

The Regular Council Meeting of July 26, 2016 was called to order at 6:30 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley

Madeline McCloskey

Brenda Reinhard

Lieutenant Frank Francis

Sue Peavy

Matt Galvan

COUNCILMEMBERS

Chris Mikel

Mark Peavy

Kris Hochart

Lou Hoffman

Sean Skaggs

Kerry McEntire

Richard Jenkins

Susan Darst

Gigi Duke

Noel Smith

Dorothy Watts

Jennifer Nottingham

Susan Beavin

Darlene Kosub

Colin Culp

Mitch Thornton

Laurie Hawkins

Donna Gottwald

Lynn Tiner

Tom Haberman

V. Ginger Burkholder

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

APPROVAL OF MINUTES

Mayor Reinhard stated the minutes of the June 11, 2016 Workshop Meeting and June 28, 2016 Regular Council Meeting are not ready for Council's approval. Shannan was on vacation and is catching up from being out. They should be ready for Council's review at the next meeting.

PRESENTATIONS BY CITIZENS AND VISITORS

Mayor Reinhard stated this is an opportunity for citizens and visitors to address Council. There can be no discussion but City Council may ask for clarification.

Tom Haberman stated he missed the last meeting because of the rain storm but it's his understanding that Mr. Hochart has bought the Boudreau property and wants to sub-divide it into three rental properties. He understands that Mr. Hochart doesn't plan to live in any of the houses and will rent out to three different families. This is not right. Everything about Grey Forest, including the ordinances state we're Single Family Dwellings. You can't rent a property to several different families. You can rent to family members or have a mother in law cottage but the ordinance outlines in plain English, that the only business allowed in Grey Forest is the Grey Moss Inn that has been grandfathered. He also understands that Mr. Hochart has mentioned the property being grandfathered. That's not true. The Boudreau property has always been a Single Family Dwelling. Tom Haberman stated he understands that Mr. Hochart is being given favorable attention on this. The longer the City allows him to have rental properties in our community, we open the whole thing up to having people come in and buy places to put up condo's and apartments. They could run sewer lines along Scenic Loop Road. This is a possibility that may not be that far away if Council doesn't stand by only allowing Single Family residences. Tom Haberman stated this affects everyone and he hopes Council gives this serious thought before they let this go on.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard stated he's been reviewing the financials and working on the budget for next year. We are going to come in under budget on expenses and are in very good shape. Council will be talking about the 2017 numbers later in the meeting. Mayor Reinhard reviewed usage of our City Attorney. There was review of the alcohol use policy in Grey Forest public parks, research of closed meetings to discuss candidates for board appointments and research on possible violation of the ordinance regarding single family properties. All hours were covered under the City Attorneys monthly retainer. Mayor Reinhard stated he's working on a larger letter to the citizens with information on everything that's going on in the City. The letter will include a section on the discussion and research of additional stop signs in the City.

COUNCIL/STAFF ANNOUNCEMENTS

Council member Nottingham stated WIAC has not met since the last Council Meeting.

COMMITTEE ANNOUNCEMENTS/REPORTS

Mayor Reinhard stated there are no active committees.

GREY FOREST COMMUNITY BOARD UPDATE

Laurie Hawkins stated they've started E.Coli testing at the pool. San Antonio River Authority (SARA) is testing the samples. They did have one failure and the pool was closed until the following week when the water levels passed. The City Engineer is working on a dam assessment. They're getting ready to excavate and clean out the well behind Grey Moss Inn. There are no records or documentation with TDLR, TCEQ or the Trinity Goundwater Conservation District that the well is considered plugged. They provided input on the ordinance restricting access to the Grey Forest Community (GFC) property. The Board appointed a Secretary and Clubhouse Director. In addition, they voted on a recommendation to City Council for Board member appointment to the Grey Forest Community Board (GFCB).

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated the Madla Board has not met since the last Council Meeting. The next Board Meeting is this coming Sunday, July 31st. It's an Open Meeting and all are welcome to attend.

BOARD OF ADJUSTMENT UPDATE

Chairperson, Holly Thornton stated there was a Variance Meeting on June 6, 2016. The homeowners requested to replace/enlarge an existing tool/garden shed. The Board of Adjustment reviewed two different parts of the requested variance. The first variance was that the replacement didn't meet the setbacks. The variance was approved with the conditions that the construction doesn't encroach on the setbacks more than the existing slab. The second variance was on materials being used. There was question on the material as to whether it was considered wood shake or shingle siding. After review by the City Building Inspector, he determined the material is not considered wood shake or shingles. The materials were deemed acceptable. Although the second variance was approved at the meeting, it was not required. The homeowner still needed the first variance as they were changing the footprint of the building and didn't meet setbacks. Council member Hoffman asked if the homeowner changed the purpose of the building. Holly Thornton stated the building was previously a shed and the homeowner is incorporating a larger art studio/tool shed.

POLICE DEPARTMENT ACTIVITY REPORT

Lieutenant Frank Francis stated Chief Bejar is at Chief school this week and will not be present this evening. The June 2016 Monthly Activity Report was reviewed. There were 98 calls for service, 923 hours worked, 5064 miles driven, 67 traffic stops, 48 summons issued, 28 warnings issues and 2 arrests. One arrest was on a traffic stop where the individual had an active warrant. The other arrest was a non-resident for narcotic paraphernalia down by the pool.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the June 2016 Monthly Activity Report. Public Works continues to work on tree trimming, mowing/weed eating, roadwork, regular upkeep of the City and animal control. The new zero turn riding lawn mower came in and works great. They had to dispose of three deer that appeared to have pregnancy problems.

GFU UTILITY ANNOUNCEMENTS

Mayor Reinhard stated the utility continues to do well. We have a superior water system. They've inspected the water tanks and took care of a couple issues.

FIRE DEPARTMENT REPORT

Colin Culp stated there were 50 calls in the district for the month of June 2016. Of those calls, nine were in the City; five EMS, three other than medical and one no response. The average response time was 5.63 minutes.

NEW BUSINESS:

1. DISCUSS AND ACT ON APPOINTMENT OF BOARD MEMBER TO THE GREY FOREST COMMUNITY (GFC) SUPERVISORY BOARD PURSUANT TO AMENDMENT TO ORDINANCE NO. 215

Mayor Reinhard stated the Grey Forest Community Board (GFCB) has a vacant Board position. The process for replacing a Board member is the GFCB will solicit resumes and make a recommendation to Council for appointment.

The GFCB solicited resumes, reviewed them in an Open Meeting and is making the recommendation that Kerry McEntire fill the vacate position. Council has been provided Kerry McEntire's resume and letter of interest. Mayor Reinhard stated it's up to Council to approve the recommendation and make the Board appointment. If Council doesn't approve the appointment, the GFCB will submit additional candidates until the position is filled. There were three citizens interested in the vacant Board position. The motion to accept the recommendation of the GFCB and appoint Kerry McEntire as a Board member to the Grey Forest Community Supervisory Board was made by Council member Thornton, seconded by Council member Tiner and pass unanimously. Kerry McEntire thanked City Council for the opportunity to serve the City.

2. DISCUSS AND ACT ON DRAFT CITY BUDGET FOR FISCAL YEAR 2017

Mayor Reinhard stated as the Budget Officer, it's his responsibility to prepare the proposed budget for Fiscal Year 2017 in accordance with state laws. City Council is responsible for analyzing, discussing and modifying the budget. Ultimately, City Council is responsible for passing the budget for the upcoming fiscal year. The annual budget is the most important financial responsibility of the government. Mayor Reinhard stated there are budget timeline requirements. The City Budget Officer must file the proposed budget with the City Secretary not later than 30 days before the Public Hearing on the Budget. He would like to have it filed by the close of business on August 19th. A notice of the Public Hearing must be published not earlier than the 30th day or later than the 10th day before the date of the hearing. The Public Hearing must be held not sooner than 16 days after the budget is filed with the City Secretary. City Council must act on the proposed budget at the conclusion of the Public Hearing. The budget must be approved before the first day of the Fiscal Year, October 1, 2016. In addition, Council must adopt the tax rate for the 2017 Fiscal Year. A tax rate increase is not being proposed so additional Public Hearings will not be required. Mayor Reinhard stated as Council's done in the past, he recommends and encourages they have a Budget Workshop. In addition, he recommends Council hold the Budget Public Hearing prior to the September Council Meeting. Council's availability was discussed. Council consented to having a Budget Workshop on August 15th at 6:30 p.m. The Workshop is an Open Meeting and the public is welcome to attend. Council consented to holding the Budget Public Hearing on September 20, 2016 at 6:30 p.m. The Public Hearing is an Open Meeting and a time for citizens to speak and comment on the proposed budget or portions thereof. Mayor Reinhard reviewed highlights of the Initial Draft Budget Comparison and Worksheets. He stated this is simply a starting point and not the proposed budget. Mayor Reinhard asked that Council look at the numbers before the Budget Workshop and bring back recommendations.

UNFINISHED BUSINESS

3. DISCUSS AND ACT ON UPDATING SECURITY CAMERA'S AT CITY HALL

Mayor Reinhard stated we currently have a security system at City Hall that is in need of some updates. He asked Council member Thornton to look into what would be needed to update the system as he works in this line of business. There are Restricted Security Funds that can only be used specifically for security at City Hall. In addition, we can look at providing cameras for the bus stops through the Restricted School Crossing Guard Funds. Council member Thornton stated he contacted ADI and received a quote of \$5,816.36 on what it would cost to purchase only the equipment. He chose these specific items because they have two Titan NVR demo models at his office at a price you won't be able to beat. The second quote for \$10,725.17 is one that he would provide to anyone wanting the system. It shows the cost of the equipment, labor, programing, and configuration with a 35% margin. They normally have a 35-40% margin when selling these systems. The third quote of \$4,933.39 is basically what they would do it for the City. Since the City would only be starting with 8 cameras, he took out the costs of \$1,238.99 and \$81.99 for additional licenses but the system is already equipped for up to 25. Council member Thornton stated we'll probably never get to 25 cameras, but you can't buy the system with 8 cameras for the money we're talking about spending. The labor was dropped to 15 hours and there's absolutely no margin on the quote. The current system at City Hall is analog, it's the old technology and not IP driven. The new system is the same manufacturer as used at Madla Park. The police will be able to monitor the system remotely. Council member Thornton stated he encourages them to get a quote on the parts and installation, he guarantees you won't be able to buy the system alone for this money. Council member Nottingham stated the cost is well under what needs to go out for bid but in the conflict of interest realm, she thinks it would be a good idea to wait a month and carry this over to give the opportunity to anyone interested time to research and come back with alternatives.

Council member Thornton stated he encourages them to get bids. Mayor Reinhard stated we will put this item on August Agenda.

4. DISCUSS AND ACT ON DEVELOPING OR AMENDING EXISTING ORDINANCES IN REGARD TO RESTRICTING HABITABLE DWELLINGS AND/OR RENTAL UNITS ON A SINGLE PROPERTY LOT

Mayor Reinhard stated this is a follow-up from the last Council Meeting to address rental properties. There have been questions and discussion if the zoning ordinance is being enforced. Amendment to Zoning Ordinance No 45B is in fact, being enforced. However, there is nothing in the ordinance that addresses rentals. There are a number of properties in the City that already have rentals. Mayor Reinhard stated the discussion is what Council wants to do in regards to restricting how many rental units are allowed on a property. At the last meeting, Council stated they wanted to think about it and bring it back for discussion. Council member Thornton stated there are a lot of properties out here that already have in-law suites or a rental properties. When a structure is already set up with multiple dwellings on it, how can we legally or even want to go back to property owners and say it has to remain vacant because if it's not a family member. This property was once a Single Family Dwelling with plumbing, water and electric. It doesn't matter how the last owner chose to use the property, it was once a livable structure. There was lengthy discussion on the definition of Single Family Dwelling. Council member Hoffman stated the back shed that they are claiming is livable, has been a tool shed. He has the pictures where they're digging up the entire backyard to install plumbing. The bottom line is that there has been no attempt to enforce the ordinance here. For some reason, he's at a loss to understand why the Mayor went to the City Attorney to find loop holes in the ordinance before even trying to enforce it. It makes no sense why Council worked on this ordinance for six years and presented it at a Public Hearing to the people just to say we're not Single Family Dwellings. It's been an illuminating fact to him that our City Attorney states he doesn't review our ordinances before Council approves them. It makes a mockery of everything City Council has done. Council member Nottingham stated our City Attorney has reviewed this ordinance and determined the ordinance doesn't specifically prohibit rentals. Council needs to find a way to add to the ordinance to only allow a certain amount of dwellings. Mayor Reinhard stated the reason the ordinance went to the City Attorney was absolutely not to ask for any loop holes, it was to confirm that given this situation, are we in compliance. The ordinance does not prohibit renting out Single Family Dwellings. This particular situation was not considered in the ordinance. The property is properly permitted and is in compliance with the ordinance. There was further discussion on this topic between Council along with input from citizens. Mayor Reinhard stated Amendment to Ordinance No. 45B is being enforced and that has been confirmed by our City Attorney. He stated there has been lengthy discussion with a lot of input. The question moving forward is, does Council want to consider adding something to the ordinance to prevent this from happening in the future. There was no Council action. Mayor Reinhard stated we will move on to the next agenda item.

5. DISCUSS AND ACT ON STATUS OF ADA MODIFICATIONS TO PARKING AT CITY HALL

Mayor Reinhard stated our City Engineer continues to work on the preliminary design for ADA modifications to parking at City Hall. The survey of the front of City Hall is complete and they expect to deliver preliminary plans to the City next week for Councils review at the next meeting.

6. DISCUSS AND ACT ON REFERENDUM ELECTION FOR THE CITY OF GREY FOREST REGARDING THE POSSESSION OR CONSUMPTION OF ALCOHOL ON CITY OWNED PROPERTY

Mayor Reinhard stated at the last meeting, Council passed an ordinance prohibiting the consumption of alcohol on most of City property with some allowances. There was discussion about having a referendum election in November regarding this ordinance. He did some research on this and we're not allowed as a general law City to have a citizen referendum on an ordinance. Mayor Reinhard stated citizen referendum and initiative powers are powers that only a home rule city possess. The calling of an election for general law cities must be authorized by a particular state statute. Because there is no Election Code provision or other state statutes that authorize a general law city council to submit general ordinances to the electorate through a referendum election, a general law city may not do so. A general law city is free to conduct polls or hold Public Hearings to gauge the preferences of the voters but the results of such are not binding on Council.

7. DISCUSS AND ACT ON ORDINANCE RESTRICTING ACCESS ON GREY FOREST COMMUNITY PROPERTY

Mayor Reinhard stated at the last meeting, he put out an outline on controlling access to the Grey Forest Community (GFC) property. He worked with the Grey Forest Community Board (GFCB) on regulations. It prescribes that access to the property will be by pass only. Citizens of Grey Forest will be issued a pass upon request by application and upon proof of residency. Non-citizens of Grey Forest may purchase a pass by application at a fee to be determined. The fee can't be exorbitant. It can be an individual or family membership. The process still needs to be worked out. The application process allows the police to have record of who has access to the property. Passes must be presented to the Grey Forest Police. Visitors without passes will be asked to vacate the property. There are exceptions for organized group activities and education sessions or rentals. Mayor Reinhard stated he will work with the GFCB on the application process, fees etc. and get it into ordinance format for Councils review.

8. DISCUSS AND ACT ON STATUS OF CITY OF GREY FOREST CODE OF ORDINANCES

Mayor Reinhard stated the City has hired Franklin Legal Publishing to take all our ordinances and put into code format. Council has had several Workshops to review what is in place. We are the point now that Council has updated the ordinances and it now needs to be incorporated into the Code. Shannan is in the process of pulling the ordinances that have been put in place or changed since the codification started and get them to Franklin Legal Publishing to be incorporated.

There was no further business. Mayor Reinhard adjourned the Regular Council Meeting at 8:23 p.m.

These minutes were written/recorded by Shannan Kinsley.

These minutes were approved as written ~~amended~~ on the 27 day of September, 2016.

Signed: Ronald Reinhard

Ronald G. Reinhard, Mayor