

The Regular City Council Meeting of August 28, 2018 was called to order at 6:30 p.m.

**MAYOR**

Phil Howard

**OTHERS**

Shannan Kinsley

Chief David Bejar

Emory Bluhm

Madeline McCloskey

Sue Peavy

**COUNCILMEMBERS**

Susan Darst

Gigi Duke

John Rodriguez, City of San Antonio

Mark Peavy

Jennifer Nottingham

Alan Johnston, Bexar County

Ann Mabry

Lynn Tiner

Kathleen McCloskey

Harmony Standard

Kimberly Verity

Don Reddout

Kristin Marshall

Kelly Luckett

Mayor Howard declared a quorum with Council member Darst, Council member Nottingham, Council member Tiner and Council member Verity present. The meeting was started with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Mayor Howard stated the minutes of the April 4, 2018 Special City Council Meeting and April 24, 2018 Regular City Council Meeting haven't been reviewed for final approval and will not be addressed tonight. The minutes of the July 24, 2018 Regular City Council Meeting were reviewed. Council Member Nottingham stated on page 1 under Council/Staff Announcements; the roads group, neighborhood group and history group are the names of committees for the Scenic Loop - Helotes Creek Corridor and should be capitalized. The green space group needs to be capitalized and one word with no space. The green space group and water group are one group and needs to reflect that by removing the "and" and separating them with a "/". Same paragraph, last line; she would prefer the record reflect "they are trying to get as much people involved" instead of "she's trying to get as much people involved". Page 2 under Madla Update, first line; the way it reads now, it looks like they didn't even have a meeting. She would like the record to reflect "the Madla Board meets the last Sunday of each month so they haven't had a meeting yet". Same paragraph, second line; the record should reflect "The Church of Jesus Christ of Latter-day Saints". Council member Darst made the motion to approve as amended the minutes of the July 24, 2018 Regular City Council Meeting. The motion was seconded by Council member Tiner and passed unanimously with 4 YES and 0 OPPOSED.

**PRESENTATIONS BY CITIZENS AND VISITORS**

Kathleen McCloskey stated she would like to speak on Agenda Item No. 5 regarding the negotiations with Dailey and Wells Communication, Inc. for an Alamo City Regional Radio System. She understands the City of San Antonio is asking to place the tower on City property. She does not believe it would be good for Grey Forest and is against placement in the City.

Kelly Luckett stated she would like to address Agenda Item No. 7. The swimming hole has been a big part of her life since childhood. She has lived in Grey Forest her entire life and asks that Council place this on a later Agenda so that the citizens could have more input.

**MAYOR ANNOUNCEMENTS/FINANCIAL REPORTS**

Mayor Howard stated the July 2018 Monthly Financials have been provided. We are approximately 83% through the year. Overall expenses are under budget. There has been an unanticipated increase in Workers Compensation but that is something that's out of our control.

**COUNCIL/STAFF ANNOUNCEMENTS**

None.

## **COMMITTEE ANNOUNCEMENTS/REPORTS**

Mayor Howard stated Maverick Surveying continues to work on drawings for the Grey Forest Road Improvements. They are in the process of marking the trees. They discovered there were a couple of measurements they still needed to get and are working on that as well. Kathleen McCloskey stated there are no updates on BiblioTech.

## **GREY FOREST COMMUNITY BOARD (GFCB) UPDATE**

Madeline McCloskey stated the GFCB is trying to schedule a program on urban deer with Texas Parks and Wildlife. They are looking to have a 45-minute program with a 15-minute Q&A at the end. They may need to borrow audio and visual from the City and hope to set something up soon. They are working on the calendar for the upcoming year.

## **SENATOR FRANK L. MADLA, JR. NATURAL AREA UPDATE**

Council member Nottingham stated the Madla Board is having a Star Gazing Party on October 4<sup>th</sup>. Work Sessions are on the 3<sup>rd</sup> Saturday of every month. They are almost finished marking the trails.

## **BOARD OF ADJUSTMENT UPDATE**

None.

## **POLICE DEPARTMENT ACTIVITY REPORT**

Chief Bejar reviewed the July 2018 Monthly Activity Report. There were 140 calls for service, 912 total hours worked, 4941 total miles driven, 52 traffic stops, 35 summons issued and 18 warnings issued. Of the 35 citations; 8 were for no through trucks.

## **PUBLIC WORKS ANNOUNCEMENTS**

Mayor Howard stated the carports to shelter vehicles and equipment have been installed at the Public Works Building.

## **GFU UTILITY ANNOUNCEMENTS**

Mayor Howard stated Jeff English is unable to attend tonight. The utility is running smoothly. The well levels are doing good and are at 404 feet as of August 24<sup>th</sup>.

## **FIRE DEPARTMENT REPORT**

Don Reddout stated the July 2018 Department Incident Report has been provided. There were 7 calls in the City for the month of July; 4 medical, 3 other than medical and 1 call was cancelled. The Average Response Time was 1.29, Average Personnel 3 and Average Apparatus 1.5. They deployed personnel last month to the fires in Burnett and Llano. They are on standby for the California fires.

## **NEW BUSINESS:**

### **1. DISCUSS AND ACT ON MAYOR'S RECOMMENDATION FOR APPOINTMENT OF CITY COUNCIL MEMBER TO THE VACANT POSITION OF COUNCIL MEMBER, PLACE NO. 3**

Mayor Howard stated he is nominating Dr. Geri Poss to fill to the vacant position of Council member, Place No. 3. He has provided Council her bio. She is very educated and has demonstrated sound and solid judgement throughout her life. Her business experience would add another angle of expertise to City Council. Geri Poss stated she has been in Grey Forest for 2 years. One of the things she experienced after moving here was the misinformation that goes on around the City. She would like to find an appropriate way to get correct information out to citizens. With her business experience and expertise, she thinks she could bring a fresh view on Council. Mayor Howard asked for a motion. Council member Tiner made the motion to appoint Dr. Geri Poss to fill the vacant position of Council member, Place No. 3. The motion was seconded by Council member Verity and passed unanimously with 4 YES and 0 OPPOSED. Mayor Howard welcomed Geri Poss to City Council. Shannan Kinsley took a brief recess and swore in

Geri Poss. Geri Poss joined City Council in her position of Council member, Place No. 3 for the remainder of the meeting.

**2. DISCUSS AND ACT ON THE CITY OF GREY FOREST, TEXAS ANNUAL FINANCIAL REPORT WITH SUPPLEMENTARY INFORMATION FOR THE YEAR ENDED SEPTEMBER 30, 2017**

Steve Cook stated Council has been provided the Draft Annual Financial Report for the year ended September 30, 2017. The City has internal controls in place to protect the assets. The internal controls in place are good given the size of the organization and there is nothing to be alarmed about. He has mentioned in the past, he does not like taking cash at the counter. It opens up the opportunity for misplacement or misuse. That is not going on but it does open the opportunity. Most places now are taking only credit cards, cashier's check and personal checks. Some City's will not even take a personal check. He would like the City of Grey Forest to think hard about it and implement it. There will be a few who will not like it at first but once you eliminate cash; you eliminate temptation and also a much better tracking system. Steve Cook stated there are pages upon pages about the retirement plan. He has no control over it. The footnotes come from the Texas Retirement System and they are required. Page 44 and 45 compare budgeted vs. actual. The City has done a good job on budgeting. The big difference in revenue was the unexpected \$69,000 worth of fines and forfeitures from tickets. The City did a good job of staying within budget on expenses. Administrative Expenses were good with expenses of \$ 149,846 where budgeted \$154,937. Public Works expenditures were a little less than budgeted with expenses of \$123,597 and a budget of \$257,540. Police Department was basically a wash with expenses of \$347,344 and a budget of \$345,651. Same with Court expenditures of \$56,888 and a budget of \$51,825. Steve Cook stated he wants to encourage City Council to not take the budgeting process lightly and to talk about internal controls. He encouraged Council to contact him if they had any questions.

Mayor Howard stated he would like to move to Agenda Item No. 6

**6. DISCUSS AND ACT ON APPOINTMENT OF BOARD MEMBER TO FILL THE VACANT POSITION ON THE SENATOR FRANK L. MADLA, JR. NATURAL AREA BOARD OF DIRECTORS PURSUANT TO AMENDMENT TO ORDINANCE NO.180**

Mayor Howard stated the Madla Board has recommended Kelly Dawley to fill the vacant Board position. Kelly Dawley works for Grey Forest Utilities. He knows her personally and she's a standup citizen. Council has been provided her resume and he asked that they take a minute to look it over. Council member Nottingham stated the Madla Board did advertise the position and they were lucky to have Kelly put in her application. Mayor Howard asked for a motion. Council member Verity made the motion to appoint Kelly Dawley to fill the vacant position on the Senator Frank L. Madla, Jr. Natural Area Board of Directors. The motion was seconded by Council member Tine and passed unanimously with 5 YES and 0 OPPOSED. Mayor Howard thanked Kelly for her service and congratulated her.

**MAYOR HOWARD MADE THE ANNOUNCEMENT OF RETIING INTO EXECUTIVE SESSION AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, SECTION 551.071**

**3. MOTION BY CITY COUNCIL TO RETIRE INTO AN EXECUTIVE SESSION AS STATED ON THE POSTED AGENDA AND DISCUSSION OF: A) DISCUSSION OF ORDINANCE NO. 24B AMENDING ORDINANCE NO. 24A CONCERNING SOLICITORS AND POSSIBLE/THREATNED LITIGATION FROM MOXIE PEST CONTROL AND B) DISCUSSION ON NEGOTIATIONS WITH DAILEY AND WELLS COMMUNICAITON, INC. FOR AN ALAMO CITY REGIONAL RADIO SYSTEM**

Mayor Howard asked for a motion. Council member Nottingham made the motion to retire into an Executive Session as stated on the posted agenda and discussion of: a) discussion of Ordinance No. 24B Amending Ordinance No. 24A concerning solicitors and possible/threatened litigation from Moxie Pest Control and b) discussion on negotiations with Dailey and Wells Communication, Inc. for an Alamo City Regional Radio System. The motion was seconded by Council member Tiner and passed unanimously with 5 YES and 0 OPPOSED.

Mayor Howard adjourned the Regular City Council Meeting at 7:17 p.m. to go into Executive Session.

City Council went into Executive Session at 7:21 p.m.

The Executive Session was adjourned at 8:14 p.m.

Mayor Howard reconvened the Regular City Council Meeting at 8:19 p.m.

**4. DISCUSS AND ACT IF NECESSARY ON ORDINANCE NO.24B AMENDING ORDINANCE NO.24A CONCERNING SOLICITORS AND POSSIBLE/THREATENED LITIGATION FROM MOXIE PEST CONTROL**

Mayor Howard asked if there is a motion. Council member Nottingham made the motion to accept Ordinance No. 24B Amending Ordinance No. 24A concerning solicitors as written and presented to City Council. The motion was seconded by Council member Tiner and passed unanimously with 5 YES and 0 OPPOSED.

**5. DISCUSS AND ACT IF NECESSARY ON NEGOTIATIONS WITH DAILEY AND WELLS COMMUNICATION, INC. FOR AN ALAMO CITY REGIONAL RADIO SYSTEM**

Mayor Howard asked if there is a motion. Council member Darst made the motion to give the Mayor authorization to begin negotiations with Dailey and Wells Communication, Inc. for an Alamo City Regional Radio System. The motion was seconded by Council member Nottingham and passed unanimously with 5 YES and 0 OPPOSED.

**7. DISCUSS AND ACT ON PERMANENTLY CLOSING THE FORMER SLPC SWIM HOLE AS A SWIMMING FACILITY TO REDUCE THE CITY'S LIABILITIES AND PROTECT PUBLIC HEALTH WHILE CONTINUING TO MAINTAIN THE DAM AND CREEK AREA FOR HISTORICAL AND AMBIENCE PURPOSES**

Mayor Howard asked for a motion to discuss Agenda Item No. 7. The motion to discuss Agenda Item No. 7 was made by Council member Verity and seconded by Council member Darst. Mayor Howard stated when coming on as Mayor, he went around the City and assessed potential liability and public health issues in the City. The former Scenic Loop Playground Club property now belongs to the City making the swim hole available to the public. If someone gets sick, the City could be liable. He would like to see the City close the swimming hole to swimming and preserve the dam. We want to make sure that no one swims in the stagnant body of water. It's against the law to use chemicals in waterways. It's not a free flowing, spring fed facility. It is a natural spring with water flowing. Council member Tiner stated the swimming hole use to have springs running all the time. Now it's not running, and the water is stagnant. We can't sanitize the water in any way. If the water is not running; we are asking for trouble. Council member Nottingham stated we have a Board of Directors that have been put in place to take care of the property that we accepted from SLPC. She thinks we need to keep this open to their research and let them bring something back to Council for consideration. This is their job and we have them in place to take care of the property. Mayor Howard stated that he agrees to them taking care of the property, but this is a liability issue. Council member Darst stated she was on the SLPC Board when the land was conveyed, and this seems to be against the spirit of the conveyance. SLPC gave the land to the City to care for it because the City had the resources for it. She thinks there are other ways to go about this. Maybe signs stating it's a natural creek bed; go in at your own risk and take the words swimming off. The City has a Board that we fought so hard to create and we should use them to create a partnership and not just shut it down. Council member Verity stated one of the selling points of conveying the property was the liability and the ability to cover the property under the City's insurance. Council member Poss asked if there is verbiage that can be put on the signs that would protect the City but still allow it to be open. City Attorney, Ryan Henry stated you can post signs and if someone disobeys the signs that are posted; that will relieve the City of liability. If you prohibit swimming one set of laws apply, if you permit it another set applies. When you start altering natural water flows and stream aspects; it's a whole separate set of laws. If you leave it in its natural state certain rules apply but are not as complex. Mayor Howard stated his purpose of putting this out there is to have this discussion. He's trying to mitigate risks. If Council decides to continue the way it is; then we are going in with our eyes open. After lengthy discussion, Mayor Howard stated it sounds like we need to postpone this item to give the Community Board a chance to go through and develop something. Mayor Howard asked for a motion. Council member Verity made the motion to postpone until the next City Council Meeting the discussion of Agenda Item No. 7 to permanently close the former SLPC swim hole as a swimming facility to reduce the City's liabilities and protect public health while continuing to maintain the dam and creek area for historical and ambience purposes. The motion was seconded by Council member Tiner and passed unanimously with 5 YES and 0 OPPOSED. Mayor Howard stated he will ask the Community Board to work up a plan to get a handle on potential liability issues.

**UNFINISHED BUSINESS:**

None.

There was no further business. Mayor Howard asked for a motion to adjourn. The motion to adjourn was made by Council member Verity and seconded by Council member Darst. The Regular City Council Meeting was adjourned at 8:49 p.m.

These minutes were written/recorded by Shawwan Kinsley.

These minutes were approved as written ~~amended~~ on the 18<sup>th</sup> day of December, 2018.

Signed: Phillip A. Howard

Phillip A. Howard, Mayor