

The Regular Council Meeting of September 22, 2015 was called to order at 6:30 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley
Chief David Bejar

Don Reddout
Ed Scharf

COUNCILMEMBERS

Lou Hoffman
Don Nettle
Jennifer Nottingham
Mitch Thornton
Lynn Tiner

Chris Mikel
Brenda Reinhard
Laurie Hawkins
Freda Hoffman
Mauricio San Clemente
Susan Beavin

Irene Scharf
Susan Darst
Mandie Waldrop

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

APPROVAL OF MINUTES

The minutes of the July 28, 2015 Regular Council Meeting were reviewed. Councilmember Nottingham stated on Page 1, under Council/Staff Announcements, 4 lines down, the record should reflect that the Madla fundraiser tours are being lead by Laurie Hawkins and Wendy Leonard. Same paragraph, 2nd line from the bottom, correct to read: They had a wonderful turnout, correcting the word "turnout" rather than "turnoff". Page 3, 1st paragraph, 7 lines down, the record should be clear to reflect after the name Art Dominguez, add "the new landowner" so the record is clear who is speaking. Page 3, Agenda Item No. 4, 2nd line down and 4th line down, have the record reflect "landowner" rather than "homeowner". Page 4, Agenda Item No. 8, 3rd line down, the record should reflect "He's" of the opinion rather than "It's". Mayor Reinhard stated on Page 3, Agenda Item No. 3 and 4 should be numbered correctly. The motion to accept the July 28, 2015 minutes as amended was made by Councilmember Thornton, seconded by Councilmember Nottingham and passed unanimously.

The minutes of the August 11, 2015 Budget Workshop Meeting were reviewed. Councilmember Nottingham stated on Page 2, 5th line from the bottom, the statement that starts with "The City Should think seriously" should be replaced with the following statement: "The City should seriously consider finding ways to purchase vacant properties as they go up for sale to add to our parks". The motion to accept the August 11, 2015 minutes as amended was made by Councilmember Thornton, seconded by Councilmember Nottingham and passed unanimously.

Mayor Reinhard stated the August 25, 2015 Regular Council Meeting Minutes would be placed on the October Agenda for City Council to review and approve.

PRESENTATIONS BY CITIZENS AND VISITORS

Mayor Reinhard stated this is an opportunity for citizens to sign up and comment on topics they would like to bring to Council's attention. Council can ask for clarification but no discussions can be held.

Mandie Waldrop stated she's been working on a petition regarding the trucks on Scenic Loop Road and traffic in general. She stated with Charlie's help, she received 87 signatures throughout town and read the petition. The petition is specifically regarding the management of traffic on Scenic Loop Road. It states as voting citizens, they ask that Council exercise the rights in the Texas Traffic Code, Title 6, Subtitle E, Sec. 311.002 & Sec. 311.003 regarding municipally owned streets. They understand in exercising these rights, the City stands to forfeit County money that could improve Scenic Loop Road but feel that's a small price to retain control. They request Council consider passing ordinances for the following 3 issues: (3) All-way stop signs; No thru trucks; and Height & weight restrictions. Mandie Waldrop provided the petition with original signatures.

Irene Scharf stated she would like to address three issues. 1) she asks that Council find money in the administrative budget to acquire a small PA System with wireless microphones to pass around for citizens who may not hear as well. 2) she supports the suggested amount for the pending SLPC/City transfer of property and responsibilities. It's a modest amount and thinks it's time for a new model of service for Parks and Recreation. 3) the time is right for a new model for Fire Services. The old model of limited City funds, volunteers and annual donations can no longer provide the resources needed for adequate fire protection. Citizens can't be anything but grateful for the fire services provided throughout the years by the Fire Department. Change is difficult but if we embrace it and cooperate, we will be better prepared.

Ed Scharf stated this is the 6th budget session since the passing of Jack Nottingham. Jack was singularly responsible for creating 85% of our budget revenue this year. Over the past years, it amounted to several million dollars. Jack accomplished this with his blood, sweat and tears in creating Grey Forest Utilities. In his later years, Jack emphasized the importance of protecting, preserving and maintaining green space in our area. One of his last documented requests was that it's time attention be paid to the SLPC Parkland. Jack was a true inspiration to all of us. Ed Scharf stated that's why he commends City Council for setting aside money for SLPC and respectfully requests consideration in future budgets be expanded to construct a fitting memorial to Jack Nottingham. He was our very dear friend, benefactor, greatest of citizens and we should consider naming this park property the Jack Nottingham Memorial Parkland.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard reviewed the financials. We're about 11 months into the fiscal year. Most of the bills are paid. There are slightly a few things out from August. Overall we're on track. The final yearend numbers will be out next month.

COUNCIL/STAFF ANNOUNCEMENTS

Councilmember Nottingham stated the Madla Board has a Board of Directors Meeting on Sunday, September 27th so there's really not much of an update. The Board meets at 6:00 p.m. on the last Sunday of every month. Again, the Board has a park cleanup on Saturday, November 7th. They'd appreciate any help. They have a fundraiser the following day, Sunday, November 8th "A Walk In The Park Guided Tour. Tickets should be available for sale momentarily.

POLICE DEPARTMENT ACTIVITY REPORT

Chief Bejar reviewed the August 2015 Monthly Activity Report. There were 113 calls for service, 865 hours worked, 4672 miles driven, 66 traffic stops, 52 summons issued, 1 arrest and 19 warnings issued.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the August 2015 Monthly Activity Report. Public Works continues to work on tree trimming, citizens brush chipping, road work, mowing/weedeating, regular upkeep of the City and animal control.

GFU UTILITY ANNOUNCEMENTS

Jeff English stated the utility is ahead on revenue and under on expenses. They've had a lot of growth on the I-10 corridor. The water wells are in great shape. We've had good summer and a lot of rain. Please conserve as it can go as quick as it came. They're going to participate in the Parade of Homes in the Dominion in mid October. They will have a tent set up over there most of the days.

FIRE DEPARTMENT REPORT

Don Reddout reviewed the August 2015 Fire Department Incident Report. There was 1 Run in the City for the month of August 2015. It was a Medical call, 3 Personnel and 0 Response Time. Don Reddout stated when you have a zero response time; they refer to it as a walk in at the station.

NEW BUSINESS:

1. CONSIDER AND ACT ON RECOMMENDATION FROM THE GFU BOARD OF TRUSTEE'S TO APPOINT BOARDMEMBER FOR THE TERM EXPIRING 09/30/2015 OF POSITION NO. 4

Mayor Reinhard stated the GFU Board is comprised of at least two citizens of the City. Position No. 4 held by Kathy Waldrop is a citizen position and expires on September 30th. Kathy Waldrop has decided to retire from her position at the conclusion of this term. She's held the position for 35 consecutive years. Jeff English stated Kathy Waldrop has been an outstanding Trustee over the years. The utility and community owes Trustee Waldrop a depth of gratitude and has been very fortunate to have had her serve multiple terms over multiple years. Jeff English stated the Board acted in accordance with the current procedures in place to assure public notice is provided to interested applicants. Public notice of the application period was provided, interviews were held and after consideration the Board provides a recommendation to City Council. It was a hard decision, they were fortunate to receive two very good interested candidates, Susan Darst and Pat Tiner. Both candidates submitted their credentials and participated in interviews. After due consideration, the Board of Trustees by unanimous opinion voted to recommend Pat Tiner be the candidate chosen to service as a member of the Board of Trustees in Position No. 4 for a four year term. Pat Tiner has an extensive resume in government service and has been active in the community for a number of years. The motion to accept the Board's recommendation and appoint Pat Tiner to the Grey Forest Utilities Board of Trustee's, Position No. 4 was made by Councilmember Nottingham, seconded by Councilmember Hoffman and passed with 4 yes and 1 abstaining by Councilmember Tiner.

Mayor Reinhard stated we have several items to address that relate to approval of the budget. As most know, we've had some changes in how the Fire Department will operate. Mayor Reinhard since this change, he's been working with Gil Perez, ESD No. 8 Administrator on a contract for fire protection. Since this item plays a part in the budget, he would like to move to Agenda Item No. 7 and deliberate how Council would like to approach this.

7. DISCUSS AND ACT ON ORDINANCE/AGREEMENT(S) BETWEEN THE CITY OF GREY FOREST AND SERVICE PROVIDERS TO PROVIDE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES FOR THE CITY OF GREY FOREST

Currently the City has a contract with GFAVFD. The contract has a clause automatically renewing it each year therefore; the City will need to take some sort of action by October 1st. Included in Council packets is an Interlocal agreement for Fire Protection and Emergency Services with Bexar County Emergency Services District No. 8 (ESD No. 8). The agreement is the foundation for ESD No. 8 to provide the City fire and emergency services. The service provided will be the same personnel, equipment and location currently received through GFAVFD. There are still some areas that need to be worked out. The agreement is being reviewed by our City Attorney. Our City Attorney is working with the attorney for ESD No.8. It's a one year contract that automatically renews at the end of each year. The basic compensation will be the same rate as the surrounding district with the exception of the initial term where the City will pay approximately \$8,000 for transition expenses. The current rate of the district is \$0.10 per \$100 of taxable property values. Payments will be made quarterly. There's a True-Up Provision for when the Taxable Value fluctuates during the year by Bexar Appraisal District. It states within 60 days following the close of each fiscal year, end of year adjustments will be made to/by the District so they are paid on the Total Taxable Value. There's a Pass-Through of Designated Funds clause for when the taxable values vary. The clause states if funds are collected by the City above the compensation rates delineated in the agreement, such funds shall be passed through to the district. Mayor Reinhard stated Section VI, Equipment and Personnel states the City will turn over all equipment to ESD No. 8. The City doesn't maintain or own any equipment so this is not something the City will agree to. This Section needs to be removed or reworded. The City contracts for a service and has no claim on any fire equipment. The lease with GFAVFD will carry over until we get a lease agreement worked out with ESD No. 8. The lease with ESD No. 8 will be a separate agreement. ESD No. 8 is interested in a very long lease. There's still the clause that if ESD No. 8 makes any major improvements to the property, the improvement belong to them so they're still working out ownership issues. There's a termination

clause similar to what our GFAVFD contract has. Mayor Reinhard stated they still have a lot to work out but need to have something in place by October 1st so we have fire and emergency services for our citizens. The basic content of the agreement is what was discussed at the Budget Public Hearing last week. There was further discussion that Council learned of this transition two weeks ago and why does something need to be in place by October 1st. Mayor Reinhard stated the other option could be to continue at some rate month to month with GFAVFD. However, with the transition moving forward, ESD No. 8 might have some concern. Gil Perez stated he spoke with Fire Chief, Shane Reddout and October 1st is the date ESD No. 8 will officially move forward. It would be a smoother transition if ESD No. 8 had an agreement directly with the City. He stated the service, firefighters, and command staff will remain the same. The citizens will not notice a difference in service. Councilmember Thornton stated he wants time to review the agreement. In addition, he wants to make sure we can agree on an Interlocal Agreement and Property Lease at the same time. What happens if we agree on one and not the other. Councilmember Nottingham stated she hasn't had a chance to review the agreement and thinks we need another meeting. There's parts she doesn't understand and isn't comfortable with pushing October 1st. Councilmember Hoffman stated he's perfectly good with approving the Interlocal Agreement tonight or getting back together next week to approve something. Councilmember Nettle stated the only major issue he sees is the Property Lease and improvements to the building. Councilmember Tiner stated he would like to hold off on approving the Interlocal Agreement until Council gets a final copy to review. Mayor Reinhard stated he would like to schedule a Special Council Meeting next week. He will continue to work with Gil Perez and both attorneys to bring back a final agreement for Council to review. The Property Lease will take a little longer. They hope to have something for Council to review in 30-60 days. The GFAVFD contract can be addressed at the Special Council Meeting. Council consented to holding a Special Council Meeting on Tuesday, September 29, 2015 at 6:30 p.m.

2. DISCUSS AND ACT ON ORDINANCE NO. 213 MAKING APPROPRIATIONS FOR SUPPORT OF THE CITY OF GREY FOREST AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF GREY FOREST FOR THE 2015/2016 FISCAL YEAR

Mayor Reinhard stated the Budget Public Hearing was held on September 15, 2015. City Council has been provided Ordinance No. 213 officially adopting the 2015/2016 Fiscal Year Budget. The budget is attached as "Exhibit A". At the Public Hearing, the Public Safety Fire contract was set to \$51,000. If you adjust that number, Line Item No. 700 to \$49,128 based on the Interlocal Agreement with ESD No. 8, this lowers expenses by \$1,872. He has added the additional \$1,872 back into Capital Improvements/Road and Bridges bringing Line Item No. 201 up to \$55,672. This leaves a balanced budget. Council had no objection to this adjustment. Mayor Reinhard stated the other outstanding issue was the additional Police Officer. Councilmember Nettle stated his concern was we paid off the \$85,000 bond. He thought the additional funds would go towards roads that haven't been fixed in ages but instead we continue to add up expenses. With that being said, he heard what the citizens want and if a 24/7 Police Department is just that, then he'll listen. It costs a lot of money to have a 24/7 Police Department and we'll have to realize the roads won't get fixed. Councilmember Hoffman stated he feels we're fixing something that isn't broke. It's commendable that they're in as good of a shape as they are. He was inspired by the charts shown at the Public Hearing and researched crime in the area, it's all along Bandera Road, IH-10 and 1604. Having said that, he heard the same thing from the citizens at the Budget Hearing and that was they want an additional Police Officer with 24/7 coverage. Therefore, he will vote accordingly but couldn't do it without voicing that he thinks we are fixing something that isn't broken. Councilmember Nottingham stated at the Public Hearing, she would like to take \$10,000 from SLPC Operations and put towards Roads and Bridges. Mayor Reinhard stated we are expecting expenses beyond the \$10,000 that would be left in that line item. Hydrologic Studies have to be done at a minimum to register the dams. Councilmember Nottingham stated it doesn't have to all be done in one year, we could set priorities. Councilmember Hoffman stated this is a nominal amount of money to get this transition up and running. It's time to invest in parks inside our City. The motion to accept Ordinance No. 213, Adopting the 2015/2016 Fiscal Year Budget was made by Councilmember Hoffman, seconded by Councilmember Nettle and passed unanimously.

3. ACT ON: "RATIFICATION OF THE VOTE TO ADOPT THE BUDGET THAT WILL RAISE TOTAL PROPERTY TAX REVENUE"

Mayor Reinhard stated its important citizens understand the City is not raising taxes. The tax rate has actually been lowered but because property values have increased, it actually raises the total property tax revenue to the City. Council by motion has to officially ratify the tax rate that was adopted in the budget. The motion to act and ratify the vote to adopt the budget that will raise total property tax revenue was made by Councilmember Nettle, seconded by Councilmember Hoffman and passed unanimously.

4. ACT ON: "AMEND BUDGET COVER PAGE TO RECORD VOTE OF EACH MEMBER OF THE GOVERNING BODY BY NAME VOTING ON THE ADOPTION OF THE BUDGET"

Mayor Reinhard stated the Budget Cover Page has to be amended to record how the members of the governing body voted on the budget. Basically you have to say who was for and against the adoption of the budget. The motion to accept the Amended Budget Cover Page to record the vote of each member of the governing body by name voting on the adoption of the budget was made by Councilmember Thornton, seconded by Councilmember Tiner and passed unanimously.

5. ACT ON: "MOTION THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.088441 PER \$100 OF VALUE, WHICH IS EFFECTIVELY A 1.079997557% INCREASE IN THE TAX RATE"

Mayor Reinhard stated because the City has adopted the Rollback Tax Rate of \$0.088441 per \$100 valuation which is higher than the Effective Tax Rate of \$0.081890 per \$100 valuation, Council must act and ratify the property tax rate increase. The Rollback Tax Rate is a 1.08 increase from the Effective Tax Rate. If Council adopts the higher of the two rates, the action must be ratified. The motion to act and accept the property tax rate increase by the adoption of a tax rate of \$0.088441 per \$100 of value, which is effectively a 1.079997557% increase in the tax rate was made by Councilmember Nottingham, seconded by Councilmember Nettle and passed unanimously.

6. ACT ON ORDINANCE NO. 214 LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE 2015/2016 FISCAL YEAR BY THE ADOPTION OF A TAX RATE OF 0.088441/\$100

Mayor Reinhard stated Ordinance No. 214 Levying Ad Valorem Taxes for use and support of the Municipal Government officially adopts the tax rate of \$0.088441 per \$100 valuation. The motion to adopt Ordinance No. 214 Levying Ad Valorem Taxes for the 2015/2016 Fiscal Year was made by Councilmember Nottingham, seconded by Councilmember Nettle and passed unanimously.

OLD BUSINESS:

8. DISCUSS AND ACT ON AMENDMENT TO ORDINANCE NO. 164 PROTECTING THE PUBLIC HEALTH AND PROMOTING THE PUBLIC WELFARE BY ESTABLISHING RULES AND REGULATIONS REGARDING OAK WILT AND PROVIDING FOR FINES FOR VIOLATION UPON CONVICTION

Mayor Reinhard stated this item was carried over from the last Council Meeting where Laurie Hawkins suggested increasing the fines for the Oak Wilt Ordinance. Laurie Hawkins stated many cities make it the property owner's responsibility to control Oak Wilt and/or any other disease on their property. A lot of other cities require the person doing the maintenance on the trees not only take responsibility but the City requires they have a Tree Maintenance Permit. They take a test to show they know how to trim trees and so they know specifically what Oak Wilt is. Chief Bejar stated he spoke with the Municipal Judge and \$2,000 is the maximum fine for a Class C Misdemeanor. The Judge suggested you stay just under the \$2,000. If you go with the maximum fine of \$2,000, you have to establish mental state. Laurie Hawkins stated she recommends Council consider something just under \$1,999. The City of San Antonio has a 1st and 2nd offense amount. You should only be cited once. In addition, for Council's consideration, the City of San Antonio has a Tree Maintenance License Program. It's a 3 year program requiring you to attend 4 hours of

CEU's. They mandate you to educate yourself on Oak Wilt. It's a \$25.00 license and is an opportunity to educate. There was lengthy discussion on what the fines should be. Education was discussed. After lengthy discussion, Council consented to Amending Oak Wilt Ordinance No. 164 to increase fines for the first offense to not more than \$1,000 and \$1,950 for the second offense. The motion to Amend Ordinance No. 164 to increase the fines as consented was made by Councilmember Nottingham, seconded by Councilmember Tiner and passed unanimously. Mayor Reinhard stated the City will publish the amended ordinance in The Echo so the increased fines can be enforced. Council consented to bringing this item back at the next Council Meeting giving Laurie Hawkins an opportunity to put something together requiring a Tree Maintenance License for trimming in the City of Grey Forest.

9. DISCUSS AND ACT ON IMPLEMENTATION OF A TREE ORDINANCE FOR THE CITY OF GREY FOREST

Mayor Reinhard stated it was suggested a couple of Council Meetings ago that the City should consider a tree preservation ordinance in addition to the Oak Wilt Ordinance. Laurie Hawkins asked if this item could be carried over to the next Council Meeting. Mayor Reinhard stated the item would be place on the October Agenda.

10. DISCUSS RESTRICTION OF THRU TRUCK TRAFFIC ON SCENIC LOOP ROAD

Mayor Reinhard stated the discussion of restricting thru truck traffic on Scenic Loop Road has been a discussion for quite some time. Mandie Waldrop has submitted a petition from a number of citizens expressing the desire to restrict thru truck traffic on Scenic Loop Road in addition, new stop signs and height/weight restrictions. Mayor Reinhard stated previous discussions were left off that City Officials need to meet with the County Judge. Bexar County has stated they wouldn't support this action as the City can't provide an alternate route. Mandie Waldrop stated Dr. Tom Haberman put the proposed ordinance together. She spoke with Bexar County and TXDOT. Both advised the City can restrict traffic since we maintain the roads. Councilmember Tiner stated he doesn't have a problem with restricting the thru traffic because something needs to be done. He believes research needs to be done to confirm the City can legally restrict the traffic. Bexar County has said on several occasions they wouldn't support this. Chief Bejar stated he doesn't oppose restricting the traffic but Bexar County considers this a major thoroughfare and the way he reads the traffic code, we have to get the County Judge's approval. Councilmember Nettle stated he's in favor of pursuing this but the question is can we legally take control. Councilmember Hoffman thanked Mandie Waldrop, Charlie and Dr. Tom Haberman for their work on this. He stated this has been discussed for years and he supports pursuing. Councilmember Nottingham stated she would definitely like to pursue and thanked everyone for the leg work. She stated her concern with the stop signs is the noise level of the trucks stopping. Councilmember Thornton stated he spoke with the Director of Operations for TXDOT in San Antonio and although he's not an attorney, his initial response was if the City is maintaining the roads, we can restrict thru truck traffic in the City limits. He stated in the County, you do have to go through Commissioner's Court. The problem he see's is if we can't put signs down the road in the County, once the trucks hit the City limits there's no way to turn around, their committed. Mayor Reinhard stated he'd prefer to look at this in stages. First look at the thru traffic and then see if stops signs need to be addressed. Mayor Reinhard stated he will take this to our City Attorney for a legal opinion but won't get to it until next week. He'd like to get some of these other things squared away first. In addition, we'd need to determine what constitutes a large truck to enforce this. In addition, is schooling required or do you need to be certified. Mayor Reinhard stated we will place this item on the next Agenda.

11. DISCUSS AND ACT ON REVIEW OF THE MASTER PLAN FOR THE CITY OF GREY FOREST

Mayor Reinhard stated the Master Plan has been reviewed over several meetings. He believes he's made all the changes. Mayor Reinhard asked if Council is ready to adopt the Master Plan or if further review is needed. Councilmember Hoffman stated he asked Jeff English this evening and the City Utilities is up to 14,000 customers as of 2015. It currently states 13,000 and should be changed on Page 3. Councilmember Hoffman stated on Page 4, it states fire and emergency services for the City are contracted with GFAVFD. That should reflect ESD No. 8 and the next sentence deleted. Councilmember Nottingham stated the contract with ESD No. 8 is not a done deal. Councilmember Thornton stated he doesn't feel that should be changed until its official. In addition, the Master Plan should include a history

and/or background of the GFAVFD instead of just deleting them out. Mayor Reinhard stated he will add this item to next Tuesday's meeting.

12. DISCUSS AND ACT ON REVIEW OF ZONING ORDINANCE NO. 45B

Mayor Reinhard stated our City Engineer and Building Inspector have provided comments for consideration. He would like to go through the comments this evening. Then he would like to have an Ordinance Workshop for a final review. One thing that's happened recently is Franklin Legal Publishing has completed the process of Codification of our City ordinances. We will need to hold a Public Hearing for Zoning Ordinance No. 45B and the Codification. He would like to do them together. Council reviewed in detail the comments provided. Minor changes were noted. Mayor Reinhard stated we will make the changes discussed this evening and carry item over to the next Council Meeting to schedule an Ordinance Workshop.

13. DISCUSS AND ACT ON CURRENT STATUS OF CITY AND SLPC PROPOSALS RELATED TO SLPC PROPERTY AND LONG TERM PLANS

Marjorie Mautz stated SLPC Membership has a vote coming up on October 15th. The Board is looking into using the funds the club currently has to fix the roof on the clubhouse and other items they feel are an immediate need. She plans to get with the Mayor to discuss some of these issues. Mayor Reinhard stated the City will put the October 15th vote on the marquee.

There was no further discussion. Mayor Reinhard adjourned the Regular Council Meeting at 9:34 p.m.

These minutes were written/recorded by Shannon Kinsley.

These minutes were approved as ~~written~~ amended on the 27th day of October, 2015.

Signed: Ronald G. Reinhard
Ronald G. Reinhard, Mayor