

**MINUTES
REGULAR CITY COUNCIL
CITY OF GREY FOREST, TEXAS
GREY FOREST COMMUNITY CENTER
18249 SHERWOOD TRAIL
HELOTES, TX 78023
June 22, 2021, 6:30 PM**

I. CALL TO ORDER

Mayor Thornton called the meeting to order at 6:31 p.m.

II. ROLL CALL

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

Staff Present: City Attorney Sonya Herrera, City Secretary Miguel Cantu, Chief of Police Rene Rodriguez, Administrative Assistant Nichole Heinrich-Gomez, and SGT Scott Ristow

III. PLEDGE OF ALLEGIANCE AND INVOCATION

The meeting commenced with the Pledge of Allegiance.

IV. PRESENTATIONS BY CITIZENS AND VISITORS

Mr. John Feist wished to address the City Council to publicly thank Mayor Thornton for his assistance after a storm that passed through the City. He stated that there was quite a bit of damage in the area and the Mayor assisted several residents by cleaning their yards.

Mr. Chris Kane wished to address the City Council regarding the speeding traffic on Scenic Loop Road. He asked City Council to address the speeding on Scenic Loop Road and possibly consider new signage for the road to be mindful of deer crossing the road. Mr. Kane provided a sample of a sign he personally created as an example.

Mrs. Laura Chaffee wished to address the City Council regarding the mailboxes. She stated that she really enjoyed how the current mailboxes look but also understands how locked boxes will deter mail from being stolen and deter identity theft.

Mrs. Kathy Waldrop wished to address the City Council regarding the City's lawsuit against Edwin Scharf and Irene Scharf. Mrs. Waldrop stated that the City was in a lawsuit and had recently lost and was ordered to pay \$76,762 for the defendant's legal fees. The case is costing the City quite a bit of money and is losing money on this case.

V. ANNOUNCEMENTS / REPORTS / MAYOR AND CITY EMPLOYEES

a) Mayor Announcements

1) Financials

2) May 2021 Check Detail

Mayor Thornton presented the future financial and May 2021 Check Details. Additionally, the Mayor announced that the City would be holding its Junk Day on June 10th starting at 8:00 a.m. Additionally, Mayor announced the hiring of a new Public Works employee, Mr. Emilio Rodriguez.

Council Member Darst asked if the city had gone out for bids to purchase and install a slab for the mailboxes. Mr. Cantu stated that the city had not gone out for bids because Texas Local Government Code states that bids were not required if the project was less than \$50,000. Council Member Darst stated a bid was required if the amount over \$3,000.

b) Council/Staff Announcements: Mayor Thornton called on City Secretary Miguel Cantu for an update. Mr. Cantu provided an update on the office goals, challenges faced in the office, update to the website, and grants.

c) Committee Announcements/Reports: None

d) Grey Forest Community Board Update: Mayor Thornton called on Community Board Chairman Ms. Madeline McCloskey who reported they were preparing for the City's 4th of July event that will take place on July 3rd. The events included a time for decorating vehicles, a parade, and lunch was planned for the festivities. Ms. McCloskey stated the board had some recommendations regarding the location where the old mailboxes are located (Scenic Loop Road and Sherwood Drive). The board recommended that the mailboxes not to be removed and the property not be used for parking.

e) Senator Frank L. Madla Natural Area Update: Mayor Thornton called on Council Member Jennifer Nottingham. Council Member Nottingham reported that the park was doing well. The park is still having issues with people making their own trails; however, volunteers are using brush to attempt to block visitors from using the newly created trails.

f) Board of Adjustment Update: None

g) Police Department Monthly Report: Mayor Thornton called on Chief Rene Rodriguez. Chief Rodriguez reviewed the Police Department Monthly Report for May 2021.

h) Public Works Monthly Report: None

i) Fire Department Monthly Report: ESD #8 Facilities Manager Mr. Don Reddout provided a report for City Council's review. Mr. Reddout was not present for the City Council meeting.

j) Grey Forest Utilities Update: Mayor Thornton stated the water report was provided as City Council requested. He also reported GFU is looking to purchase a generator for the water tank that could have estimated cost of \$95,000.

VI. PUBLIC HEARING

a) None

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

VII. CONSENT AGENDA

a) Approval of Minutes: May 19, 2021 Special Meeting and May 25, 2021 Regular Meeting.

MOTION WAS MADE BY COUNCIL MEMBER SKAGGS TO APPROVE THE MINUTES FOR MAY 19, 2021 SPECIAL MEETING AND MAY 25, 2021. MAYOR PRO TEM POSS SECONDED THE MOTION. COUNCIL VOTED 5-0.

VIII. NEW BUSINESS

a) Discuss and take possible action on recommendations for appointment of two members to the Grey Forest Community Board.

MOTION WAS MADE BY COUNCIL MEMBER SKAGGS TO APPOINT SHELLEY GUAJARDO AND TRISH TERAZAS TO THE GREY FOREST COMMUNITY BOARD. MAYOR PRO TEM POSS SECONDED THE MOTION. COUNCIL VOTED 5-0.

b) Discuss and take possible action to allow the Mayor to sign an agreement between Bexar County, a political subdivision of the State of Texas, and City of Grey Forest, a municipal corporation under the laws of the State of Texas, to sign the Community Development Block Grant Program Cooperative Agreement.

Mr. Cantu stated the three-year agreement is to allow the City of Grey Forest to participate

with Bexar County's CDBG, HOME, and ESG programming.

MOTION WAS MADE BY MAYOR PRO TEM POSS TO ALLOW THE MAYOR TO SIGN AN AGREEMENT BETWEEN BEXAR COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS, AND CITY OF GREY FOREST, A MUNICIPAL CORPORATION UNDER THE LAWS OF THE STATE OF TEXAS, TO SIGN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM COOPERATIVE AGREEMENT. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.

- c) Discuss and take possible action on Resolution No. 2021-10R, a resolution of the City Council of the City of Grey Forest, Texas confirming Geri Poss as authorized signatory to the Jefferson Bank Signature Cards for all accounts and removing Susan Darst.**

MOTION WAS MADE BY COUNCIL MEMBER VERITY TO APPROVE RESOLUTION NO. 2021-10R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS CONFIRMING GERI POSS AS AUTHORIZED SIGNATORY TO THE JEFFERSON BANK SIGNATURE CARDS FOR ALL ACCOUNTS AND REMOVING SUSAN DARST. COUNCIL MEMBER. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.

- d) Discuss and take possible action on fences along municipal right of ways/roadways.**

Council Member Darst stated that she wanted to address a fence that had recently been constructed and raised some questions. Council Member Darst stated that the fence was built on the property line and although she does not have an issue with allowing property owners to build on their properties, Council Member Darst stated there should be some regulation for fences being built close to the City's right of way. Council Member Darst recommended that a city discuss having a set buffer from the roadway. Additionally, she stated that she is looking to keeping the community safe and feels that fences built on the property line is a safety concern.

Attorney Herrera stated Council Member Darst was talking about a setback. She stated the setback would be different from the right of way. A setback is what the city imposes on a landowner. She added if the City establishes a setback, there must be some reasonable or rational, important government interest you are trying to serve. The current ordinance does have things that addresses traffic or traffic safety, pedestrian safety, not wanting to create a hazard. So, the ordinance must address important interests that the government has as long as the ordinance is evenly applied to the property owners and grandfathers in nonconforming legal use.

Mayor Thornton asked the public if they wished to address the item. Mrs. Becky Locke stated she would like to see the City talk to the property owner and address the City's concerns regarding building the fence on the right of way. She added the city is not taking any property away and setting a standard. There are not many properties that are currently without fences that will be affected.

MOTION MADE BY COUNCIL MEMBER DARST TO WORK WITH THE CITY

ATTORNEY TO CREATE A DRAFT ORDINANCE THAT WOULD CREATE A THREE-FOOT SETBACK FROM THE ROADWAY.

Ms. Mandy Waldrop requested to address the City Council. Mayor Thornton allowed Ms. Waldrop to address the City Council and stated in order for the City to locate the streets, all properties within the City would have to be surveyed, what is remaining from the survey would be City streets. This would take the cooperation of the residents to allow their property to be surveyed. She added there is no right of way, and this is the reason water runs through the streets. She added municipal streets are government by municipalities and the City Council sets the rules. If a resident does not like the rules then a citizen can talk to the City Council about changing them.

COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 3-2. MAYOR PRO TEM POSS AND COUNCIL MEMBER SKAGGS AGAINST.

IX. UNFINISHED BUSINESS

- a) **Discuss and take possible action on Ordinance 2021-07; an ordinance establishing Chapter 15 – Signs of the City of Grey Forest Code of Ordinances, providing for regulations on non-traffic control signs, licenses, and permits, and providing for civil and criminal penalties.**

Attorney Herrera stated she incorporated the proposed changes requested by City Council. She added this would be the second sign ordinance workshop City Council had and noted the ordinance presented would be final draft and would survive any constitutional challenge. Ms. Herrera reviewed the updated sign ordinance with City Council.

Mayor Thornton stated the sign ordinance would be posted on the website and allow for comments from residents to be emailed to the City Secretary. The draft ordinance is set to be approved at the next regular City Council meeting after the public review.

X. EXECUTIVE SESSION

The City Council of the City of Grey Forest convened in Executive Session at 8:23 p.m. in accordance with the Texas Open Meetings' Act, *Section 551.071* (Consultation with Legal Counsel).

- a) **City Council will receive an update from the City Attorney regarding the status of the Scharf v. City of Grey Forest litigation pursuant to Texas Government Code Section 551.071 (consultation with legal counsel).**

The City Council of the City of Grey Forest reconvened in Open Session at 8:59 p.m. in accordance with the Texas Open Meetings' Act, *Section 551.071* (Consultation with Legal Counsel).

XI. GENERAL ANNOUNCEMENTS & FUTURE AGENDA ITEMS REQUESTED

- a) Mayor Pro Tem Poss requested the city research the cost for providing better audio during City Council meetings. Council Member Verity requested a report from Public Works. Council Member Nottingham requested an update on Emergency Planning.

XII. ADJOURNMENT

MOTION WAS MADE BY COUNCIL MEMBER SKAGGS TO ADJOURN AT 8:28 P.M. MAYOR PRO TEM POSS SECONDED THE MOTION. COUNCIL VOTED 5-0.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

APPROVED:



Charles Mitchell Thornton, Jr.

ATTEST:



Miguel Cantu, TRMC
City Secretary

