoffman brought this item up for a variety of reasons. One in particular is to have GPS tracking on all police vehicles. In addition, he recommended that the tracking also be put online so all citizens could know where the police vehicles are at any time. This is absolutely not acceptable as it would put our officers in danger if people were to be able to view where they are at all times. The other concern is that GPS data becomes public records and you don't want to develop patterns. When considering this, would we also want to include Public Works. Council member Tiner stated he sees no need for GPS tracking. Council member Nottingham stated putting something like this online would put any emergency personnel in danger. Council member Darst stated she sees no need for GPS tracking on vehicles unless Chief Bejar wants this. Chief Bejar stated they actually have a GPS unit that they alternate between two patrol units. The data is checked randomly and is kept for about two weeks. Mayor Reinhard started part of this was because a few citizens noticed police vehicles sometimes outside the City. What needs to be understood is that they could be out getting gas or like any emergency vehicle or service, if you are on lunch and receive a call, you're required to have your emergency vehicle to respond. They've had stolen property recovered that an officer had to pick up. There's a lot of reasons to go outside the City that are not personal. Mayor Reinhard stated his opinion is that they've hired a good Police Chief and he hires good officers. There's not a need for vehicle tracking unless the Police Chief requests it. Council member Howard stated he trusts the Police Chief and his officers. He agrees there is no reason to look into this unless the Chief wants it. Mayor Reinhard stated it sounds like there is no action on this other than advising the Police Chief that if he feels we need GPS tracking in the police vehicles, to come to Council with a request. Council member Nottingham stated she would like to put forward a motion so that GPS tracking is not mandatory and the Chief can use the device he has at his discretion. Council member Nottingham made the motion to confirm support of the Police Chief and that the current GPS tracking system and procedures on police vehicles is sufficient and satisfactory and that there is no need for any GPS tracking on the Public Works vehicles. The motion was seconded by Council member Darst passed with 4 YES and 0 OPPOSED.

11. DISCUSSION AND ACTION ON CITY HIRING PROCESSES

Mayor Reinhard stated Council member Hoffman raised concerns about how the City hires people. We don't necessarily have a written process on the of the hiring steps however, in Council procedures and the Employee Handbook, the Mayor is in charge of the City staff and can decide how to handle those things. We typically, even if we go outside the City, can promote or appoint from within which is mostly done in the Police Department venue. Then we do go outside and publish in the newspaper. This has been mostly been done with Public Works and we receive very few responses. In addition, we have SWBC as our Human Resource Administrator that can help us if needed. Mayor Reinhard stated although we have a standard process that is followed; it's not in writing and the question is if Council wants to work on developing a written hiring policy. Council agreed there no need to take action on this item.

UNFINISHED BUSINESS:

12. DISCUSSION AND ACTION ON ADA COMPLIANCE UPDATE

Mayor Reinhard stated a formal complaint was filed with the State again the City for the handicapped parking at City Hall not being ADA compliant. The City has been working on bringing it up to code. Construction has been postponed

because of the recent rain but will most likely start next week. Construction should be completed in approximately two weeks weather permitting.

NEW BUSINESS

9. PERSONNEL: MATTERS RELATED TO EMPLOYMENT OF A POLICE OFFICER (EXECUTIVE SESSION)

Mayor Reinhard stated we are now going to go into Closed Session on this item and he's required to read into record certain things. He stated we going into Closed Session of the government body and we do have a quorum of the government body. We first conducted an Open Meeting and notice has been given that we're going to into a Closed Session. This Closed Meeting will be held to consider matters related to employment of a Police Officer. The section that this applies to is Section 551.074, Personnel Matters, which authorizes deliberations about officers or employees of the governmental body to be held in Executive Session. This section does not require the government body to conduct an Open Meeting and are therefore, going into to Closed Session to deliberate the appointment, employment, evaluation, reassignment of duties, discipline, dismissal of a public officer or to hear a complaint or charge against an officer or employee. This section does not apply if the officer/employee is the subject of the deliberation or hearings and requests a Public Hearing which was not done here. Mayor Reinhard stated there has been a concern expressed about a Police Officer which will be discussed in Closed Session. No decision will be made in the Closed Session. After the Closed Session, Council will reconvene in Open Session and determine if any action will be taken. If anyone is interested in staying around, when the meeting reconvenes, it will be open to the public. Since this matter does concern Chief David Bejar as the department head and Council may have questions for him, he is allowed to go into the Executive Session with City Council.

Mayor Reinhard stated we are going into Executive Session at 8:58 p.m. on January 24, 2017. Present was Mayor Reinhard, Council member Nottingham, Council member Howard, Council member Tiner, Council member Darst, Chief David Bejar and Shannan Kinsley. Mayor Reinhard closed the Executive at 9:21 p.m. on January 24, 2017. The Open Session was reconvened at 9:22 p.m. on January 24, 2017.

9. DISCUSSION AND ACTION ON PERSONNEL MATTERS RELATED TO EMPLOYMENT OF A POLICE OFFICER

Council agreed that after discussions with Chief Bejar in regards to employment of a Police Officer, they didn't find any reason that any action that needs to be taken. There's absolutely no problem with the hiring of any of our officers to date or continuing employment. All officers are operating well, in particular, the officer that was discussed during the Executive Session. Council member Nottingham stated she would like have it in the minutes that Council supports our Police Chief in his hiring practices and in the people that he has chosen to take care of our City. Council member Darst stated she agrees with Council member Nottingham and would like to give her individual support. Council member Howard stated he would like to make a motion of support. Council member Tiner agreed with Council member Howard. Council member Nottingham made the motion to support the actions of the Police Chief in hiring and maintaining a Police Department for the City of Grey Forest; and acknowledging complete professionalism and appreciating all the officers in the department as valued resources. The motion was seconded by Council member Howard and passed with 4 YES and 0 OPPOSED.

There was no further business or discussion. Mayor Reinhard adjourned the Regular Council Meeting at 9:52 p.m.

These minutes were written/recorded by Shannan Kinsley.

These minutes were approved as ~~written~~ amended on the 23 day of May, 2017.

Signed: _____

Ronald G. Reinhard, Mayor