

The Regular City Council Meeting of July 24, 2018 was called to order at 6:30 p.m.

**MAYOR**

Phil Howard

**OTHERS**

Shannan Kinsley

Sean Skaggs

Chief David Bejar

Meredith Dornak

**COUNCILMEMBERS**

Susan Darst

Don Reddout

Jeff English

Jennifer Nottingham

Gigi Duke

Kelly Dawley

Lynn Tiner

Madeline McCloskey

Dailey and Wells, Director of Engineering

Kimberly Verity

Ryan Henry

Robert Adelman

Pat Howard

Mayor Howard declared a quorum with all Council members present. The meeting was started with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes of the March 27, 2018 Regular City Council Meeting were reviewed. Council member Nottingham made the motion to accept the March 27, 2018 minutes as written. The motion was seconded by Council member Tiner and passed with 3 YES and 1 ABSTAINING by Council member Verity as she was not on Council at that time.

**PRESENTATIONS BY CITIZENS AND VISITORS** - None.

**MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS**

Mayor Howard reviewed the financials. He stated we're three quarters of the way through the year. There are a couple expenditures that are over budget. Legal and Litigation, Line Item No. 106; they've spoken about this before due to the various legal actions that are going on at this point in time. Public Works Equipment Maintenance and Fuel, Line Item No. 217; Public Works has been doing more work and fuel costs have increased. Overall; total expenses are at 69.2% and we're 75% through the year.

Mayor Howard stated as part of setting priorities and trying to improve efficiency to serve the citizens of Grey Forest; we have created a closed in house Administration Day at City Hall on Wednesday's from 1pm to 5pm. It will be a period where administration can do training, catch up on work, etc. The new hours of operation will be posted.

**COUNCIL/STAFF ANNOUNCEMENTS**

Council member Nottingham stated in early July she sent wording to Bexar County to consider a Resolution supporting the Scenic Loop – Helotes Creek Corridor. She received an email back that they received her proposed wording and would get back to her. They had a very well attended brainstorming meeting on the Scenic Loop – Helotes Creek Corridor efforts on June 28<sup>th</sup>. They came to an agreement that there needed to be several different subgroups. The Roads Group met on July 12<sup>th</sup> and will meet again on July 31<sup>st</sup>. They talked a lot about investigating roundabouts, road annexation and double yellow striping. The Neighborhood Group met this last Sunday. They're preparing bylaws to become a recognized community by the City of San Antonio so when a developer starts planning, they have to notify them. They are seeking recognition so that they have some standing when things happen. They will be recognized as a community, not as the City of Grey Forest. The City of Grey Forest is just involved in the efforts. The History Group has not set a meeting yet. The Greenspace/Water Group are meeting this coming Thursday. The next general gathering of the Scenic Loop – Helotes Creek Corridor is August 9<sup>th</sup> at 6:30pm at the Grey Forest Community Center. It's open to the public and they are trying to get as much people involved as she can.

**COMMITTEE ANNOUNCEMENTS/REPORTS**

Mayor Howard stated the detailed road survey of Grey Forest Drive and Sherwood Trail continues. It's slow because of the integration of so much data.

Mayor Howard stated Kathleen McCloskey isn't present this evening to give an update on BiblioTech.

## **GREY FOREST COMMUNITY BOARD (GFCB) UPDATE**

Madeline McCloskey stated at the last Board Meeting; they worked on clarifying the policy on renting to businesses. The Board voted not to rent to any group that charges more than the amount to cover the rental and supplies. The only exception will be to the Fire and Police Departments when they have training. Sometimes they charge but that goes back into organizations that provide services for our community. Valla Construction has not finished the Community Center renovation. We are holding the retainer and will follow up on it being completed. The Board has submitted their budget requests to the City. They appreciate the Mayor putting funds in the budget to clean debris out of the creeks.

## **SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE**

Council member Nottingham stated the Madla Board meets the last Sunday of each month so they haven't had a meeting yet. They had a Work Session with two volunteers from The Church of Jesus Christ of Latter-day Saints; James Stevens being one of them. They helped with marking the trails. The next Work Session is the third Saturday in August at 9am. The Next Board Meeting is July 29<sup>th</sup> at 6pm. They will discuss their next fundraiser. In addition, they will discuss accepting the resignation of one of their Board members.

## **BOARD OF ADJUSTMENT UPDATE** - None.

## **POLICE DEPARTMENT ACTIVITY REPORT**

Chief Bejar reviewed the June 2018 Monthly Activity Report. There were 150 calls for service, 942 hours worked, 5744 total miles driven, 47 traffic stops, 40 summons issued, 8 warnings issued and 1 arrest.

## **PUBLIC WORKS ANNOUNCEMENTS**

Mayor Howard stated Public Works has ordered portable covers to save vehicles and equipment from the sun and other weather elements. They should be installed by late August. They have purchased a new plate compactor. The wood chipper was broken last week and has been repaired. Chipping has resumed and they should be able to finish citizens chipping shortly after Labor Day. Thanks to Grey Forest Utilities, Public Works now has water at the Public Works Building. In the upcoming budget, they have a budget item to add electricity to the Public Works Building.

## **GFU UTILITY ANNOUNCEMENTS**

Jeff English stated the utility continues to do well. They're on budget across the board with new customers and financially. There's a lot of activity going on in the I-10 corridor. He had the opportunity to spend time with the Mayor last week and drive through a number of construction areas that they are working in. They will not be taking any action on Stage 1 Water Restrictions at this time because of the rain we received. Our wells are fairly resilient and they will continue to monitor them.

## **FIRE DEPARTMENT REPORT**

Don Reddout stated there were two calls for service in the City for the month of June 2018; one was assist EMS and the other was a public service call. The Average Response Time was one minute. Their new ESD sign has been installed. They are still experimenting with the lights. They have a dimmer switch so let them know if there are any complaints.

Mayor Howard stated they are going to retire into Executive Session as authorized by the Texas Government Code, Section 551.071. Mayor Howard asked for a motion by City Council to retire into this Executive Session.

## **1. MOTION BY CITY COUNCIL TO RETIRE INTO AN EXECUTIVE SESSION AS STATED ON THE POSTED AGENDA AND DISCUSSION OF: A) LITIGATION OF EDWIN SCHARF AND IRENE SCHARF V. THE CITY OF GREY FOREST B) DISCUSSION ON CITY BOUNDARY SURVEY RELATED TO ONGOING LITIGATION C) DISCUSSION OF SOLICITATION ORDINANCE NO. 24A AND POSSIBLE/THREATENED LITIGATION FROM MOXIE PEST CONTROL**

The motion was made by Council member Nottingham, seconded by Council member Darst and passed unanimously.

Mayor Howard adjourned the Regular City Council Meeting at 6:57 p.m. City Council went into Executive Session at 6:58 p.m. Mayor Howard adjourned the Executive Session at 7:47 p.m.

There was a short recess. Mayor Howard reconvened the Regular City Council Meeting at 7:53 p.m.

**NEW BUSINESS:**

**2. DISCUSS AND ACT IF NECESSARY ON LITIGATION OF EDWIN SCHARF AND IRENE SCHARF V. THE CITY OF GREY FOREST**

Mayor Howard asked if there is a motion. Council member Darst made the motion to instruct the Mayor to proceed as instructed by the City Attorney in Closed Session. The motion was seconded by Council member Nottingham and passed unanimously.

**3. DISCUSS AND ACT IF NECESSARY ON CITY BOUNDARY SURVEY RELATED TO ONGOING LITIGATION**

Mayor Howard asked if there is a motion. Council member Tiner made the motion to not take any action. Council agreed.

**4. DISCUSS AND ACT IF NECESSARY ON REVIEW OF SOLICITATION ORDINANCE NO. 24A AND POSSIBLE LITIGATION**

Mayor Howard asked if there is a motion. Council member Darst made the motion to instruct the City Attorney to proceed with his recommendation in Executive Session. The motion was seconded by Council member Nottingham and passed unanimously.

**5. DISCUSS AND ACT ON PROPOSAL BY DAILEY AND WELLS COMMUNICATION, INC. FOR AN ALAMO CITY REGIONAL RADIO SYSTEM**

The Director of Engineering with Dailey and Wells stated “they are constructing a new P25 System to upgrade the existing safety system that the area is currently on. One of the towers that they are looking at building is located in the City of Grey Forest up near the water tanks. It’s one of twenty eight sites total in the system. There are twelve existing sites and they are adding sixteen. This site is very important for the area. With the terrain in this area, it’s pretty challenging to get coverage. This is one of nine sites they are adding in the Northwest area. If they didn’t have this site, they’d end up with a coverage hole in this area for in-building coverage”. Mayor Howard stated when looking at their proposed plans, if this should be approved; he would recommend the following: 1) they build the Access Drive on Sheet A-5 as the ground and turn around area up there is terrible 2) a written agreement which clearly indicates the land is and always will be Grey Forest and any failure to maintain the tower and associated items by them or successor organizations will be willing to take all equipment down 3) entertain erecting and maintaining an IR Video Security System monitored by the Grey Forest Police Department that looks at the approach running up there 4) installing three phase power at the site as we need to look at future needs. The Director of Engineering from Dailey and Wells stated “these are definitely recommendations that can be considered”. Council member Darst stated she wanted to clarify this is a 175 ft. tower and asked if there would be lights on top of it. The Director of Engineering with Dailey and Wells stated “at this point, the FAA does not require a lighted tower and there’s no plans to put anything but public safety radio on the tower. The project would own the pole and would have to be in agreement with Grey Forest to use the land. They looked at the minimal tower height and this gave them the coverage they need. They are also looking at locating a tower in Helotes. This particular tower in Grey Forest would also cover some areas in Helotes and unincorporated areas of Bexar County. Anyone that’s public safety and currently part of the Alamo Area Regional Radio System will all have access to utilize this facility”. Ryan Henry asked if this tower falls under the Telecommunications Act. The Director of Engineering with Dailey Wells stated “it would be considered critical infrastructure”. Robert Adelman, Communications Manager with the Bexar County Sheriff’s Office introduced himself. He stated “Bexar County is one of the stakeholders in the project along with the City of San Antonio and CPS Energy. This site is critical for providing the necessary in-building coverage for first responders. As part of this project, Dailey and Wells has been tasked with going out to the entities to secure permission or find out if there’s any stumbling blocks for the sites. That way if there are any significant

stumbling blocks, they can revert to an alternative site. The Grey Forest site is one of the few places in the proposal where there really isn't a viable alternative. The alternative in this case would be to build nothing. It does not mean that Chief Bejar and the citizens of Grey Forest won't have radio coverage but it could be challenging. The actual lease or agreement would be with the City of San Antonio as the majority owner of the project. They are very aggressive as it relates to protecting critical infrastructure. The project is roughly 40 months or so from start to finish. They've had delays but really need to firm up tower locations so the next deliverable of detail design review can be met. The sites need to be nailed down very quickly". Mayor Howard stated that doesn't give us much time since we just received this and we don't work well under pressure. Robert Adelman stated "the City owns the property and can potentially dictate the terms of the agreement. Part of the thought of the stakeholders was is if they're going to build a tower, they can potentially generate revenue by leasing the site to cell phone providers or other public safety entities. The idea would be that if any revenue is generated from the towers, the money goes back into the enterprise to reduce their operating expenses. But again, it's the City's land and terms. The coverage will be much better than what the City has today". Council member Darst stated there's no question that first responders need all the help that they can get but Council represents a community that moved here for the environment. With this proposal, how many towers will she be able to see from this location. Robert Adelman stated "there is a proposed tower to be built in the Cash Mountain area of Helotes and one along Highway 16 on the San Antonio Ranch side. Some towers are pre-existing in the area and some are new". Council member Verity stated she would like to know what kind of traffic we can expect. Robert Adelman stated "during construction there will be a lot of traffic moving around but once the site is operational, historically speaking, a radio service technician will be sent out probably once every couple of weeks to make sure the site requirements are being handled". Jeff English stated we can't get ourselves in a situation where we'd have a problem servicing a well. Another key concern they have is losing power to a lightning strike and this looks like a giant lightning rod. Robert Adelman stated "it would be helpful if the City can list out the things they'd want and quantify what those are; then they can bring it back to the larger group and collectively decide if it's worth pursuing. He stated the City is in a unique position as this site has no alternative that provides the level of coverage they need to support the area". Mayor Howard stated he would like to table this item as a Discussion and Action Item on next the City Council Meeting Agenda. It allows Council time to think about what they want added in an agreement and decide if they want to move forward with it or not. Tabling the item also does not prevent further discussion and they can keep the dialogue going. Mayor Howard asked that any thoughts and/or ideas for negotiations be submitted to him by August 15<sup>th</sup>.

## **6. DISCUSS AND ACT ON THE NOVEMBER AND DECEMBER 2018 REGULAR CITY COUNCIL MEETINGS**

Mayor Howard stated the November 27<sup>th</sup> Regular City Council Meeting falls on the Tuesday after Thanksgiving. He asked if anyone plans on being gone. There were no conflicts. The December Regular City Council Meeting falls on the 25<sup>th</sup>, Christmas Day. Mayor Howard proposed moving the meeting to December 18<sup>th</sup>. Council member Verity made the motion to maintain the November regularly scheduled Council Meeting on the fourth Tuesday and moving the December Council Meeting from the 4<sup>th</sup> Tuesday to the third Tuesday which is December 18<sup>th</sup>. The motion was seconded by Council member Tiner and passed unanimously.

## **7. DISCUSS AND ACT ON AMENDMENT TO THE CITY OF GREY FOREST CITY COUNCIL POLICIES, PROCEDURES, AND RULES OF ORDER FOR CITY MEETINGS**

Mayor Howard stated if you look at the Policies and Procedures on Page 8, Section 3.4.2.2, Agenda Contents, Paragraph 5; it states typical Announcements and Reports include: Use of City Attorney Report. He recommends Council delete Use of City Attorney Report. It's redundant, we're covering the same information when we go over the budget and it saves time. Addressing the details is also Attorney Client Privilege type of material. Council member Darst made the motion to remove the "Use of City Attorney Report" from the Grey Forest City Council Meeting Agenda's. The motion was seconded by Council member Verity and passed unanimously.

Mayor Howard stated the same paragraph at the bottom: Fire Department Report. We contract with ESD 8 and is not something we control. There seldom are any questions. It again takes time. He doesn't see the need to have it. If anybody wants the information, they can continue to provide it and you can get it from the City Secretary. Council member Verity stated she's okay with that if it is still going to be available. Council member Darst stated she likes the

report and wants to keep it. Fire is a profession of preparedness. It's important to continue that partnership because it's about talking about that one time that something happens. Council member Nottingham stated she is voting against it. We've lost so much connection with the Fire Department, this would be just one more little thing to split them farther away from us. There's going to be a time when we're going to need that connection. Mayor Howard stated we'll still have the report and information available. Council member Verity stated she agrees with the Mayor that it's a time waster for a representative to have to come and read the report; but she also strongly feels the personal relationships we have with our Police and Fire Department can't be brushed aside because of a report and we need to continue nurturing those relationships. Mayor Howard stated no action is needed. It's already in the procedures and we'll move forward.

#### **8. DISCUSS DOUBLE YELLOW STRIPING ALONG SCENIC LOOP ROAD**

Council member Nottingham stated this item came about during the roads subgroup committee meeting. They had several citizens of Grey Forest at the meeting that brought up the fact that at Bluehill there's no yellow stripes left so people are passing. She asked Chief Bejar and he agreed that it's a lot easier to enforce the law if we have double yellow stripes that people can see. She stated Bluehill is bad but the stripes are pretty much worn away the whole mile of the road. Mayor Howard stated we don't want to paint yellow strips just to be covered up and repainted. He stated remember from the Budget Workshop, we're working on Scenic Loop Road this coming year. For temporary purposes, if it's just the Bluehill area, he could see us doing something there but not to do the entire one mile of road. Council member Nottingham stated when she asked for this, she was asking for the entire road along Scenic Loop Road in our City limits. Council member Darst stated Helotes bid out the striping that they just did and it cost \$7,200 for the striping alone. Mayor Howard stated he spoke with Helotes Public Works and they striped .8 of a mile. To spend \$7,200 of the \$75,000 we have in the upcoming budget to put striping down and then to turn around and put road material down to only have to restripe it would not be a wise use of money. If there's an extremely dangerous spot, like this particular area; let's just take care of having somebody put striping there at this point in time. Council member Nottingham asked if we're just going to resurface Scenic Loop Road and not put bar ditches back in on the sides of the road for the water to run off instead of collecting. Mayor Howard pointed out to Council his budget presentation of the Short Term Plan, 1 year or less goals which states to begin road repair of Scenic Loop Road. He stated if the City does what Helotes just did and resurface Scenic Loop Road, there's enough money in our budget to do that but there's not enough money to do a major reconstruction of Scenic Loop Road that Council member Nottingham is talking about. Council member Nottingham stated it makes sense to just do the section at Bluehill as preventive now that she knows what we are doing with the roads. Possibly from Grey Moss Inn to the other side of the creek. The rest of the striping can be done with the resurfacing. Mayor Howard stated he will talk to our Public Works Director and see what he can get done.

**UNFINISHED BUSINESS:** - None.

There was no further business. Mayor Howard adjourned the Regular Council Meeting at 9:00 p.m.

These minutes were written/recorded by Shannan Kinley.

These minutes were approved as ~~written~~ amended on the 28th day of August, 2018.

Signed: Phillip A. Howard  
Phillip A. Howard, Mayor