

**MINUTES
REGULAR CITY COUNCIL SESSION
CITY OF GREY FOREST
LA ESCONDIDA CELEBRATION CENTR
9888 ESCONDIDA ROAD
HELOTES, TX 78023
SEPTEMBER 22, 2020**

The Regular City Council Meeting of September 22, 2020.

City Council Present:

Mayor Charles M. Thornton, Mayor Pro Tem Susan Darst, Council Member Jennifer Nottingham, Council Member Geri Poss, Council Member Sean Skaggs, and Council Member Kimberly Verity.

Staff Present:

Shannon Kinsley, Joni Baker, Rene Rodriguez. City Attorney Mr. Ryan Henry and Asst City Attorney Sonja Herrera.

Registered/Recognized Citizens/Guests:

Brenda and Ron Reinhard, Jeff English, Don Reddout, Belinda McCall, Kathy Waldrop, Madeline McCloskey, Mira Hanson, K. McCloskey, Becky Locke, Susan Beavins, Mandie Waldrop, and Jill Sulak

The Mayor called the City Council to order at 6:32 PM.

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

PRESENTATIONS BY CITIZENS AND VISITORS

Ms. Kay McCloskey addressed the City Council on the issue of recycling items. She expressed concern regarding the clarification of what is picked up and what is not acceptable. She is willing to provide laminated copies of the list she has created.

Ms Becky Locke requested to speak at a certain item that Council will address on the agenda. Mayor Thornton responded that she would be able to address an item later when the issue was before Council.

MAYOR ANNOUNCEMENTS – NONE

COUNCIL/STAFF ANNOUNCEMENTS – NONE

COMMITTEE ANNOUNCEMENTS/REPORTS

GREY FOREST COMMUNITY BOARD (GFCB) UPDATE

Mayor called upon Chairperson Madeline McCloskey. Ms. McCloskey informed the City Council that the large tree in the creek was removed. She briefed the City Council on the information provided by SARA in regards literature available on what makes up a healthy creek. A new water line has been installed thanks to Grey Forest Utilities and will assist in the watering of trees in the area. She also stated that the dam is due for its inspection and that the Board is also working on some Halloween plans.

SENATOR FRANK L. MADLA JR. NATURAL AREA UPDATE

Council Member Nottingham informed the Council on the work to remove evasive species from the Park. No fund raiser is planned for the year.

BOARD OF ADJUSTMENTS – NONE

POLICE DEPARTMENT

Chief Rodriguez briefed the City Council on the monthly activity of the Police Department. The Council reviewed the four code violations.

PUBLIC WORKS – NONE

GFU UTILITY ANNOUNCEMENTS

Mr. Jeff English of the Grey Forest Utility commented on the number of residential and commercial accounts for the month of August. Revenues were down about 10%. No employees have reported being out with COVID. Crews have been working from the vehicles, and administrative staff from home. The utility is currently serving 17,300 customers and expect to add an additional 450 by the end of year.

FIRE DEPARTMENT

Chief Reddout reported a total of 7 EMS calls in the City with 4 assists to EMS and 3 other medical calls. An average response time of 2.4 minutes per call. He reported that the new station is on schedule and expected to have an inspection in October with an anticipated move in mid-November.

NEW BUSINESS:

DISCUSS AND ACT ON BOARD MEMBER RECOMMENDATION FOR THE GFU BOARD OF TRUSTEES FOR POST 1 CURRENTLY HELD BY ARNOLD BRIONES. POSITIN IS A 4-YEAR TERM BEGINNING 10/01/2020.

DISCUSS AND ACT ON BOARD MEMBER RECOMMENDATION FOR THE GFU BOARD OF TRUSTEES FOR POST 2 CURRENTLY HELD BY CLAUDE YEAGER. POSITION IS FOR AN UN-EXPIRED TERM EXPIRING 09/30/2021.

Mayor Thornton moved to the discussion of the Appointments to the Board of Trustees for the Grey Forest Utilities Board.

Mayor Thornton requested Mr. Jeff English to present the recommendations from the Board of Trustees for the new terms of office, as Trustees, listed under New Business Item 3 and 4. Mr. English recommended that Mr. Arnold Briones (who finished up his eight year) for a four year term. Mr., Claude Yeager an original trustee passed away after 38 years on the Board. There is an unexpired term which will be open next September. The Board is recommending that Mr. Ron Reinhard serve out the unexpired term.

MOTION WAS MADE BY COUNCIL MEMBER NOTTIGHAM TO APPROVE THE APPOINTMENTS OF MR. ARNOLD BRIONES FOR A FOUR-YEAR TERM AND FOR MR. RON REINHARD TO SERVE THE UNEXPIRED TERM OF CLAUDE YEAGER UNTIL SEPTEMBER, 2021. MOTION WAS SECONDED BY COUNCIL MEMBER POSS. MOTION PASSED 5-0.

CONSENT AGENDA ITEMS:

MINUTES

a) **AUGUST 11, 2020 – CITY COUNCIL BUDGET WORKSHOP MEETING**

MINUTES

b) **AUGUST 17, 2020 – SPECIAL CITY COUNCIL MEETING MINUTES**

c) **AUGUST 25, 2020 – REGULAR CITY COUNCIL MEETING MINUTES**

AUGUST 2020 MONTHLY FINANCIALS

Mayor Thornton moved to consider the Consent Agenda Items.

Council Member Nottingham requested that the August 25, 2020 Minutes be pulled for discussion. Mayor Pro Tem Darst requested that the August 17, 2020 Minutes, also be pulled.

Mayor Thornton called on Mayor Pro Tem Darst for the discussion on the August 17th Minutes. Mayor Pro Tem Darst stated she is quoted in error on page 3, 4th paragraph, she would like the sentence struck. "Kate needs to know that the City is not going to pay for it."

MOTION WAS MADE BY COUNCIL MEMBER NOTTINGHAM TO APPROVE THE MINUTES OF AUGUST 17TH WITH THE CORRECTION AS STATED BY MAYOR PRO TEM DARST. COUNCIL MEMBER POSS SECONDED THE MOTION. MOTION PASSED 5-0.

Mayor Thornton called on Council Member Nottingham for the discussion on the August 25th Minutes. Council Member Nottingham requested that the Minutes on page 2, reflect the need for the Advisory Road Committee's presentation at the November meeting.

MOTION WAS MADE BY COUNCIL MEMBER VERITY TO APPROVE THE MINUTES OF AUGUST 25, 2020 WITH THE ADDITION AS STATED BY COUNCIL MEMBER NOTTINGHAM. MOTION WAS SECONDED BY COUNCIL MEMBER POSS. MOTION PASSED 5-0.

Mayor Pro Tem Darst additionally requested that on Pg. 2, Thirteenth line be struck, "Council Member Darst states that if it is approved by Council to pursue". She noted that the sentence did not reflect proper grammar. Also, she noted that the sentence "Mayor Thornton said yes", should be struck.

MOTION WAS MADE BY COUNCIL MEMBER TO APPROVE THE MINUTES OF AUGUST 25, 2020 WITH THE CORRECTION AS NOTED BY MAYOR PRO TEM DARST. MOTION WAS SECONDED BY COUNCIL MEMBER NOTTINGHAM. MOTION PASSED 5-0.

Mayor Thornton moved to the August 2020 Financial Report.

MOTION WAS MADE BY MAYOR PRO TEM DARST TO ACCEPT THE AUGUST 2020 FINANCIALS AS PRESENTED. COUNCIL MEMBER POSS SECONDED THE MOTION. MOTION PASSED 5-0.

NEW BUSINESS (CONTINUED)

DISCUSS AND TAKE POSSIBLE ACTION TO ADDRESS CITY COUNCIL MEETING PROCEDURES AND CONDUCT.

Mayor Thornton called upon Council Member Verity. Council Member Verity requested that all speakers sign up to speak. This would assist in the recording of meetings that would make it more transparent as to who is addressing the Council. Ms. Sonja Herrera of Ryan Henry's office suggested that the City Council consider adopting Parliamentary Procedures. A discussion ensued regarding the review of the Policies, Procedures and Rules of Order for City Meetings, which dictate the City Council meetings procedures. Mr. Ryan Henry, City Attorney offered that the Rules of Order be reviewed and updated.

MOTION WAS MADE BY COUNCIL MEMBER NOTTINGHAM TO INSTRUCT THE CITY ATTORNEY TO REVIEW AND OFFER REVISIONS TO UPDATE THE POLICIES, PROCEDURES AND RULES OF ORDER AT THE NEXT CITY COUNCIL MEETING. MOTION WAS SECONDED BY COUNCIL MEMBER POSS. MOTION PASSED 5-0.

DISCUSS AND ACT ON AMENDED RESOLUTION OF THE CITY OF GREY FOREST, TEXAS APPROVING SUBMISSION OF A GRANT APPLICATION FOR CRIMINAL JUSTICE MODERNIZATION 1 GRANT TO THE OFFICE OF THE TEXAS GOVERNOR

Mayor Thornton Officer Raymond Yee to present the Resolution. Officer Yee spoke to the previous authorized grant. He informed the City Council that the Office of the Governor has requested the Resolution be amended to reflect the new Mayor on the grant. There is approximately \$1900.00 remaining on the grant. In order to expend the remaining funds an amended Resolution is required.

MOTION WAS MADE BY COUNCIL MEMBER NOTTINGHAM TO APPROVE RES. NO 007-20 A RESOLUTION OF THE CITY OF GREY FOREST CITY COUNCIL TO AMEND RESOLUTION NO. 002-19 APPROVING SUBMISSION OF AN APPLICATION FOR THE CRIMINAL JUSTIE MODERNIZTION 1 GRANT TO THE OFFICE OF THE TEXAS GOVERNOR. MOTION WAS SECONDED BY COUNCIL MEMBER VERITY. MOTION PASSED 5-0.

DISCUSS AND ACT ON ORDINANCE ESTABLISHING AN ADMINISTRATIVE PROCESS TO ENABLE THE PLANNING AND ZONING COMMISSION TO CONSIDER AND DECIDE LIMITED "USE" VARIANCE REQUESTED BY ADDING DIVISION 3 PLANNING AND ZONING COMMISSION TO CHAPER 1 RTICLE 1.04 OF THE GREY FOREST CODE OF ORDINANCES

Mayor Thornton called upon Ms. Sonja Herrera, Asst City Attorney to brief the City Council on the administrative process. Ms. Herrera informed the City Council on the required provision in the City Code of Ordinances as dictated by federal and state requirements. Currently, the City does not have the administrative process in place. The proposed ordinance would establish the administrative process for "Use" variances.

MOTION WAS MADE BY COUNCIL MEMBER SKAGGS TO APPROVE ORDINANCE NO. 243, AN ORDINANCE TO ESTABLISH AN ADMINISTRATIVE PROCESS TO ENABLE THE PLANNING AND ZONING COMMISSION TO CONSIDER AND DECIDED LIMITED "USE" VARIANCE REQUESTS BY ADDING DIVISION 3. PLANNING AND ZONING COMMISSION TO CHAPTER 1, ARTICLE 1.04 OF THE GREY FOREST CODE OF ORDINANCES. MOTION WAS SECONDED BY COUNCIL MEMBER POSS. MOTION PASSED 5-0.

DISCUSS AND TAKE POSSIBLE ACTION ON IMPLEMENTATION OF A SIGN ORDINANCE

Mayor Thornton called upon Council Member Nottingham.

Council Member Nottingham commented on the magnitude of a sign ordinance and suggested that the item be reviewed at a later date following a more in-depth discussion.

Mayor Thornton called upon Ms. Becky Locke. Ms. Locke questioned what a sign ordinance would encompass and to what extent. Mayor Thornton stated that there is not a current sign ordinance in effect. Mr. Henry stated that the previous ordinance would no longer be valid and would be struck down by the Supreme Court. A discussion ensued regarding the necessity of having an ordinance in place to regulate signage. The City Attorney was asked to develop a sign ordinance for the City of Grey Forest, disallowing billboards and concentrated on public right of ways.

MOTION WAS MADE BY COUNCIL MEMBER POSS TO INSTRUCT THE CITY ATTORNEY TO DEVELOP A PROPOSED SIGN ORDINANCE IN THE CITY OF GREY FOREST. MOTION WAS SECONDED BY COUNCIL MEMBER VERITY. MOTION PASSED 5-0.

DISCUSS AND TAKE POSSIBLE ACTION ON ARTICLE 13.05, SOLID WASTE.

Mayor Thornton addressed the issue of recycling within the Code of Ordinances.

Ms Herrera suggested that the language of the City's Code of Ordinances be modified. She suggested the removal of the language "and recycling pickup" in Section 13.05.035 as well as the words "recycling bins" under Section 13.05.038. The removal of the language would be due to the City Council no longer providing recycling at the expense of the City.

MOTION WAS MADE BY COUNCIL MEMBER POSS TO REMOVE THE LANGUAGE UNDER SECTION 13.05.035 AND SECTION 13.05.038 AS DISCUSSED. MOTION WAS SECONDED BY COUNCIL MEMBER SKAGGS. MOTION PASSED 5-0.

UNFINISHED BUSINESS:

DISCUSS AND ACT ON ORDINANCE NO. 239 IMPLEMENTING A POLICY AND PROCEDURE TO ADDRESS THE RETENTION OF PUBLIC RECORDS FOR USE OF PERSONAL ELECTRONIC DEVICES AND COMPLIANCE WITH SB944.

Mayor Thornton reminded the City Council that the topic of records retention of personal electronic devices has been previously discussed in August meeting and during the budget process.

Mayor Thornton discussed the process of having the text messages captured electronically through a separate phone line which would be recorded by First Net. Council Member Verity expressed concerns that all officers/committees of the City be made aware of the Policy. It was suggested that each officer sign and acknowledge the Policy. A discussion ensued what is covered by the policy and how it pertains to social media, emails, etc.

MOTION WAS MADE BY COUNCIL MEMBER NOTTINGHAM TO APPROVE ORD. NO 244 IMPLEMENTING A POLICY AND PROCEDURE TO ADDRESS THE RETENTION OF PUBLIC RECORDS FOR USE OF PERSONAL ELECTRONIC DEVICES AND COMPLIANCE WITH SB944, WITH THE REMOVAL OF THE SPECIFIC DESIGNATED PHONE NUMBER. MOTION WAS SECONDED BY COUNCIL MEMBER VERITY. MOTION PASSED 5-0.

EXECUTIVE SESSION

CITY COUNCIL WILL MEET IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY) AND 551.074 (EMPLOYEE ISSUES) RELATED TO THE POSITIONS OF POLICE CHIEF, CITY SECRETARY, AND ASSISTANT CITY SECRETARY.

Mayor Thornton called the City Council into Executive Session at 7:50 PM.

A request was made by Ms. Shannan Kinsley, City Secretary for the discussion related to the City Secretary be held in Open Session.

Mayor Thornton reconvened the City Council into Open Session at 9:03 PM

Mayor Thornton initiated the discussion regarding the City Secretary. He commented on his taking office in May 2020. He knew one of the responsibilities was the development of the budget. It was brought to his attention by Chief Rodriguez, that Asst City Secretary had not received a raise the previous year. In reviewing the budget, he did see that an increase was not given to Ms. Joni Baker. He spoke with each employee separately regarding the upcoming budget. In discussing the budget with Ms. Kinsley, she stated she did not feel that Ms. Baker should receive more salary than a department head, such as Ms. Belinda McCall. Ms. Kinsley informed him that Ms. Baker had only become full time as of last year and then had received full time benefits. Ms. Kinsley told him she was going to address the issue with the other Council Members.

Mayor Thornton stated that Ms. Baker came to him later, and said she felt that she was being attacked for possibly getting an increase. At the second budget meeting, Mayor Thornton asked Ms. Kinsley to stay in her role as City Secretary and not to readdress the City Council on the issue of a pay raise for Ms. Baker. Mayor Thornton stated he had asked legal counsel for a definition of his role as Mayor. It was clarified that he was responsible for the budget, as Chief Financial Officer, and that the employees report to the Mayor unless other statutes exist.

Mayor Thornton stated he was taken back with the resignation submitted by Ms. Kinsley. He sat down with her to discuss the resignation and thought that the issue could be worked through. He stated he did not want her to leave and had not realized that the work environment was to the point of resignation.

Mr. Henry briefed the City Council on possible actions for this evening.

Ms. Kinsley addressed the City Council on how she has felt backlash regarding the discussion with the Mayor. She feels that her resignation stands for how she feels. Ms. Kinsley was asked whether the City Council could do anything to assist her in rescinding her resignation. Ms. Kinsley stated she was not prepared to answer that at the moment.

Ms. Kinsley stated she was unaware of why the Executive Session was posted and what would be discussed. The City Council informed Ms. Kinsley that there was no action to take place from the Executive Session. The Council had held a general discussion of personnel, with the organization structure, job descriptions, EEOC regulations, etc.

The discussion between Ms. Kinsley, Ms. Baker and the City Council continued regarding the budget and line items, and how action was taken only to have a balanced budget, not to impact anyone personally. Ms. Kinsley stated that her resignation would stand. Council again asked Ms. Kinsley and Ms. Baker that if they are willing to work through their issues, that a mediator could be utilized. Ms. Kinsley stated that she would be willing to sit down and listen, however she did wish to withdraw her resignation.

Mr. Henry recommended that the City Council address the appointment of an Interim City Secretary to plan for the contingency. Council requested that an outside mediator be used between Ms. Kinsley and Ms. Baker to work through their issues. Council clarified that both Ms. Kinsley and Ms. Baker have submitted resignations, and if that is truly what they desire then they need to state so at this time.

Both Ms. Kinsley and Ms. Baker had both stated their desire to resign.

ADJOURNMENT Mayor Thornton closed the City Council meeting at 9:42 PM.

These minutes were approved as written/amended on the 10 day of November, 2020

APPROVED:


Charles M. Thornton

ATTEST:


City Secretary