

The Regular Council Meeting of June 28, 2016 was called to order at 6:39 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley	Kelly Lockett	Frances Riley	Holly Thornton
Chief David Bejar	Bonnie Vyverman	James Swisher	Murry Hughey
Chris Mikel	Andy Vyverman	Thomas Crick	Irene Scharf
Brenda Reinhard	Jane Armstrong	Freda Hoffman	Lorna Main
Roxann Cotroneo	Kay McCloskey	Madeline McCloskey	Shawn Main
Gigi Duke	Chandler Baker	Kathy Waldrop	James Lee
Susan Beavin	Christopher Anderson	Holly Holleway	
Kris Hochart	Kitty Firneisen	Lee Holleway	

COUNCILMEMBERS

Lou Hoffman
Susan Darst
Jennifer Nottingham
Mitch Thornton
Lynn Tiner

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

APPROVAL OF MINUTES

The minutes of the March 22, 2016 Workshop Meeting/Regular Council Meeting were reviewed. Mayor Reinhard stated at the last meeting, Council member Hoffman expressed concern of Council not having pertinent information where three distinct actions were taken and he wished to change his vote from that March 22nd meeting sighting processes by the House of Representatives. Mayor Reinhard stated because of the expressed concern, the minutes from the March 22nd meeting were carried over. He looked into what action should be taken and we will not change any vote from previous meetings. It goes against good parliamentary procedure. It’s in the Rules of Order that once a vote is recorded and announced, it’s final. Mayor Reinhard stated although we will not change any vote from previous meetings, we will address Council member Hoffman’s concerns in an agenda item later in the meeting. The motion to approve the March 22, 2016 minutes as written was made by Council member Thornton, seconded by Council member Nottingham and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

The minutes of the April 26, 2016 Regular Council Meeting were reviewed. The motion to approve the April 26, 2016 minutes as written was made by Council member Thornton, seconded by Council member Nottingham and passed unanimously.

The minutes of the May 16, 2016 Special Council Meeting were reviewed. The motion to approve the May 16, 2016 minutes as written was made by Council member Tiner, seconded by Council member Thornton and passed with 4 YES and 1 ABSTAINING by Council member Hoffman as he wasn’t present at the meeting.

The minutes of the May 21, 2016 Workshop Meeting were reviewed. The motion to approve the May 21, 2016 minutes as written was made by Council member Thornton, seconded by Council member Tiner and passed unanimously.

The minutes of the May 24, 2016 Regular Council Meeting were reviewed. The motion to approve the May 24, 2016 minutes as written was made by Council member Thornton, seconded by Council member Tiner and passed unanimously.

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. Mayor Reinhard stated we received interest from three citizens that wanted to speak during Citizens Presentations but couldn’t be here this evening. They submitted their statements through the process with City Hall and he will read aloud.

Mayor Reinhard read an email from Theresa Ernest stating “she initiated conversation regarding rental properties on one single lot. She was hoping there’s no way this would ever be allowed. Unfortunately, that’s not what she’s hearing. Word is that it will be allowed, that our city ordinances were manipulated to permit this to happen. Rules are selectively

enforced. Nothing about this is okay. Between selective code enforcement, opening the pool and allowing river access to non-residents, allowing public consumption of liquor in these areas and the current controversy over pesticide use”.

Mayor Reinhard read an email from Marjorie Mautz stating “she’s sorely disappointed with our city management of SLPC and Madla Park. Alcohol’s a no. Who other than the police can patrol or check on the swimming hole. Trash is overflowing. As President of SLPC, she’s extremely disappointed with the lie SLPC was told about a lawyer being consulted about the land transfer. GFCB, how many positions can one individual have. What about single family properties with multiple homes on one septic tank. It shouldn’t be allowed”.

Mayor Reinhard read an email from Sandra Schneider stating “she’s very concerned about the total lawlessness, including overt alcohol use and open access in this community. This lawlessness, lack of road maintenance and apparent need for the citizens to be supervised has been festering since the City took over the SLPC parkland property and creeks. What is the intent to utilize, use and merge this property with Madla Park. She’s demanding an explanation and definition of “public property and public access” and what is being done to protect our community, critical habitat and karst wildlife preserve. She cautions Council that fining those with No Pesticide signs may violate the 1st and 3rd Amendments”.

Tom Crick stated he would like to provide information on agenda item no. 12 regarding alcohol and read some scriptures from the Bible. He stated the consumption of alcohol lowers our inhibitions and impairs judgment. In the scripture, a judge or king is not supposed to drink any alcohol, there’s a reason for that. Alcohol is the most commonly used addictive substance in the United States. 17.6 million people or 1 out of 12 adults suffer from alcohol abuse or dependence along with several million more who engage in risky binge drinking patterns that lead to alcohol problems.

Brenda Reinhard stated there are several people in the community that have been kind enough to help her prepare meals for people who have been sick, recent surgery or a death in the family. If you are interested in helping, please let her know. They get together and one may cook a dish, another salad & then a desert, something to take care of each other and be kind to each other. They deliver the meals with a card and this has helped quite a few people. It’s not a long term solution but helps short term to get people back on their feet or help through a hard time. Brenda Reinhard stated taking care of each other, being kind and thoughtful is important.

Susan Beavin stated she would like to make some comments on the Madla Natural Area. In 2009, Councilwoman Nottingham made it a point to inquire about the TPW grant obtained by Helotes Mayor, Jon Allan that was later refused. We were told we could apply for the funds which soon became unavailable but, released the next year. With only months left to officially submit the grant, it took a village of people to succeed in obtaining the \$1.25 million grant. With additional help of a Conservation Easement from the City of San Antonio through their Prop 1 Aquifer Protection Program, Grey Forest acquired the property, now to be preserved in perpetuity. The park was named after Senator Frank L. Madla, Jr., who had done so much for the entire Helotes area. A Board was selected to implement the grant and in the past five years the Board has accomplished many things. The Board has planned successful fundraisers with more planned to maintain their self-sufficient status. They continue to set and achieve both financial, organizational and improvement goals for the park.

Freda Hoffman stated Curt Van DerBurgen asked her to read an email he sent earlier in the week as he couldn’t be here tonight. Mayor Reinhard stated the process is to send these requests through the Mayor or City Secretary. He stated he would read the email into record to follow the standard process. Mayor Reinhard stated the email is from Curt Van DerBurgen to Chief Bejar thanking him for meeting this morning. “The community seems to be going through some issues which they have not encountered in the past 10 years. They use to listen from their backyard, children laughing with a great deal of enthusiasm which is the joy that brought them to Grey Forest. The noise they hear now along with the disrespect these young adults display, is heart breaking. Additionally, they can’t understand how the police dispatchers have no idea that our community has a swimming area in addition to the attitude of the dispatcher. Curt Van DerBurgen thanked Chief Bejar for doing what they can to keep our neighborhood safe”.

Freda Hoffman stated she would like to present a petition regarding item no. 12 on the agenda. It's a petition signed by 76 citizens and representing 49 households regarding the consumption of any alcohol on all property conveyed to the City of Grey Forest by the Scenic Loop Playground Club. The petition states as voting citizens, they ask Council to prohibit any and all consumption of alcohol on what was once Scenic Loop Playground Club property. This includes but is not limited to the clubhouse, trails, creeks, swimming hole, fishing ponds, parks and athletic field. Mayor Reinhard stated Council can consider this when they get to agenda item no. 12.

Madeline McCloskey stated her comments are about agenda item no. 12 on alcohol as well. She stated citizens have expressed concerns surrounding the possible consumption of alcohol, gun violence, noise, judgment impaired and risky behavior when alcohol is abused. This is certainly reasonable but she doesn't understand how this is going to happen if a Police Officer is required to be present.

Andy Vyverman stated his concern is what's going on next door to him. Is the City really allowing the building of three rentals on one taxable property. There's a ditch cut through the middle of oak trees and nobody is apparently concerned if trees get infected with Oak Wilt. There was no Plan Review. A building plan review would've shown one of the buildings is too close to the property lines. He's been next door to this property for 15 years and it's been the same single family residence the entire time. The zoning ordinance was just signed off on six months ago. Now City Hall is saying the ordinance needs to be reviewed again, only six months later to prevent future development like this. He has to live next door to this. The ordinance is there, if there are questions, wouldn't it be prudent to issue a stop work order to review it before more money is spent. He doesn't want it to come down to that the ordinance did cover this but because there's already so much money invested, the City has to allow it.

Jane Armstrong stated she's not looking forward to adopting an ordinance that allows rental properties on a single family property. This isn't the flavor of Grey Forest. She's still opposed and concerned with allowing alcohol or guns on any club property because of her proximity to the area. Her other concern is allowing public access on club property. It seems like we're working towards come on in. She's concerned as a citizen that we're just inviting trouble. If we don't have to do these things, then she wants to be on the record, no don't do it.

Frances Riley stated when she heard all the controversy about voting for the City to take over club property, she was told the City was going to keep it private for the citizens as it always had been. After the club voted and the City took over the property, she was told that the City Attorney said we can't keep it private, it has to be open to the public. She feels the membership voted under false pretense. She wishes there could be another vote and would bet that the vote would go different. The swimming pool in Leon Valley is not open to the public. They have to show proof of residency to get access to the pool. This is inviting people to come in and is trouble. Some who voted for this was misinformed.

Kathy Waldrop stated Ordinance No. 45B doesn't list rental properties as allowed general use. It lists single family dwellings. If you think there's nothing addressing it, it's because it's not permitted. The City has always been single family dwellings. The ordinance says it intends to keep it that way. She's heard the complaints about the pesticide signs. The signs to instruct the public on use of club property, trails and the pool are unsightly and having people wandering in that don't live here. It's a sad thing. She knew the club property would be public but no one wanted to listen. Now there are a lot of people who want to listen and want to change their vote but think it's too late. It's not too late, the vote was done poorly and she believes it's an invalid vote. The vote should be set aside and the property returned to SLPC. SLPC needs to think this through and be better prepared for this kind of step. As a private citizen, the thought of having the public come through our City is awful. The deed wasn't signed with proper authority and therefore it's void. This should be considered a failed experiment.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard reviewed the Monthly Financials of May 2016. We are below budget on expenses and received most of our income. We are operating well financially. He has started the budget process as the City Budget Officer. He's working with City departments to get input. The plan is to have a draft budget by the next council meeting and a

workshop after that. The budget is due to the City Secretary in August. Mayor Reinhard reviewed the City Attorney legal activity for May 2016. He stated there was a Suburban Cities Meeting in June. There's a move to have the Suburban Cities represented with the City Water Board. Council member Hoffman stated he would like to see the process of the Suburban Cities Meeting.

COUNCIL/STAFF ANNOUNCEMENTS

None.

COMMITTEE ANNOUNCEMENTS/REPORTS

None.

GREY FOREST COMMUNITY BOARD UPDATE

Mayor Reinhard stated Laurie Hawkins is unable to be present this evening. She has designated Council member Nottingham to give the Board update. Council member Nottingham stated the Texas Water Development Board (TWDB), Texas Department of Licensing and Regulation (TDLR) and Texas Commission on Environmental Quality (TCEQ) have looked and can't find any documentation stating the well behind Grey Moss Inn is plugged. They are exploring low cost options with George Weissmann with the Trinity Glen Rose Groundwater Conservation District on how to handle. Laurie Hawkins met with the City Engineer to look at the three dams in Grey Forest. He's been asked to provide an engineered assessment and verify that the dams are not regulated by TCEQ. The City Engineer is putting together a scope of work to present appropriate paperwork to TCEQ about the dams. The Board has installed signs at the pool; "No Lifeguard on Duty" and "Swim at Your Own Risk". There will be more signage to follow and will be discussed at the next Grey Forest Community Board (GFCB) Meeting. The meetings are the first Thursday of the month at the GFC Clubhouse. The Board is working on getting E.Coli samples from the pool that will be tested by San Antonio River Authority (SARA). Council member Hoffman asked if the minutes for the GFCB meetings up to date. Council member Nottingham stated the minutes are written and need to be approved. Council member Hoffman stated at the last meeting, it was reported the well behind Grey Moss Inn was not a problem, how did it become an issue again. Council member Nottingham stated the GFCB were told by the SLPC at the last Council Meeting that the well was considered "plugged" by the TWDB but there's no such record of this determination and TWDB cannot actually make this determination, only the Trinity Glen Rose Groundwater District (TGRGCD) or the TDLR can make that determination. Several entities have looked for any documentation regarding this well in various databases: TGRGCD, TCEQ, TDLR, SAWS and TWD and they can't locate any documentation reflecting such.

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated the Madla Board has two Board members that would like to be relieved of duty to pursue other options. They will be advertising for these positions. Resumes/Letters of Interest are due to City Hall by July 20th. That will give the Madla Board time to review them to discuss at the July 31st Meeting. One board position will expire in 2017 and the other in 2018. The Board will bring a recommendation to Council on August 23rd. They have removed most of the leftover materials from the Public Works Department.

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 to two different parts of the requested variance. The first variance was 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 did still need 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

Chief Bejar reviewed the May 2016 Monthly Activity Report. There were 73 calls for service, 923 hours worked, 5186 total miles driven, 66 traffic stops, 55 summons issued and 19 warnings issued. A large portion of the summons issued were for no through trucks. Chief Bejar stated dispatch has the address to the pool and hopefully that has been straightened out. In addition, he advised dispatch about the complaint received regarding the dispatchers perceived attitude. Council member Hoffman asked if the Code Compliance Officer is under the Police Department. Shannan Kinsley stated the City doesn't officially have a Code Compliance Officer. The officers are only enforcing ordinances and are not considered Code Compliance Officers. Chief Bejar stated the police officers enforce the ordinances but are not certified to enforce building codes.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the May 2016 Monthly Activity Report. Public Works continues to work on tree trimming, citizen's brush chipping, roadwork, regular update of the City and animal control. Chris Mikel stated Annual Junk Day was held on Saturday, May 14th. He thanked Council member Thornton for his assistance during the event and Matt Galvan for providing his trailer for disposal of metal.

GFU UTILITY ANNOUNCEMENTS

Mayor Reinhard stated the utility continues to operate very well. They made repairs to the water tank at the top of Nottingham. They are still looking at the tank and think there may be a small leak that needs to be fixed.

FIRE DEPARTMENT REPORT

Christopher Anderson stated there were thirteen calls in the City for the month of May 2016; four EMS and nine other than EMS. The average response time was 2.31 minutes and average personnel of 2.92.

NEW BUSINESS:

1. DISCUSS AND ACT ON REAPPOINTMENT OF TWO BOARD MEMBERS, REAPPOINTMENT OF ONE ALTERNATE BOARD MEMBER AND ONE APPOINTMENT OF A NEW ALTERNATE BOARD MEMBER TO THE BOARD OF ADJUSTMENT

Mayor Reinhard stated the City has an appointed Board of Adjustment to consider variances from the Zoning Ordinance. Freda Hoffman and Le Moey Weibush are current members of the Board of Adjustment. Their terms are up on July 25, 2016. Typically, if a current Board member is interested in reappointment, he recommends to Council their reappointment. Council member Thornton stated with all the objections the City has received about reappointing Board members, he thinks we should advertise for every open Board position. His opinion is you can't do it for one and not the others. Mayor Reinhard stated typically, the Board of Adjustment is a Mayoral appointment with confirmation by Council. We may want to change the reappointment process in the future but this is our current procedure. The motion to reappoint Freda Hoffman and Le Moey Weibush to the Board of Adjustment for a two year term was made by Council member Hoffman. There was no second to the motion. Mayor Reinhard stated even though there is not a second to the motion; he has the ability to call for a vote. He would like to see this handled tonight but will leave that up to Council. Council member Nottingham stated she would like to have all vacant board positions, including Mayoral appointments, opened up and placed on the marquee to make sure everyone has the opportunity to let them know they are interested. It was discussed Council can reappoint these positions this evening and work on changing the process for future appointments so they are all publicized. Mayor Reinhard called for a vote. The motion to reappoint Freda Hoffman and Le Moey Weibush to the Board of Adjustment for a two year term passed unanimously. These terms will expire on

July 25, 2018. Mayor Reinhard stated Aurelia Scharnhorst is an Alternate on the Board of Adjustment. Her term doesn't expire until October 28, 2016. Council doesn't have to reappoint this position this evening but we would prefer to get this position on the same cycle as the rest of the Board. If reappointed, the position would expire July 25, 2018. The motion to reappoint Aurelia Scharnhorst to the Board of Adjustment as an Alternate for a two year term was made by Council member Nottingham, seconded by Council member Hoffman and passed unanimously. The term will start July 25, 2016 and expire on July 25, 2018. Mayor Reinhard there is a vacant Alternate position on the Board of Adjustment. Barbara Coulter is interested in this position. The motion to appoint Barbara Coulter to the Board of Adjustment as an Alternate for a two year term was made by Council member Tiner, seconded by Council member Hoffman and passed unanimously. The term will expire on July 25, 2018.

2. DISCUSS AND ACT ON REAPPOINTMENT OR APPOINTMENT OF COUNCIL PERSON BOARD MEMBER POSITION TO THE SENATOR FRANK L. MADLA, JR. NATURAL AREA BOARD OF DIRECTORS PURSUANT TO ORDINANCE NO. 180

Mayor Reinhard stated the ordinance is a little vague on this but in June of each year, the Senator Frank L. Madla, Jr. Natural Area Board of Directors should appoint or reappoint the Council member Board position. Currently, Council member Nottingham serves as the Council member to the Board. Council member Hoffman stated he wants to commend Council member Nottingham on what has been accomplished at Madla, he thinks it's great. However, he's deeply concerned and has a hard time with her being on the Board that didn't bring it up sooner that the terms had run out in 2013 and 2014. It also comes to light afterwards with the use of glyphosate up there, he thinks she may want to take a break from it for a while. Council member Nottingham stated she's very interested in continuing to serve on the Board. She feels she has done a good job and would like to have the opportunity to continue if Council so chooses. Council member Hoffman stated he would like to see fresh blood and thinks Council member Thornton or Council member Tiner would be a great addition. Council member Thornton and Council member Tiner advised they don't have the time. The motion to reappoint Council member Nottingham as the Council person Board member to the Senator Frank L. Madla, Jr. Natural Area Board of Directors was made by Council member Thornton. The motion was seconded by Council member Darst and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

3. DISCUSS AND ACT ON REAPPOINTMENT OR APPOINTMENT OF COUNCIL PERSON BOARD MEMBER POSITION TO THE GREY FOREST COMMUNITY BOARD (GFCB) PURSUANT TO AMENDMENT TO ORDINANCE NO. 215

Mayor Reinhard stated the Council Person Board member position for the Grey Forest Community Board (GFCB) is appointed or reappointed every June pursuant to Amendment to Ordinance No. 215. Council member Nottingham currently holds this position. Council member Nottingham stated she would love to continue serving in this position however, there may be other people that would like to take this place. She would support it if someone else is interested. Council member Darst stated she is interested in taking that position. Council member Nottingham stated she supports Council member Darst. Council member Hoffman stated he would like to put forth Council member Thornton's name for this position. His comments are that Council member Nottingham made the motion to use the glyphosate in the creeks and Council member Darst brought up wanting alcohol at the club. He thinks they are well meaning but these are two of the most divisive issues in the City that we've witnessed in a long time. He knows they're not going to select him for the position but in order to build a sense of community; we might need to change hands. Council member Thornton stated he's not interested. Mayor Reinhard stated these divisive issues are attributed to misinformation that has been passed around. The information isn't completely accurate and has escalated the issues so it's not their fault that there's divisive issues. The motion to appoint Council member Darst as the Council Person Board member to the GFCB was made by Council member Nottingham, seconded by Council member Tiner and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

4. DISCUSS AND ACT ON APPOINTMENT OF CITY ATTORNEY PURSUANT TO ORDINANCE NO. 17 (10/02/1979)

Mayor Reinhard stated pursuant to Ordinance No. 17 passed by Council in 1979, the City Attorney should be reappointed in the month of May every year although State law doesn't require annual appointments. When going through the Code, we realized this is an older ordinance we weren't aware of and it wasn't being followed. Mayor Reinhard stated the Jacobson Law Firm currently represents the City as our City Attorney. They are interested in continuing to serve. Council member Hoffman asked to delay consideration of this item until after Item No. 7. He stated Item No. 7 is going to be a definitive test of how well we've been served by the City Attorney's advice. After spending years on Ordinance No. 45B and now Council has to reconsider it again, it's a telling sign of what kind of services we're getting. There was no objection to moving this item to later on the agenda.

5. DISCUSS AND ACT ON UPDATING SECURITY CAMERAS AT CITY HALL

Mayor Reinhard stated the security system at City Hall is still functioning but is relatively old. We are interested in updating the system and using something similar to what's used at the Madla Park. We are interested in adding additional cameras in the future to monitor locations such as the school crossing area, the clubhouse and possibly the swimming pool. The police will be able to monitor the system remotely. Mayor Reinhard stated there's money in the budget to update the security system. Since Council member Thornton is in this field and handled our current security systems, he asked him to put together a concept of what we'd like to do. Council member Thornton stated the system used at the Madla Park can be viewed remotely. The system at City Hall is the old analogue system. Where he works, they have two demo units available. The demo units would be at a far less cost than you could buy. It's a large system and is expandable. We'll be able to continually add cameras if we wanted to as long as he can get wireless access points. Council member Thornton stated he'd be more than happy to put together a quote and have any company out there bid against it. When the security system was installed at Madla Park, it was all done at cost. The cost of the equipment was provided and he didn't charge for installation. He doesn't think any competitor out there is going to do that. Mayor Reinhard asked Council member Thornton to put together a quote for the July meeting.

6. DISCUSS AND ACT ON CITY COUNCIL CONFIRMATION OF MADLA PARK BOARD ACTIONS DURING THE PERIOD OF JUNE 2013 TO MARCH 2016

Mayor Reinhard stated this action is related to not reappointing Board members to the Senator Frank L. Madla, Jr. Natural Area Board of Directors. Mayor Reinhard stated he's provided Council a detailed breakdown of activity to consider and confirm between June 2013 and March 2016. During the period of June 2013 and March 2016, Board members were not reappointed by City Council as outlined in the ordinance that creates the Board. The Board members are all volunteers that have given their own time and effort to develop and maintain Madla Park. The Board has operated in good faith and have executed well. The background on the 2009 opportunity to create a park in honor of Senator Frank L. Madla was reviewed. Two year alternating Board terms were due for reappointment/appointments in June of each year. After the opening of Madla Park and ongoing work, the June 2013 appointments were overlooked and subsequent June appointments were also overlooked as Board members continued serving. In November/December 2015, there was some discussion of Board Chair, Frank L. Madla resigning. At that time, he realized that board reappointments had not been occurring and requested the City Secretary research and determine the reappointment status. This information was provided in mid-December and was put on the February Madla Board Agenda to discuss with the Board members and determine their interest in continuing their service on the board. All except Frank L. Madla who already resigned, was willing to stay with the board at least through the April fundraiser. The City Attorney was consulted and he recommended two items. First and most important was to reappoint or appoint Board members to have a working board before incurring any other financial obligations. This was put on the next Council Meeting Agenda in March. One new Board member was appointed as a replacement for Frank L. Madla and the remaining non-council Board members were reappointed. The second recommendation was to review the board actions since the time that the first group of Board member terms expired. This was primary directed at the financially related actions by the board and City's exposure. The board does not write checks or disperse funds, however, the board does make decisions on projects and activities that require funding. Mayor Reinhard reviewed in detail the financial accounting of income and expenses

from project inception to the end of May 2016. He stated during the period of June 2013 through March 2016, a quorum of the Madla Board was not maintained since Council had not acted on reappointment or appointment of Board members. During the same period, the Madla Board conducted forty meetings. The meetings were posted as an Open Meeting and minutes recorded. In addition, four fundraisers were conducted. The board arranged several workdays where volunteers were called and organized to do work in the park. Minutes for the Madla Park Board for the period of June 2013 through March 2016 were provided for reference of other discussion/actions by the Board. Council member Nottingham thanked Mayor Reinhard for the unbelievable outline detailing activity during this period. Council member Hoffman stated in the Mayor's opening statement on this topic; he made it sound like this was a two-step issue/process. The email he has from the City Attorney did not break it into two items. He didn't delineate between the two, he said do these things. According to the powers and duties of the Mayor under the Texas Legislature, the Mayor shall give to the governing body any information, and shall recommend to the governing body, any measure that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality. Council member Hoffman stated his contention about all this is that the information was not provided for the March 22nd Meeting. Further, he's now asking Council to not condone all of the actions by an illegal Board that has authorized glyphosate, alcohol and allowed terms to run out. He can't vote to condone these actions now in hindsight. Mayor Reinhard stated there are two specific actions. The first action was handled in March and now we're addressing the second action. Council member Hoffman asked if he can read the City Attorney's email. Mayor Reinhard stated he's already been advised that is Attorney Client Privilege. He stated the intent of the action based on the information in the report is for Council to acknowledge and confirm the actions of the board, particularly those related to financial expenditures by the City related to park activities directed by the board. The motion to confirm the actions of the Senator Frank L. Madla, Jr. Natural Area Board of Directors during the period of June 2013 and March 2016 was made by Council member Tiner, seconded by Council member Nottingham and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

7. 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 we have consulted with our City Attorney on Ordinance No. 45B regarding a homeowner renting three buildings out as a Single Family Dwelling (SFD) on one lot. Our City Attorney has provided a legal opinion on the enforceability of Ordinance No. 45B in regards to this issue. Mayor Reinhard stated our City Attorney reviewed the following: a) Section 6.01 setting lot requirements for a new SFD. Does this mean only one SFD can be constructed or converted on a property lot. Opinion is that the ordinance is unclear. It could be interpreted two ways and doesn't state if there's already a SFD on the property, no other SFDs may be built or converted; 2) can multiple SFDs be constructed or converted. Opinion is the ordinance is unclear; 3) Section 6.03 states any existing inhabitable dwelling that is a SFD at the time of this ordinance is grandfathered. Opinion is the ordinance contains no definition of inhabitable dwelling. It defines habitable and SFD. Opinion is that arguments could be made different ways; 4(a) Section 6.05 provides that any structure that can be proven to have been at one time a SFD, and being on the same recorded lot as when it was habitable may be made a habitable dwelling on the lot up to the same square footage as the prior habitable structure. Does the person seeking improvement have to prove that each structure was once a SFD and what level of proof is required. Opinion is yes they must prove that the structure was once a SFD and need enough proof to meet the preponderance standard of proof; 4(b) If the structure is proven to formerly been a SFD, can the structure be made habitable and must it still meet the acreage/frontage requirements, or does being on the same recorded lot control. Opinion is yes the ordinance clearly contemplates former SFDs may be made SFDs again. Section 6.01(2) makes an answer difficult, if there had been a subparagraph stating "no more than one SFD may be located on a single taxable unit" the situation would be more easily addressed; 4(c) Since all other requirements must be met as well, do the setback requirements for each structure control over the grandfathering provision. Opinion is the ordinance clearly contemplates two possibilities and arguments could be made; 5) Section 9.01 provides that general use allowed includes SFDs along with guest or servant living quarters and accessory buildings typical for a residence. Does this allow for multiple SFDs on one

property lot. Opinion is the ordinance contemplates multiple residences on a single property. Mayor Reinhard stated in summary, these are the findings of the City Attorney without all the very specific details. There are three buildings on the lot. It appears that all can be considered SFDs. Given that they are not changing the footprint of any of the structures, the City has followed all the permitting procedures. Council member Thornton stated there continues to be reference to a shack. He walked the property and the small unit in the back is a cinder block building with all the original plumbing for a bathroom. When this structure was originally built, it was set up for a dwelling. Mayor Reinhard stated the City is in fact enforcing Amendment to Ordinance No. 45B. This is the first time we've come across something like this. It's a condition that wasn't anticipated. It's hard to think of every particular thing that can ever happen and create law for that. The discussion tonight is how does Council want to handle this from now on to avoid this type of situation again. We have quite a few properties in the City that have had multiple SFDs and have renters. Trying to learn from this situation, the question at hand is what does Council want to do to make sure that this issue doesn't come up again? The issue seems to be multiple structures on one lot. There was lengthy discussion on the topic. Council member Hoffman asked how the City Attorney received this information because it's clearly out of touch with anything going on in this City since in his opinion, under FACTS, number 5 it references the municipal sewer system. Mayor Reinhard stated he's correct that the reference of a municipal sewer system is not correct. Council member Hoffman stated the opinion has big warnings at the top of each page stating "Privileged and confidential communication pursuant to the Attorney Work Product Privilege of Texas Rule of Civil Procedure and the Attorney-Client Privilege". By this being part of the discussion, is this document open to Freedom of Information. Mayor Reinhard stated the opinion falls under Attorney-Client Privilege. He asked if Council would like to discuss how we should handle multiple buildings on single lots. Council member Nottingham stated she would like to give Council time to digest this information and come back with more background to see what needs to be changed.

4. DISCUSS AND ACT ON APPOINTMENT OF CITY ATTORNEY PURSUANT TO ORDINANCE NO. 17 (10/02/1979)

Mayor Reinhard stated this item was delayed earlier this evening at the request of Council member Hoffman. Council member Hoffman stated Council worked on Ordinance No. 45B for four years and is now it's judged to be unenforceable for Single Family Dwellings which is what people are trying maintain in this community. He would say the City was not well served by the counselor that served as our City Attorney during this time. He would encourage Council to start interviewing for new representation. Council member Thornton stated it about interpretation. He thinks the City Attorney we have is doing a great job and he'd like to continue with him. Council member Nottingham stated she wishes our ordinances were tighter and would like to get advice from the City Attorney on how we can tighten them up but she doesn't think we need to go out and look for another attorney. The only thing she would like to change is the Mayoral Appointment from May to June so we're doing all the appointments at the same Council Meeting. Mayor Reinhard stated given that there's differences in opinion, maybe we can approve a shorter term and revisit this. At that time, Council can determine if they want to entertain other municipal attorneys. The motion to continue an engagement with our current City Attorney, The Jacobson Law Firm through January 31, 2017 was made by Council member Tiner, seconded by Council member Nottingham and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

8. DISCUSS AND ACT ON AMENDMENT TO ZONING ORDINANCE NO. 45B, SECTION 12: BUILDING MATERIALS AND APPEARANCE

Mayor Reinhard stated this item was put on the agenda before we received determination from the City Building Inspector. Building Materials is outlined on page 7 in Amendment to Zoning Ordinance No. 45B. The confusion was in the wording that references cedar or any other type of wood shake/shingle siding. He doesn't see any problems with the wording because the vocal point is shake/shingle siding. Cedar or any other type of wood is an adjective to those things. It was Councils consensus that they didn't see a need to change the wording.

9. DISCUSS AND ACT ON AMENDMENT TO ZONING ORDINANCE NO. 45B, SECTION 18: SIGNS

Mayor Reinhard stated the City has received many complaints about the “No Pesticides” signs up in yards. He’s been asked to have them taken down and enforce our ordinance. Again, the City is enforcing Amendment to Zoning No. 45B which regulates signs. He is not having the signs taken down because the ordinance states any sign beyond a 72 hour period must be on private property for which the sign was designed. The signs are on private property and we can’t require the signs be removed. Council member Thornton stated that goes back to interpretation. The way he reads the ordinance is a temporary sign is allowed on a temporary basis and must have a completion. There was lengthy discussion on First Amendment rights and expressing freedom of speech. Mayor Reinhard stated Council has been provided the ordinance from Fair Oaks Ranch that addresses signs. You can regulate to some degree and to certain limits but you have to be careful to restrict content. He understands how the ordinance might imply that there are limitations but he feels it’s extremely simple to read and at this time doesn’t see a need to change. Mayor Reinhard stated the City is enforcing what we have in place right now. At some point, we probably need to revisit signs and add more specifics. He suggests we get through the recodification process and then address if Council feels it’s necessary.

10. DISCUSS AND ACT ON AMENDMENT TO 1978 CODE OF ORDINANCE, CHAPTER 13: NOISE

Mayor Reinhard stated Council member Hoffman requested this item be placed on the Agenda. Council member Hoffman stated his understanding is that to enforce a noise complaint, there has to be a decibel level assigned. Mayor Reinhard stated the City Code states any unreasonably loud, disturbing, or unnecessary noise created or permitted to any person of normal nervous sensibility in the neighborhood thereof, is declared to be a noise nuisance and is prohibited. His question has always been who’s the judge of what’s considered normal. Mayor Reinhard stated one way to interpret that is by the Municipal Judge. He also pulled other cities ordinances. The City of Cibolo is similar to us and outlines being reasonable. The City of Fredericksburg judges by decibel. The appropriate equipment to judge decibel would need to be purchased. Mayor Reinhard stated he suggests Chief Bejar speak with the Municipal Judge to see if what we have in place is enforceable and what he recommends for the City.

UNFINISHED BUSINESS:

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

Mayor Reinhard stated a complaint was filed against the City that the handicap parking at City Hall is not ADA compliant. The City has been working with the City Engineer to bring the parking up to code. Texas Department of Licensing and Regulation (TDLR) sent a letter stating they’ve concluded their investigation of compliance. Since the City has engaged the services of a licensed Registered Accessibility Specialist to ensure the facility meets all necessary standards, TDLR has closed the case as being informally resolved. Mayor Reinhard stated the City will continue to work with the City Engineer to finalize this issue.

12. DISCUSS AND ACT ON ORDINANCE OF THE CITY OF GREY FOREST REGARDING THE POSSESSION OR CONSUMPTION OF ALCOHOL ON CITY OWNED PROPERTY

Mayor Reinhard stated this has been an ongoing discussion. Over the last couple of meetings, it was the majority agreement of Council to wait for the results of the City wide survey to determine if the consumption of alcohol with conditions would be prohibited on City owned property. Based on the survey, the Grey Forest Community Board (GFCB) would make a recommendation to Council. Mayor Reinhard stated he drafted up an ordinance in conjunction with the recommendation by the GFCB. It’s Councils decision whether they want to consider the recommendation and accept as is or modify it. The basic premise of the ordinance is prohibiting the possession or consumption of alcoholic beverages on property owned by the City at all times unless otherwise specified or indicated by specific action. The regulations outline possession or consumption of beer or wine is allowed subject to the following requirements:

- 1) 60 day notice of intended rental to GFCB;
- 2) receive approval from the GFCB prior to rental for serving beer and/or wine at event;
- 3) complete and execute Clubhouse Rental Agreement with the GFCB;
- 4) paid requisite deposit of twice the normal rental deposit;
- 5) consumption of beer or wine is limited to the clubhouse building and porch, and within fifteen feet of the clubhouse building and porch roofline;
- 6) paid services of one or more commissioned licensed peace

officers approved by the Grey Forest Police Chief to provide security during the entirety of the event; 7) use the services of a T.A.B.C. certified server for the beer or wine; 8) complies with all T.A.B.C. rules and regulations if the event is a paid event. Mayor Reinhard stated basically alcohol is prohibited on all property unless you can meet all the restrictions outlined. There is a similar section for the Senator Frank L. Madla, Jr. Natural Area which has pretty much the same restrictions. In addition, there's a section that the consumption of alcoholic beverages is allowed on Grey Forest Utility (GFU) property for special events as approved by the Grey Forest Utilities Board of Trustees. Restrictions were not placed on GFU property as the Board of Trustees controls the utility and they should make those decisions. Mayor Reinhard stated we have the petition that was presented by Freda Hoffman earlier this evening. Council member Nottingham stated she thinks the Madla Board should be treated the same as the GFCB. She doesn't see why the Madla Board should have to come to City Council, their Board of Directors should be able to make that decision. It's the same requirements and rules at the GFCB. Council member Hoffman stated Council has a petition that trumps the survey. It's unambiguous, more numbers and simply no alcohol. Council member Nottingham stated the GFCB agreed that they would make a recommendation to Council based on the survey. Council member Thornton stated the survey was specific to property conveyed from SLPC to the City. It didn't include Madla Park or GFU. Council member Darst stated the GFCB did everything in their power to make sure that an unbiased means of communication was sent out representing per household. She thinks those people have spoken. They've given everyone the opportunity to speak out. She appreciates the petition but the survey represented one family, the petition represents multiple people within a family. Council member Darst stated we continue to talk about transparency, she doesn't know how more transparent the Board can be. They came together in an open meeting, laying out how they want to word the survey, mailing it, giving a month to return it and giving people an opportunity to come back and speak. Those numbers did come back and the response was in favor of restricted allowance. Council member Hoffman stated these are citizens that filed the petition. They live here and the numbers are larger than the total response of the surveys. Council member Darst asked if everyone in the City was approached with the petition, she knows she wasn't. Council agreed they weren't approached with the petition. Council member Hoffman asked what difference does that make. Council member Darst stated it makes a difference when you look at a 100% representation. Council member Hoffman stated then there should be a referendum vote. Put this off until the fall when we can have a referendum vote. This is the way it should be held for such an important liability issue for the City. Right now we have a petition and that's something that's supposed to be a core value in this country. Council member Nottingham stated she finds it interesting that certain people were approached and not others. We have people on the petition saying we don't want to allow alcohol but then we have all these other people that were never approached to give an opinion. If you compared it side by side and went to every household, then she would want to see those results. Council member Tiner stated we can't ignore the majority of the people who said allow alcohol with restrictions for the minority that said, no don't allow it. Council asked for the results of the petition again. Freda Hoffman stated 76 citizens signed the petition representing 49 households. Mayor Reinhard stated we need to put something into place so the Police Officers have something to monitor the property.

The motion to ban all alcohol on City property was made by Council member Hoffman. He stated a suggestion for the future, if Council wants to have a discussion about having a referendum vote on alcohol served at Madla and the clubhouse, they can do that later on. There was further discussion. Council member Hoffman amended his motion to ban all alcohol on City property excluding GFU. Mayor Reinhard called for a second. There was no second and the motion failed.

Council member Thornton made the motion to temporary ban all alcohol on all City property except GFU with the understanding that we will take it to a referendum vote in November and let the citizens decide. The motion was seconded by Council member Hoffman. The motion failed with 2 YES by and 3 OPPOSED by Council member Darst, Council member Tiner and Council member Nottingham.

Council member Darst made the motion to accept Ordinance No. 217 as written with the exception of under the beer and wine consumption rules at the Madla Park, allow the Madla Board of Directors to be the approval board rather than City

of Grey Forest City Council. The motion was seconded by Council member Nottingham and passed with 3 YES and 2 OPPOSED by Council member Hoffman and Council member Thornton.

The motion to put this up for a referendum vote in the next general election providing we can make those arrangements was made by Council member Nottingham, seconded by Council member Thornton and passed unanimously. Mayor Reinhard stated Ordinance No. 217 is approved with the change noted. He will research the referendum vote.

13. DISCUSS AND ACT ON RESTRICTING ACCESS ON GREY FOREST COMMUNITY PROPERTY

Mayor Reinhard stated there's been continued discussion on this. There have been reports that he failed to talk to our City Attorney. That isn't true and he's been in discussion with the City Attorney. Mayor Reinhard stated the Local Government Code, Public Use, states a park shall be open for use by the public under the rules prescribed by the governing body of the park. Summarizing our City Attorney, the City could take the position that rules prescribed can include restricting use to Grey Forest citizens, general speaking, rules control conduct, not status. While the term public park is not a legal definition but one of generally accepted usage, it's viewed as a track of land maintained by the federal, state or local government for the recreational enjoyment of the general public. In effect, what we're told by the City Attorney and TML is that a public park use is meant to be for the general public and access can't be denied. They feel that charging non-citizens is okay as they don't pay taxes for any upkeep, however, we can't charge anything exorbitant to the general public. Mayor Reinhard stated he's been researching other cities and other ways to handle this such as paying for access. The basic thought is to have the Grey Forest Community (GFC) property open to the public possessing as a pass. Citizens will be issued a pass upon request by application. Non-citizens of Grey Forest may purchase a pass by application. A rate for the pass would need to be set. Passes must be present to the Grey Forest Police upon request. Visitors without passes will need to vacate the area. Exceptions could be made to organized group activities authorized by the Grey Forest Community Board (GFCB). Clubhouse education sessions or rentals would access the clubhouse area without needing a pass. In addition, we could put restrictions such as it shall be unlawful to participate in activity that will create a danger to the public, no overnight camping, no motorized vehicles on property, no injury to trees, no obscene language, dogs must be on a leash, etc. Mayor Reinhard stated what he's provided is just an outline. Before he put it in final form, he wanted Council to review and discuss so they can observe the property as best as they can within the law. Council member Hoffman stated he would like to bring this back to review in detail, give input and go over it at the next Council Meeting. Council member Nottingham stated she feels this should be brought to the GFCB to review, have input and bring back a recommendation to Council. Mayor Reinhard stated while this is a City Council action; we definitely should take into consideration GFCB input.

14. DISCUSS AND ACT ON STOP SIGNS AND TRAFFIC STUDIES ON SCENIC LOOP ROAD

Mayor Reinhard stated this has been on the agenda for quite some time. A petition is a request to consider something, not necessary something you have to do. However, we do want to listen to our citizens and give it great consideration. We've done several traffic studies on Scenic Loop Road and some inside the City. Chief Bejar provided a study regarding warranted and unwarranted stop signs. If you take the study into consideration, the stop signs being considered would be unwarranted. Council member Hoffman stated just take this off the agenda and future agendas. If Council isn't going to do anything about it, just remove it and be done with it. There was no objection by Council to remove this item. Council member Hoffman stated we owe it to the petitioners to send an apology letter explaining that this item was removed from the agenda. Mayor Reinhard stated he will work on a letter with input from Council member Hoffman. He'd like to give petitioners information on the studies performed and the rationale considered.

15. DISCUSS AND ACT ON CITY OF GREY FOREST CODE OF ORDINANCES

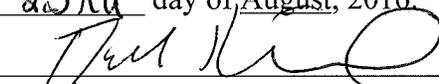
Mayor Reinhard stated Council held a workshop on the Code of Ordinances earlier this month. He's been in discussion with Franklin Legal Publishing and they will incorporate Council's editing changes. They have provided the final draft so any new ordinances and updates since August will be incorporated at the rates outlined. Mayor Reinhard stated he

would like to schedule another workshop to finish review of the code. Council consented to scheduling a workshop for July 12, 2016 at 6:30 p.m.

There was no further business or discussion. Mayor Reinhard adjourned the Regular Council Meeting at 10:44 p.m.

These minutes were written/recorded by Shawwan Kinsley.

These minutes were approved as ~~written~~ amended on the 23rd day of August, 2016.

Signed: 
Ronald G. Reinhard