

The Regular Council Meeting of October 25, 2016 was called to order at 6:35 p.m.

MAYOR

Ron Reinhard

COUNCIL MEMBERS

Susan Darst

Lou Hoffman

Jennifer Nottingham

Mitch Thornton

Lynn Tiner

OTHERS

Shannan Kinsley

Chief David Bejar

Chris Mikel

Brenda Reinhard

Susan W. Beavin

Laurie Hawkins

Robert L. Kuhn

Don Reddout

Gigi Duke

Chandler Baker

Donna Gottwald

Kay McCloskey

Madeline McCloskey

Marjorie Mautz

Tom Haberman

Ron Green

L. David Givler

Dottie Watt

Murry Hughey

Carl J. Graves

Philip Hampton

Daniel Dickson

Kyle Cunningham

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

PUBLIC HEARING TO DISCUSS AN ORDINANCE SETTING A CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE AND OVER NINE YEARS OF AGE; PROHIBITING MINORS FROM BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M.; PROVIDING FOR ENFORCEMENT; ESTABLISHING CRIMINAL PENALTIES; SETTING AN EFFECTIVE DATE; AND PROVIDING FOR FINES FOR VIOLATION UPON CONVICTION OF NOT LESS THAN \$50.00 NOR MORE THAN \$500.00

Mayor Reinhard called the Public Hearing to order at 6:35 p.m. Mayor Reinhard stated the Public Hearing is to discuss Ordinance No. 221 Setting a Curfew for Minors Under Seventeen Years of Age and Over Nine Years of Age; Prohibiting Minors From Being in Any Public Place Between the Hours of Midnight and 6:00 a.m.; Providing for Enforcement; Establishing Criminal Penalties; Setting an Effective Date; and Providing for Fines for Violation Upon Conviction of Not Less Than \$50.00 Nor More Than \$500. He stated the Public Hearing is required pursuant to the Texas Local Government Code. Mayor Reinhard stated the City has had a curfew ordinance in place for many years. Every three years we're required to review the ordinance's effect on the community and either abolish, continue or modify the ordinance. This year there's a few minor changes as recommended by our City Attorney and Municipal Judge. Mayor Reinhard reviewed the proposed ordinance in detail. He stated Council has been provided a statement from the Police Chief regarding the curfew ordinance stating "After his review of Ordinance No. 167 and reports for the last year, it is his opinion that the City does not have a problem with juvenile crime. However, Ordinance No. 167 is a useful tool to allow our officers to continue to keep unwanted activity out of our City and to keep our citizens and property secure. The surrounding area continues to have a high volume of vehicle burglaries, many of which are committed by young males. Therefore, it is his opinion that Council continue the ordinance as written". Mayor Reinhard stated the Public Hearing is to engage the public for any comments or concerns and opened the meeting up to the public. There were no comments from the public. Mayor Reinhard stated this will be an action item under Unfinished Business later this evening. The Public Hearing on the curfew ordinance was closed at 6:39 p.m.

Mayor Reinhard stated the second Public Hearing is to discuss Ordinance No. 218 Regarding the Access and Usage of City Owned Park Property. This Public Hearing was requested by a Council member and members of the Grey Forest Community Board (GFCB) to engage one more opportunity for the public to discuss this ordinance. About a year ago, the City purchased park property from the Scenic Loop Playground Club (SLPC). During the process leading up to that, there was discussion that non-citizens would have access to the property. There was discussion of charging non-citizens for access to the property and this was a part of the presentation that SLPC made to its members. Now that it's municipal park property and open to the public, through the ordinance the City has the ability to restrict the property through a permit. The permit process still needs to be worked out but residents can apply for a permit at no cost. Non-residents will be required to purchase an annual permit at \$350.00 per person and individuals in the City ETJ at \$100.00 per person. Mayor Reinhard reviewed the proposed ordinance in detail. He opened up the meeting to the public for any comments. Kyle Cunningham stated as far as the ordinance itself, she doesn't have any problems with it. She thought Council was going to be looking at a Management Plan which is what she really wants to speak about and urge Council not to pass. Mayor Reinhard stated the Public Hearing is on the access and usage of the property. He will add her to the

list of Presentations by Citizens. There was no further comments. Mayor Reinhard stated Council will have an opportunity to deliberate and act on the proposed ordinance under Unfinished Business this evening. The Public Hearing on the access and usage ordinance was closed at 6:46 p.m.

Mayor Reinhard moved into the Regular City Council Meeting.

APPROVAL OF MINUTES

The minutes of the August 23, 2016 Regular Council Meeting were reviewed. Council member Nottingham stated on Page 2, under Grey Forest Community Board Update, 5th line down, where it states “springs start flowing”, she thinks the springs were flowing and it seems like it would be once the runoff stops flowing; it’s confusing to her. Mayor Reinhard stated we will postpone these minutes and carryover to the next meeting to confirm what was said.

The minutes of the September 20, 2016 Public Hearing were reviewed. The motion to accept the September 20, 2016 minutes as written was made by Council member Nottingham, seconded by Council member Tiner and passed unanimously.

Mayor Reinhard stated the minutes of the September 27, 2016 Regular Council Meeting are being completed and will be reviewed 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. Mayor Reinhard stated he wants to remind everyone that insults and personal attacks will not be allowed.

Robert Kuhn, Mr. Carl Graves Realtor stated he’s addressed Council before regarding an amending plat on the Carl Graves property. It’s on the agenda this evening to be approved and request a variance. They have their legal counsel and surveyor present this evening if Council has any questions.

Kyle Cunningham stated she would like to speak on the Grey Forest Community Board (GFCB) Management Plan which is on the agenda this evening. She thought this was going to be a part of the Public Hearing. Basically she thinks it’s a good plan and has merit. However, she would encourage Council to be very cautious. She supports getting rid of the cane but she doesn’t support using Rodeo or any chemical to do it because it’s a karst area. The directions state you have to give notice when using. She realizes they don’t plan to use a ton of Rodeo and it would be applied to the cut portion, but you could have spills and accidents that occur which is enough to be very cautious. She noticed that no one mentioned in the plan are environmental health specialists. That doesn’t surprise her, she doesn’t think you’d find one that would say it’s a wise thing to do. Council’s main duty is to protect residents and environment. This is something they need to be extremely cautious about and do research about.

Mayor Reinhard stated we have two citizens who have submitted statements to be read that are unable to attend.

Mayor Reinhard stated he will not read personal attacks. Sandra Schneider states “As her previous comments to the Grey Forest Council regarding the use of pesticides in our community critical habitat green spaces and creek, you can do the right thing to be responsible citizen servants, or continue to be known as the Jug of Death Kingdom. Laurie Hawkins has misled the community with her credentials as an ecology expert and the use and application of the state restricted toxic chemical Rodeo. While Laurie Hawkins 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. She will refresh the Council’s memory that Rodeo and Round-Up contain the toxic chemical glyphosate which is a neurotoxin for human, animal, insect and plant populations. It is very sad and disturbing that this Council is being asked again to support the use of pesticides at the expense of contaminating the community and critical habitat and wildlife preserve areas. Cane can be controlled by digging up the roots and/or cutting down. Grey Forest is not Austin, San Antonio River Walk, or any one person’s private property arena. As a tax paying property owner and land steward, she’s

outraged and resents that this Council is opening up our critical habitat wildlife preserve green spaces and creeks to the general public. She strongly requests and asks other citizens to strongly request that the mission to continue poisoning this community with neurotoxic chemicals be denied permanently". Council member Nottingham stated if Sandra Schneider was present, Council could ask her questions for clarification. This is the third time she's sent a letter instead of coming in person. The same thing is said every time and it's become a personal attack on Laurie Hawkins.

Mayor Reinhard stated John and Laura Chaffee state "they would like to offer support for the Community Boards Creek Restoration Proposal as it is written and voted on. They would also like to request that per our sign ordinance, the "no pesticide" signs be removed because this is no longer an issue in the City".

MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS

Mayor Reinhard stated Council has been provided the 2016 financials. This is the completion of the 2016 Fiscal Year. We came in slightly ahead of budget on income and under budget on most other significant expense items. Mayor Reinhard reviewed the legal activity of the City Attorney. There was a draft request for an Attorney General's Opinion in the Hochart matter and Ordinance No. 45B, revise/finalize request for Attorney General's Opinion and redact portions to be claimed exempt, request for Attorney General Opinion to contact City for delivery statement, City Attorney retainer and postage expense for sending request for Attorney General's Opinion.

COUNCIL/STAFF ANNOUNCEMENTS

None.

COMMITTEE ANNOUNCEMENTS/REPORTS

None.

GREY FOREST COMMUNITY BOARD UPDATE

Laurie Hawkins stated they continue to work on signage in preparation of the ordinance being passed to limit activities on the new City property. They had a very well attended Creek Restoration Workshop for the public. Postcards were sent to all the immediate adjacent neighbors next to the park property as they wanted to get their input. They received a lot of good feedback and conservation. The Creek Restoration Plan is on the agenda to be discussed this evening.

SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE

Council member Nottingham stated the President of the Board, Dr. Ron Green is present this evening and will give Council the Board update. Dr. Ron Green stated he asked to come to this meeting in order to respond to a comment that was made to the Mayor and City Council about the state of affairs out at the park. They had a park cleanup about a week ago and had a number of people present to help. The park is in pretty good shape. It's a natural area, not a garden. It was designed and planned to be a natural area. They've put in thousands of dollars of native seeds. They're making good progress on the native species taking over. The park and pavilion don't look like the picture on the web page but that's because the native species have been introduced and are making good progress. They are trying to get rid of some of the undesirables such as Johnsongrass. It's getting to where they want it to be but it's a natural area, it's going to be this way as long as they continue under this mandate. They are trying to expand the exposure to other groups. They had a Star Gazing Party and it was very well attended. They want to continue these types of activities, outreach and education. They're forming an education committee. They have a construction committee in order to bring improvements to the paths and are going to put in a bridge over the eastbound trail where there's a washout area. Council member Hoffman stated in the past, he knows they've used Roundup at the Madla Park and asked if that is continuing. Dr. Ron Green stated they've used a very little amount. For the most part, the Johnsongrass is brought up by roots or being cut down. Council member Nottingham stated the Board has been sanctioned to use pesticides at their discretion and if they need to use it to get rid of the rest of the Johnsongrass, they will. Council member Hoffman asked if they're aware of the Proclamation Council agreed to in January regarding the Monarch Butterfly. He stated the use of

Roundup is incongruous with that. Dr. Ron Green stated the amount of Roundup they use is minimal. It's a natural area and that's how they're treating it.

BOARD OF ADJUSTMENT UPDATE

None.

POLICE DEPARTMENT ACTIVITY REPORT

Chief Bejar reviewed the September 2016 Monthly Activity Report. There were 121 calls for service, 912 hours worked, 5217 miles driven, 46 traffic stops, 45 summons issued and 7 warnings issued. Chief Bejar stated over the weekend they had a report of someone riding a dirt bike with no muffler. They issued the individual a citation for a noise violation. The bike was impounded and is being investigated as possibly stolen.

PUBLIC WORKS ANNOUNCEMENTS

Chris Mikel reviewed the September 2016 Monthly Activity Report. Public Works continues to work on tree trimming, mowing/weed eating, roadwork, citizen's brush chipping and regular upkeep. Council member Nottingham thanked Public Works for chipping brush and helping unload the mulch at the Madla Park. It was above and beyond and very much appreciated.

GFU UTILITY ANNOUNCEMENTS

Mayor Reinhard stated the GFU Board of Trustee's has a meeting tomorrow. The utility continues to do very well. He intends to bring up trying to set up a workshop between Council and the Board of Trustees. The water levels are included in Council packets. It's also posted at City Council. The levels continue to do well.

FIRE DEPARTMENT REPORT

Don Reddout stated there were two calls for service in the City for the month of September 2016; one EMS and one false activation of an alarm. There were thirty two call in the district for the month.

NEW BUSINESS:

1. DISCUSS AND ACTION BY CITY COUNCIL, AS THE PLANNING AND ZONING COMMISSION ON AMENDING PLAT ESTABLISHING THE GRAVES-DICKSON SUBDIVISION, LOT 34 AND 35

Mayor Reinhard stated Mr. Carl Graves has submitted an Amending Plat to the City for consideration. Pursuant to our ordinance, all subdivision plats go through our City Engineer who is present this evening. Robert Kuhn stated they would like to replat one lot and ask for a variance on the other lot because it doesn't have a 100 foot of public road frontage. David Givler stated he wrote several comments in his letter but it comes down to two issues mainly. Based on the letter from Mr. Graves's attorney, we're agreeable at working out the simpler matters such as grammar and punctuation issues. There are two more complicated issues that are important for Council's consideration. First, is the variance that is required. In order to plat this lot in the configuration that it's in, Council would need to grant a variance in order to allow the plat not to comply with the zoning code which requires 100 feet of public right-of-way frontage. Mr. Graves understands this is required and came in with the expectation that they would need to obtain the variance in order to receive plat approval. He's not clear if a variance has been requested at this point and if there's any other requirements such as if a Public Hearing is required. The second significant issue is the way the plat is being presented. It's styled as an amending plat but amending plats can't establish. Amending plats change existing subdivisions so a new subdivision would not be established through an amending plat. In his opinion, this doesn't qualify as an amending plat because it requires a variance and doesn't conform to the zoning code. His understanding of the Texas Local Government Code is that this disqualifies it from being considered as an amending plat. This is something the developer's attorney disagrees with him on. David Givler stated this then becomes what is called a replat. In his opinion, this should be a replat and a Public Hearing is required before Council can approve anything. His

understanding is that a hearing has not been requested because it came in as an amending plat. These are the two largest issues. He believes they have a tentative agreement regarding the other comments he had which he considers minor and reviewed those. David Givler reviewed the Local Government Code, Section 212.016, Amending Plat, Subsection (10)(A), states "the changes do not affect applicable zoning and other regulations of the municipality". His opinion is if you have a zoning code requiring 100 foot of public road frontage but this plat requires a variance in order to get around that, then there's an impact by this plat on the zoning code. Again, the developer's attorney disagrees with him on that. David Givler stated if Council agrees with his interpretation, a variance would need to be requested and resubmitted as a replat which requires a Public Hearing. After the hearing, Council can make a determination on whether to approve the replat. There's special notification requirements of the Public Hearing. All the property owners within 200 feet have to be notified by the City and there's public notice in the local paper that's required. Andy Tiwari, legal counsel for Mr. Graves, stated he has been working with David Givler on the amending plat application and would like to answer some questions raised. As noted on the plat, there is a road across Mr. Graves property permitting access to his personal residence. They know that they're going to have to go through a variance process, it's the only way to get past the zoning issue. One of the things he encourages for consideration in the variance process is that the ordinance states one reason to grant a variance is for a hardship. He would like to have Mr. Graves speak to that himself. Mr. Graves stated he needs to sell the property to pay taxes. Andy Tiwari stated addressing whether this should be an amending plat or replat, the problem with this situation is there's not really anything that they can go to and see if he or David Givler are correct because no court has interpreted what this particular provision of the code means. Therefore, it's really within in Council's discretion how they choose to interpret the statute. Logically from his perspective, if you have a variance issued on something, then you remove the underlying problem. You can use an amending plat to create up to six lots and this submittal is creating two lots. If you have a variance to the frontage issue, then he thinks you remove the problem of the ability to use the amending plat. From the legal perspective, amending plats have steadily expanded. They started off as a narrow product that you could use in limited range situations but because of the complexity of going through the platting process, over time they've seen an expansion of the use of an amending plat. If you remove the issue of affecting the zoning through a variance, then you don't have an issue of approving an amending plat. Andy Tiwari stated but that's a difference in opinion between Mr. Givler and him. Council member Thornton asked if there has been any precedence already set where a City approved an amending plat in this fashion. Andy Tiwari stated he wouldn't say you're not following the code, it's how you interpret it. Off hand, he doesn't have access to that information. On the issues Mr. Givler raised, it sounds like to him that they've moved past a lot of the problems other than the question of if it's an amending plat or do they need to file as a replat. In addition, they need to obtain a variance on the public road frontage which is 50 feet and still pretty substantial. Council member Hoffman stated it sounds like we're discussing semantics here, amending plat versus replat. It seems as though it would meet everyone's goals to resubmit as a replat instead of an amending plat and get a variance for the road frontage. Andy Tiwari stated from a time and expense stand point, they'd certainly prefer to have the amending plat approved. The replat does require an additional expenditure and resources on both sides. Mayor Reinhard stated his opinion is that the proper steps should be to resubmit this as a replat, have the Public Hearing with proper notice and apply for a variance for the road frontage. Something that can be considered but maybe not advisable is a conditional variance. If the replat is submitted providing that it's filed in accordance with David Givler's interpretation and a Public Hearing is held, a conditional variance could be granted this evening. David Givler stated he's unclear if a Public Hearing is required before the variance is granted. Andy Tiwari stated a conditional variance would be helpful in giving them guidance. Council member Nottingham asked if this is the only way the property can be divided. In reviewing the plat, it seems as though there's a way to get the proper public road frontage. There was lengthy discussion on how they could meet the public road frontage. David Givler stated you have to be careful not to set precedence. He thinks there's a legitimate problem here that came with a strange history in the way the lots were deeded and the way that the original subdivision was ignored early on where now people have inherited problems. You have people who subdivide by deed and it's technically illegal under the Municipal Code although he doesn't know of anyone who's ever had any serious repercussions from it. David Givler stated he's not saying don't approve it, but once you start making those allowances, there are other potential problems that can come out of it in the future so he encourages Council to think carefully about it. Mayor Reinhard stated there are reasons to

grants variances, one is hardship. Council member Thornton stated he doesn't have a problem with the concept but wants to make sure we're not breaking any laws that requires a replat instead of an amending plat. Andy Tiwari stated they don't have a problem going back through and submitting a replat. Mayor Reinhard stated the City is requesting they submit a replat instead of an amending plat. The procedures will need to be verified but we believe it needs public notice to the surrounding properties, a Public Hearing and Council consideration of the variance for public road frontage.

2. DISCUSS AND ACT ON THE NEXT STEPS FOR THE CITY ENGINEER CONCEPT PLAN FOR STREET AND DRAINAGE MAINTENANCE/REPAIRS

Mayor Reinhard stated back in May, Council had a workshop and walked the streets to review the City Engineers report on needed road work. They visited Lakeshore Drive where there's a loop and a problem with the fire engine getting around it. It was discussed the loop could be widened. They visited Morningside and Hilltop where there's a large amount of road deterioration. They visited Cedar Crest loop where the fire engine can't get through easily. In addition, perhaps changing Cedar Crest to a one-way street because it's so narrow. They went to Hillside where there's serious potholes from the rain. They visited Grey Forest Drive from Hillside to Sherwood Trail where tree stumps are above grade, the edges of the pavement are deteriorating, has large potholes and has the most traffic. Mayor Reinhard stated he'd like Council to look at these projects and decide which one or two they'd like to consider moving forward with to engage our City Engineer for costs. Council member Nottingham stated they discussed addressing safety first and Cedar Crest and Lakeshore seem to be safety issues and would be a good place to get started. Hopefully next year we'll have more money in the budget to do something a little grander. Council member Thornton stated cost wise, he thinks we're only going to be able to choose one and should get an estimate on it. Mayor Reinhard stated he suggests Council rank these projects. There was lengthy discussion on the priority of the projects. Council unanimously agreed that Cedar Crest is the top safety concern. David Giver stated if we can give him a budget target, they can put numbers together to different parts of it and figure out what parts will add up to the budgetary amount. When they put it out for bids, they can have the base bid and then have add alternates which will bring you right to the target with another add alternate that will take you to 10-15% over. This way you have control over how much money you're spending. Mayor Reinhard stated he will get with David Givler and coordinate a plan of action in moving forward.

Mayor Reinhard stated he would like to move to Agenda Item No. 6 so David Givler can give an update.

UNFINISHED BUSINESS

6. DISCUSS AND ACT ON ADA COMPLIANCE UPDATE

Mayor Reinhard stated because of the dollar amount we're dealing with, the City isn't required to go through a sealed bidding process however, we've asked David Givler to obtain several bids. David Givler stated they put out bid packages to five contractors. They are contractors they know and he thinks they are all interested. The bids are due this Friday and they will put together a bid tabulation along with a recommendation. Mayor Reinhard stated we will bring the numbers back to Council at the next Council Meeting.

NEW BUSINESS

3. DISCUSS AND ACT ON RESOLUTION LEGALLY DESIGNATING THE OFFICIAL NEWSPAPER FOR PUBLISHING ALL LEGAL NOTICES AND ADS TO CONDUCT BUSINESS FOR THE CITY OF GREY FOREST

Mayor Reinhard stated we are legally required each year to designate the official newspaper to conduct business for the City. The Helotes Echo is currently designated as the official newspaper. Council member Hoffman asked if other newspapers were looked at. Mayor Reinhard stated we looked at the San Antonio Express News, they are more expensive and quotes have been provided in Council packets. The motion to accept Resolution No. 002-16 Designating The Helotes Echo as the Legally Designated Newspaper was made by Council member Nottingham, seconded by Council member Darst and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

UNFINISHED BUSINESS

4. DISCUSS AND ACT ON ORDINANCE NO. 221 SETTING A CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE AND OVER NINE YEARS OF AGE; PROHIBITING MINORS FROM BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M.; PROVIDING FOR ENFORCEMENT; ESTABLISHING CRIMINAL PENALTIES; SETTING AN EFFECTIVE DATE; AND PROVIDING FOR FINES FOR VIOLATION UPON CONVICTION OF NOT LESS THAN \$50.00 NOR MORE THAN \$500

Mayor Reinhard stated we held a Public Hearing on this ordinance earlier this evening. Council member Thornton stated it's a good tool. Council reviewed Section 002, Defenses and agreed to remove Subsection (f) as we don't have sidewalks. The motion to pass Ordinance No. 221 setting a curfew for minors was made by Council member Thornton, seconded by Council member Nottingham and passed unanimously.

5. DISCUSS AND ACT ON ORDINANCE NO. 218 OF THE CITY OF GREY FOREST, TEXAS REGARDING THE ACCESS AND USAGE OF CITY OWNED PARK PROPERTY

Mayor Reinhard stated we held a Public Hearing on this ordinance earlier as well and there wasn't much comment from the public on it. Council member Hoffman stated he already raised the issue about renters. It seems like we're not covering them at all. He doesn't believe they should have the same access as property holders. It's based on the property owners paying taxes. We're making those outside the City and in the ETJ pay for permits, the renters are not paying anything and not telling how many guests they may bring. Mayor Reinhard stated renters have as much rights as other citizens, they can hold office, vote and participate in the community just like anyone else. In addition, we have deed restrictions that says the property shall be available to all citizens. Council member Nottingham stated when she was a renter, it was carefully explained to her that part of the rent that she paid went towards paying property taxes. Council member Nottingham made the motion to adopt Ordinance No. 218 as written Regarding the Access and Usage of City Owned Park Property. The motion was seconded by Council member Darst and passed 4 YES and 1 OPPOSED by Council member Hoffman.

7. DISCUSS AND ACT ON ADOPTION OF THE GREY FOREST COMMUNITY BOARD CREEK RESTORATION PLAN INCLUDING THE USE OF PESTICIDE

Mayor Reinhard stated Laurie Hawkins has presented the plan and it's been approved by the Grey Forest Community Board (GFCB). Laurie Hawkins stated in her view, the proposed plan is a compromise with the concerns expressed by some citizens of Grey Forest regarding the use of herbicide in our creeks to control exotic invasive species. Listening to those concerns, she solicited from several local environmental experts such as the Edwards Aquifer Authority, SAWS and San Antonio River Authority an official response to a Management Plan that was prepared by the Balcones Invaders. Those responses are included in Council packets. Based on that input and the feedback, she came up with a simple preliminary Creek Restoration Plan. There's five components to it. One is administrative, how are we going to document and track work efforts in creeks. She'd like to utilize the City of Austin's template. There's only one item out of the five that actually involves the use of herbicide. Three of them are specifically related to activities against certain species; ligusturm, Tree of Heaven and Vitexto. They are going to girdle those which is removing the living tissue of the tree all the way around and seeing if deer will actually browse sprouts that come out of the girdling area to keep that vegetation down since we don't have enough volunteers to go in and cut the trees/sprouts down every two weeks without the use of herbicide. The plan calls for the use of weed eaters to try and see if they can keep Vinca down. She reached out to colleagues once citizens expressed concern about the use of herbicides and they recommended utilizing the deer to browse sprouts in addition, one of our neighbors has successfully used weed eaters to keep Vinca down in her yard. Laurie Hawkins stated she's pulled the Vinca in her own yard for a year and a half to no effect but she's intrigued by the weed eater and will commit to testing that out. Number four is the only item they propose to use Rodeo and it's specifically the cut stump method which is by hand, probably a two person team, cutting whatever stump it is by hand

and the second person on the team immediately painting the stump only with Rodeo. They propose to use the cut stump method to address Arundo donax, the giant cane in the creeks and also clear a 10 foot swath of bamboo thicket near the Hillside Bridge. They are going to do that in phases. The first 10 feet next to the creek needs to be cleared so that they can go in there with native grasses and stabilize the slope. They will coordinate with the landowners adjacent to the creeks. The second phase would be removing the 10 foot swath next to the fence and replant with native screening species. A lot of people like the bamboo because they can't see their neighbors however, it's not very stable and a monoculture. The third phase will be removing the vegetation next to the creek with hopefully the assistance of the property owner. She'd like to see an adopt a creek program where the City plants streambed vegetation on our side, in conjunction with the adjacent property owner planting suitable native species to grow up as well. By the time they remove the last swath of bamboo in the middle, we have a stable bank that's been in there since the beginning of the project, we have screened vegetation growing up in the back and once we remove the last swath of bamboo in the middle, we have the areas of concern addressed. Based on the results of these items, we'd develop and go forward with reasonable and feasible short/long term management plans for the creeks. Laurie Hawkins stated she would like to address and clarify a couple of issues. One of the main misconceptions that she hears stated repeatedly is regarding the karst zones in Grey Forest. There are certain standards for environmental due diligence records and reports. Underneath each one of the maps, there is a source so that you can check the information that she's presented and verify its accuracy. You will note that you can go to the maps which clearly shows that Grey Forest is in the Edwards Aquifer Contributing Zone. Laurie Hawkins stated it's repeatedly brought up in meetings regarding well drawdown, the portion of the Rodeo label that it's referring to, has to do with the direct application of Rodeo to water in an aquatic site which is actually allowed in this label. However, it has never, will never and should never be placed directly into water in Grey Forest and is not proposed in this current management plan. The GFCB has had numerous workshops and held a really well attended workshop where they specifically invited the owners adjacent to the creek. Laurie Hawkins stated she thinks the Management Plan before Council is a great compromise. Council member Hoffman stated he thinks it's a great plan until he read about the Roundup again. It's the most polarizing deal going on in our community. We have lots of people in this community who don't want it in our creeks. He doesn't understand why Laurie continues to go there. He listens to the other expert on the GFCB, Kyle Cunningham as she says don't use but no one listens to her. He's asking Council not to polarize this community anymore. Let's approve the plan without the Roundup. Using the chemicals will require multiple applications. He asked if they looked into goats or any of the other things that people in other communities use to take this stuff down. Laurie Hawkins stated she looked into it and your E.Coli levels go through the roof which is a known issue. The plan does include deer browse. Council member Thornton stated what he thinks is polarizing is that a lot of people have misinformation. You can't make intelligent decisions if you don't have the correct information. Council member Darst stated she would like to thank Laurie for the immense amount of work that went into this. It took months of work and meetings with sometimes very unprofessional feedback when ultimately the whole goal is to benefit the community. Council member Tiner stated from what he's reading, he doesn't see where the small use is going to be a problem. Council member Nottingham stated she would like to thank Laurie and the GFCB for all of the hard work and research on this. They went the extra mile in getting other opinions. She's sorry this is such divisive element in our community but she honestly thinks certain people have made it that way. Council member Nottingham made the motion to accept the Creek Restoration Management Plan as presented by the GFCB. The motion was seconded by Council member Thornton and passed with 4 YES and 1 OPPOSED by Council member Hoffman.

There was no further business. Mayor Reinhard adjourned the Regular Council Meeting at 8:58 p.m.

These minutes were written/recorded by Shawwan Kinley.

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

Signed: Ronald G. Reinhard

Ronald G. Reinhard, Mayor