

The Regular Council Meeting of November 22, 2016 was called to order at 6:30 p.m.

MAYOR

Ron Reinhard

OTHERS

Shannan Kinsley
Chief David Bejar
Chris Mikel
Brenda Reinhard
Don Reddout
Patricia Warr
Susan Beavin
Tom Haberman

Madeline McCloskey
Chandler Baker
Matt Baker
Laurie Hawkins
Marjorie Mautz
Murry Hughey
Phil Howard

COUNCIL MEMBERS

Susan Darst
Lou Hoffman
Jennifer Nottingham
Mitch Thornton
Lynn Tiner

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

APPROVAL OF MINUTES

The minutes of the August 23, 2016 Regular Council Meeting were reviewed. The motion to accept the August 23, 2016 minutes as presented was made by Council member Nottingham, seconded by Council member Thornton and passed unanimously.

The minutes of the September 27, 2016 Regular Council Meeting were reviewed. Council member Nottingham stated on page 2, under the Grey Forest Community Board Update, second line down, the record should reflect "A postcard was sent to the neighbors adjacent to the creek" instead of "our adjacent neighbors". Same paragraph, fourth line from the bottom, the record should reflect "They've been busy with the due diligence which is necessary to complete a Master Plan" instead of "doing their due diligence to compile a Master Plan". The motion to accept the September 27, 2016 minutes as amended was made by Council member Thornton, seconded by Council member Nottingham and passed unanimously.

Mayor Reinhard stated the October 25, 2016 Regular Council Meeting Minutes are in the process of being completed and will be presented at the next Council 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.

Laurie Hawkins stated there continues to be misconceptions about her volunteer association with the City. Several of the misconceptions were presented at the last Council Meeting in a letter read into the record by the Mayor. She would like to clarify some of the points the letter stated. Quote: "The proposed creek restoration plan is nothing more than a Laurie Hawkins retirement plan. A very clever retirement plan for Laurie and her cronies to continue nickel and diming the citizens of this community out of tax dollars and utility revenues". Laurie Hawkins stated she has never received any compensation from the City for providing volunteer arborist and ecological assistance. Either she has been able to take care of the issue herself, or by using professional contacts and has been able to get most of the environmental services donated. The exceptions have been cultural resource surveys required by Section 106 for both Madla and the new City property and the well issue behind Grey Moss Inn. Quote: "...state restricted ...Rodeo". Laurie Hawkins stated Rodeo is not a state restricted herbicide in Texas. There are 4 pesticide classifications: general use pesticides, restricted use pesticides, state limited pesticides and regulated herbicides. General use pesticides can be purchased and used by the general public. According to the Texas Department of Agriculture website regarding regulated herbicides in the State of Texas, Rodeo is not included on the list. Quote: "Certification is required by the applicant sprayer as listed by the Texas Department of Agriculture". Laurie Hawkins stated the Texas Department of Agriculture requires applicators to be licensed who want to apply pesticides for hire. Non-paid volunteers are not required to be licensed to apply general use pesticides. Quote: "Laurie has proclaimed Grey Forest as a karst 3 area, she neglects to mention that Dr. George Veni

has extensively researched and documented the entire San Antonio and Bexar County karst 1-2 zones". Laurie Hawkins stated for clarification per the USFWS Ecological Services, Southwest Region, website on the Bexar County Karst Zone Mapper function, Grey Forest is shown in karst zone 3 based on Veni's karst zone delineations. Quote: "It is noted that the maps do not include the most sensitive area of endangered species and critical habitat bordering Grey Forest proper, which are located on private property". Laurie Hawkins stated information not typically conveyed in reports for public use includes resources found on private property, like archaeological sites and cave locations for example, to minimize public impact. Quote: "We do not need paid outsiders re-inventing our community, or digging up areas for curiosity sake". Laurie Hawkins states to her knowledge, the only paid contractors digging in Grey Forest have been cultural resource contractors required by Section 106 and contractors required to resolve the TCEQ complaint regarding the abandoned/unplugged/uncapped well behind Grey Moss Inn. Quote: "As a tax paying property owner and land steward, I am outraged and resent that this Council is opening up our critical habitat wildlife preserve green spaces and creeks to the general public". Laurie Hawkins stated per the recently adopted City ordinance, all persons utilizing the new City property must have a permit on them at all times. Laurie Hawkins stated she wanted to clarify some misconceptions previously presented and would like this entered into the record. Council member Hoffman stated Laurie Hawkins sited some websites and instructions. He asked if she's ever looked at the articles by the World Health Organization that reference glyphosate is probably carcinogenic. Laurie Hawkins stated she has looked at that however, as an environmental professional; she looks at the people that actually regulate those herbicides in the State of Texas.

Pat Warr stated she would like to appeal to Council regarding the ordinance regulating tree trimming for compensation. She's been in Grey Forest since 1985 and has had the same landscaper/tree trimmer for 31 years. This is how he makes his living. He's her friend and she trusts him. On Monday he was at her house doing some tree work when an anonymous call came into the Police Department regarding not having a permit for trimming some trees. After a couple of visits by two different officers, he was advised that he had to stop work until a permit was obtained. The officers and Shannan couldn't have been nicer to Joe and his wife but unfortunately they were unable to get the permit as she now knows the City requires a City of San Antonio Tree License for any tree work when you're receiving compensation. It's very difficult and tremendously expensive for a lot of people to pay for a licensed tree person. She's asking if there's any lead way for those who can't trim their own trees themselves and should not be on a ladder. There are people who are experienced and understand Oak Wilt but can't afford the license. Pat Warr stated she's appealing to Council to think about the ordinance in reference to not being quite so stringent on licensing for people in her situation. Council member Nottingham asked that the Mayor put review of the Oak Wilt ordinance on the next Council agenda.

Marjorie Mautz stated Pat Warr called her quite upset that she can trim her trees but her trusted tree/yard man can't. Pat was going to climb the ladder and cut the branches herself because he didn't get to finish the job. Marjorie stated she doesn't want to see Pat Warr or any other citizen put at risk because of an ordinance.

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard stated we're one month into the new budget so there's not much activity. Income is at 40% because of revenue received from GFU in the beginning of the year. There was no official legal activity for the month of October.

COUNCIL/STAFF ANNOUNCEMENTS

None.

COMMITTEE ANNOUNCEMENTS/REPORTS

None.

GREY FOREST COMMUNITY BOARD UPDATE

Laurie Hawkins stated the Board continues to do their environmental due diligence. Ron Green has volunteered to perform a Karst Feature Survey on the new City park property. A historian is working on a Historic and Cultural

Resources Survey pursuant to Section 106. They continue to work on signage. The next Grey Forest Community Board (GFCB) Meeting is next Thursday, December 1st at 6:00 p.m.

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated they were overwhelmed after the rains so they've gone to monthly work sessions and have made a lot of progress. When they finished the November 19th work session, they planted grass seeds along the paths on the way out to the fields hoping to get something in there before the Johnsongrass comes back. They will try to plant some kind of short Turfgrass in the spring. They sowed wildflower seeds around the pavilion which will hopefully keep the Johnsongrass out. They're working on the generator. The trails look great and they would like to thank Chandler Baker for going with them to point out where they need more signs. They will possibly have a prescribed burn in January.

BOARD OF ADJUSTMENT UPDATE

None.

POLICE DEPARTMENT ACTIVITY REPORT

Chief Bejar reviewed the October 2016 Monthly Activity Report. There were 108 calls for service, 918 hours worked, 4859 miles driven, 34 traffic stops, 29 summons issued, 9 warnings issued and 1 arrest. Chief Bejar stated the new radios were purchased under the grant. They have been installed and the officers are extremely pleased. The old radios had a lot of dead spots throughout the City but they don't have that problem with the new radios. Council member Hoffman stated he saw the police vehicles going up and down Lookout Mountain Trail on Monday. He now knows the crime wave going on was regarding cutting trees. Council member Hoffman asked what was the loud noise he heard on Sunday evening at 5:40 p.m. Chief Bejar stated the call came in as the sound of a gunshot, the officer checked the area and couldn't find anything. It could have come from the ranches behind the City.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the October 2016 Monthly Activity Report. Public Works continues to work on tree trimming, mowing/weed eating, citizen's brush chipping, regular upkeep and animal control. This Saturday he had a couple of stray dogs picked up by a citizen. He took the dogs to Hooves and Paws but because of Thanksgiving, they were completely boarded up and had no place to keep them. The kennel the City has is not made to keep dogs outside. The dogs had no collars or chips. Joshua from Helotes Public Works was able to let him put the dogs in Helotes' kennel until the owner got his dogs back. Chris Mikel stated he would like to thank Joshua for going out of his way and letting him in on Saturday to take care of the dogs and releasing them to the owner. The dogs were from Menchaca Road.

GFU UTILITY ANNOUNCEMENTS

Mayor Reinhard stated the utility continues to do well. They want to coordinate a workshop with the GFU Board of Trustee's and Council to talk about the water tank.

FIRE DEPARTMENT REPORT

Don Reddout stated there were five calls for service in the City for the month of October 2016; four EMS and one was an electrical issue in the house. The average response time was 2.83 and average number of personnel was 2.67.

NEW BUSINESS:

1. DISCUSS AND ACT ON ACCEPTANCE OF RESIGNATION OF COUNCIL MEMBER

Mayor Reinhard stated Council member Thornton has submitted his resignation from City Council effective 11/22/2016. Council member Thornton resignation states "he's enjoyed his time on Council and thinks we have accomplished many good things. His new position requires him to travel on a regular basis and he wants to spend time with his family when

he's home. There are many good people in our City and he's sure you will have no trouble finding a suitable replacement. He wishes the Mayor and Council continued success. He's thankful for the leadership and friendship over the past several years". Council member Thornton stated he's enjoyed his time on Council. It's been fun and not so fun at times but that's just part of it. He still plans to be around and help out when he can. Council member Tiner made the motion to accept the resignation of Council member Charles M. "Mitch" Thornton. The motion was seconded by Council member Darst and passed 4 YES and 1 ABSTAINING by Council member Thornton.

2. DISCUSS AND ACT ON MAYOR'S RECOMMENDATION FOR APPOINTMENT OF COUNCIL MEMBER TO FILL UNEXPIRED TERM

Mayor Reinhard stated as done in the past, the Mayor makes a recommendation for Council's consideration to replace a sitting Council member. According to the Texas Local Government Code, the remaining members of Council can appoint a replacement. Mayor Reinhard stated he's recommending the unexpired term of Council member Thornton be filled by Phil Howard. Phil Howard has lived in the City since 2007. He has a very extensive background and has provided a bio. In addition, he was appointed to the Board of Adjustment in 2007 and has served the community in this capacity since. Council member Hoffman asked if there were any other people considered. The ones that he has always thought should be considered when vacancies occurs, are people who regularly attend the Council Meeting. He'd like to commend Tom Haberman who regularly attends the Council Meetings. Murry Hughey who regularly attends and ran for Council. Barbara Coulter who helped write the employee handbook along with Ted and she also ran for Council. Holly Holleway has ran for Council. Council member Hoffman stated it's nothing against Phil Howard but about people who have shown initiative to regularly attend meetings. He would hope that they'd be approached about filling a position such as this. Mayor Reinhard stated he did talk to other people and still recommends Phil Howard to serve the unexpired term. Council member Tiner made the motion to appoint Phil Howard to fill the unexpired term of Council member Thornton. The motion was seconded by Council member Darst and passed with 3 YES by Council member Tiner, Council member Darst and Council member Nottingham and 1 OPPOSED by Council member Hoffman. Mayor Reinhard stated Council member Thornton serves until the position is filled by appointment. With the appointment of Phil Howard, he's officially off City Council. He would like to thank Mitch for his time and dedication on City Council.

Mayor Reinhard called a five minute recess at 7:18 p.m. to swear Phil Howard in as a Council member. The meeting was reconvened at 7:26 p.m. Mayor Reinhard stated Council member Howard will now join the meeting as a sitting Council member.

3. DISCUSS AND ACT ON APPOINTMENT OF MAYOR PRO TEM FOR THE REMAINING TERM OF OFFICE VACATED BY COUNCIL MEMBER

Mayor Reinhard stated Mitch Thornton was our Mayor Pro Tem. The Mayor Pro Tem sits in for him when he's absent and also has signature authority on the checking account. With Mitch vacating his place on City Council, we need to appoint a new Mayor Pro Tem. Council member Nottingham stated she would like to volunteer. Council member Howard made the motion to appoint Council member Nottingham as Mayor Pro Tem for the remaining term of office vacated by Mitch Thornton. The motion was seconded by Council member Tiner and passed with 4 YES and 1 ABSTAINING by Council member Nottingham.

UNFINISHED BUSINEES"

4. DISCUSS AND ACT ON STATUS OF OAK WILT ON BLUEHILL PASS

Laurie Hawkins stated as previously discussed, in 2015 she asked the Texas Forest Services to map out Oak Wilt that's on the Madla Ranch property. While he was out, he also looked at Bluehill Pass and confirmed it was Oak Wilt. She facilitated a meeting with the effected and adjacent landowners where it was determined they would do certain things to try and help control the Oak Wilt. The City was interested in pursuing trenching either to help encompass it or do what's called a blocked trench basically directing the Oak Wilt away from a particular resource, in this case the City of Grey

Forest proper. At the initial meeting, the Oak Wilt was on the west side of Bluehill Pass and north of Greenhill Pass. It allowed the perfect opportunity for the blocked trench. Come to find out, the Oak Wilt has actually crossed Bluehill Pass and Greenhill Pass so a block trench is no longer feasible. She's been asked by the Bluehill residents to have another meeting to take a closer look and give some more advice on actions they can take to hopefully stop the Oak Wilt before it reaches Scenic Loop Road. Laurie Hawkins stated she will continue to monitor it.

5. DISCUSS AND ACT ON SCHEDULING A PUBLIC HEARING ON THE REPLAT ESTABLISHING "GRAVES-DICKSON SUBDIVISION"

Mayor Reinhard stated at the last Council Meeting there was discussion that the Amending Plat establishing the "Graves-Dickson Subdivision" would be resubmitted as a replat. There was also an issue with the public road frontage being under 100 feet and would require a variance. The replat requires a Public Hearing. Mayor Reinhard stated since the Public Hearing needs to be published in the newspaper, he would like to make sure there's no problem having the hearing before the December 27th Council Meeting. Council consented to December 27th. Mayor Reinhard stated we will notify all interested parties.

6. DISCUSS AND ACT ON SCHEDULE FOR THE DECEMBER CITY COUNCIL MEETING

Mayor Reinhard stated Council is available on December 27th and there will be a quorum so he doesn't see a need to move the December Council Meeting.

7. DISCUSS AND ACT ON STATUS OF FORD POLICE CAR STORED AT THE PUBLIC WORKS BUILDING

Mayor Reinhard stated Council member Hoffman asked for a status on the Ford Police car. Chief Bejar stated all the paperwork was sent into the Department of Transportation to file for a lost title. They showed there to be a lien on the vehicle. We were able to get a letter from Ford Motor Credit releasing the lien and are now waiting on the title. Chief Bejar stated we've discussed advertising the vehicle and selling it through closed bid.

8. DISCUSS AND ACT ON STATUS OF PROPERTY LOCATED AT 18702 LOOKOUT MOUNTAIN TRAIL

Mayor Reinhard stated Council member Hoffman asked for a status on the property located at 18702 Lookout Mountain Trail. The attorneys previously advised that this process could take as long as up to a year. Shannan Kinsley stated they are waiting for the Attorney Ad litem to file an affidavit stating they've done everything they can do to research this case for them. Once the affidavit is filed, they can proceed to trial. They hope to set trial for early January 2017 so they can proceed to foreclosure in the early part of 2017.

9. DISCUSS AND ACT ON APPROVING COST FOR ADA COMPLIANCE CONSTRUCTION

Mayor Reinhard stated there was a complaint filed against the City for our ADA access to City Hall. The State has advised us that given the fact that we're working toward correcting it, there's no further action against the City at this time. Our City Engineer designed a plan and attempted to obtain informal bids. The informal bid process is permissible by state law when the contract amount is less than \$50,000. Based on construction costs their firm had observed in the previous year, they expected the low bid to be \$12,000 to \$15,000. Five contractors received plans for the project. Four contractors submitted bids ranging from \$35,650 to \$121,547. After the initial opinion of cost was released, tree protection was added to the scope of work. They expected this to increase the opinion of cost by a few thousand dollars however, they didn't expect that it would come in at 2.4 to 8.1 times greater. They recommended that Council reject those sets of bids and obtain new bids. Mayor Reinhard asked David Givler to seek additional bids from Alamo City Concrete, Vertex Corporation and McGuire General Contractors, all of which have provided construction services to the City in the past. McGuire General Contractors declined to bid. Alamo City Concrete bid in the amount of \$17,749. Vertex Corporation bid in the amount of \$43,000. David Givler states Alamo City Concrete's low bid of \$17,749 is about 18% higher than their Opinion of Cost. Based on these facts, David Givler is recommending that City Council

accept the bid and award the project to Alamo City Concrete, Inc. to perform the Base Bid item for a total amount of \$17,749. In addition, being aware that unknown conditions may be encountered, normally they recommend adding 15% to the construction budget for contingencies. Therefore, they recommend budgeting for a total construction cost of \$20,411, which includes the construction cost bid amount plus 15% for contingencies. Mayor Reinhard stated this is more than what was budgeted. If approved, it would be acknowledgement that Council understands we will go over what was budgeted. Council member Howard made the motion to approve the City Engineers recommendation of awarding the project to Alamo City Concrete, Inc. and approving construction costs of up to \$20,411, which includes 15% for contingencies. The motion was seconded by Council member Nottingham and passed unanimously.

There was no further business. Mayor Reinhard adjourned the Regular Council Meeting at 7:49 p.m.

These minutes were written/recorded by Shawwan Kinoley

These minutes were approved as written/amended on the 24 day of January, 2017.

Signed: Ronald G. Reinhard

Ronald G. Reinhard, Mayor