

NOTICE OF REGULAR MEETING
March 10, 2021
SHENANDOAH CITY COUNCIL

STATE OF TEXAS
COUNTY OF MONTGOMERY
CITY OF SHENANDOAH

AGENDA

NOTICE IS HEREBY GIVEN that a Meeting of the Shenandoah City Council will be held on Wednesday, March 10, 2021 at 7:00 p.m. at the City of Shenandoah Municipal Complex, 29955 IH-45 North, Shenandoah, Texas for the purpose of considering the following:

1. CALL TO ORDER
2. CALL OF ROLL
3. PLEDGE OF ALLEGIANCE
4. INVOCATION
5. CITIZENS FORUM

Citizens are invited to speak for three (3) minutes on matters relating to city government that relate to agenda or non-agenda items. Speakers are asked to stand up and approach the podium to address Council and give their name and address before sharing their comments.

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

6. COUNCIL INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

INDIVIDUAL CONSIDERATION:

7. Introduction of new employees and oath of office for new officer.
8. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, DELETING CHAPTER 46, ARTICLE III, CODE ENFORCEMENT, SECTIONS 46-61, 46-62 AND 46-63 AND ADDING CHAPTER 2, ARTICLE III, SECTIONS 155-157 PROVIDING FOR THE POSITION OF CODE ENFORCEMENT OFFICER; PROVIDING FOR AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS.

9. Update regarding the David Memorial Drive extension.

10. Discussion and possible action to approve the minutes of the January 13, 2021 and the January 27, 2021 regular meetings.

11. CITIZENS FORUM

Citizens are invited to speak for three (3) minutes on matters relating to city government that relate to agenda or non-agenda items. Speakers are asked to stand up and approach the podium to address Council and give their name and address before sharing their comments.

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

12. City Administrator updates.

13. COUNCIL INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

EXECUTIVE SESSION

Public notice is given that the City Council may elect to go into Executive Session at any time during the meeting in order to discuss any matters listed on the Agenda when authorized by the provisions of the Open Meeting Act, Chapter 551 of the Texas Government Code, to receive advice from legal counsel, to discuss matters of land acquisition, personnel matters or other lawful matters that are specifically related to items listed on this Agenda. Prior to any such closed session, the Mayor, in open session, will identify the agenda item to be discussed and the Section or Sections of Chapter 551 under which the closed discussion is authorized.

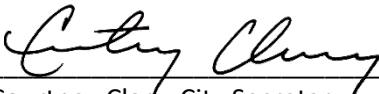
ADJOURN

The Council may vote and/or act upon each of the items listed on this Agenda. One agenda item will be discussed at a time unless logic and practical consideration allow similar topics to be considered together for purposes of convenience and efficiency. The Council may retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.

Any discussion item on the City Council agenda permits City Council to question the involved parties or receive a presentation by the involved parties.

City Hall is wheelchair accessible. A sloped entry is available at the entrance with specially marked parking spaces available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 281-298-5522 or Fax 281-367-2225 for information.

I certify that the attached notice of meeting was posted on the bulletin board at City of Shenandoah Municipal Complex, 29955 IH-45 North, Shenandoah, Texas, on the 5th day of March 2021 at 1:00 o'clock p.m.


Courtney Clary, City Secretary





Shenandoah City Council

AGENDA REPORT

AGENDA DATE:	<u>March 10, 2021</u>	ITEM NUMBER:	<u>8</u>
DEPARTMENT:	<u>Community Development</u>	PREPARED BY:	<u>Jackie Thompson</u>
PRICING:	<u>N/A</u>	EXHIBITS:	<u>Ordinance</u>

SUBJECT/PROCEEDING:

Ordinance providing for Non-Licensed Peace Officer to serve as Code Enforcement Officer

RECOMMENDED ACTION:

Staff and City Attorney recommends adoption of the ordinance.

BACKGROUND/DISCUSSION:

New hire Stefanie Sadler will act on behalf of the City as Code Enforcement Officer. Prior to the hire of Stefanie, Officer John Ferrand served as Code Enforcement Officer. The proposed ordinance designates the position of Code Enforcement Officer as a non-licensed peace officer, provides for qualification, and grants powers and duties to the officer.

APPROVALS:

DEPARTMENT HEAD		DATE:	<u>March 4, 2021</u>
CITY ADMINISTRATOR		DATE:	<u>March 4, 2021</u>

ORDINANCE NO. O-21-007

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, DELETING CHAPTER 46, ARTICLE III, CODE ENFORCEMENT, SECTIONS 46-61, 46-62 AND 46-63 AND ADDING CHAPTER 2, ARTICLE III, SECTIONS 155-157 PROVIDING FOR THE POSITION OF CODE ENFORCEMENT OFFICER; PROVIDING FOR AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS.

WHEREAS, the City currently has in effect, Chapter 46, Article III which provides for a Code Enforcement Officer who is also a licensed peace officer; and

WHEREAS, the City has determined that it is in the best interest of the City to have a non-licensed peace officer serve as a Code Enforcement Officer; and

WHEREAS, currently the provision for a Code Enforcement Officer is found in Chapter 46 which deals with licensed peace officers; and

WHEREAS, the provision for a non-peace officer to serve as a Code Enforcement Officer should properly be located in Chapter 2 of the Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS:

Section 1.

1. Chapter 46, Article III, Sections 46-61, 46-62 and 46-63 are deleted.
2. Chapter 2, Article III, Sections 155-157 are enacted as follows:

Section 155. Code Enforcement Officer position created; Qualifications

(a) There is hereby created the position of Code Enforcement Officer for the City of Shenandoah, Texas. The Code Enforcement Officer shall be designated by and shall work under the direction of the City Administrator. The Code Enforcement Officer shall receive such salary as may from time to time be established.

(b) The Code Enforcement Officer shall possess all qualifications necessary for registration with the Texas Department of Licensing & Regulations as provided by state law and shall maintain such registration as a condition of continued employment.

Section 156. Powers and Duties of Code Enforcement Officer

(a) The Code Enforcement Officer shall enforce the provisions of the City Code of Ordinances of the City of Shenandoah and other ordinances of the City of Shenandoah relating to building standards, fire safety, unsafe buildings, junked vehicles, signs, subdivisions and zoning, and in addition shall perform other duties as may from time to time be directed.

(b) The Code Enforcement Officer shall be authorized to direct the abatement of any nuisance or other Code violation within the scope of the enforcement powers set forth

herein, to issue any required notices and to initiate abatement proceedings in conformity with the applicable provisions of this Code and state law, and in addition, shall be authorized to issue any required citations and initiate proceedings in the Municipal Court against persons deemed to be in violation of Code provisions within the scope of the enforcement powers set forth herein.

Section 157. Administrative warrants

(a) The Code Enforcement Officer is hereby authorized pursuant to Texas Code of Criminal Procedure, to obtain and execute administrative search warrants in connection with any inspection which may be necessary in the performance of the duties set out herein and for which a warrant may be required.

Section 2. It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.

Section 3. Any and all ordinances, resolutions, and/or policies of the City of Shenandoah, Texas whether written or otherwise, which are in any manner in conflict with or inconsistent with this ordinance shall be and are repealed to the extent of such conflict or inconsistency.

Section 4. This ordinance shall take effect immediately upon passage by the City Council.

PASSED, APPROVED AND ADOPTED this 5TH day of March 2021.

CITY OF SHENANDOAH, TEXAS

M. RITCHEY WHEELER, Mayor

ATTEST:

COURTNEY CLARY, City Secretary

APPROVED AS TO FORM:

WILLIAM C. FEREBEE, City Attorney

MINUTES OF REGULAR MEETING

January 13, 2021

SHENANDOAH CITY COUNCIL

The meeting was called to order by Mayor M. Ritchey Wheeler at 7:00 p.m. City Council members present, Councilmember McLeod, Councilmember Bradt, Councilmember Gristy, Councilmember Fletcher and Councilmember Raymaker. City Administrator Kathie Reyer, City Secretary Courtney Clary, City Attorney William Ferebee, Finance Director Lisa Wasner, Police Lieutenant Jake Reuvers, CVB Director John Mayner, and Communications Manager Debbie Pilcher.

1. CALL TO ORDER

Mayor Wheeler called the meeting to order at 7:00 p.m.

2. CALL OF ROLL

Mayor Wheeler stated for the record that all members were present.

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

Mayor Wheeler gave the invocation.

5. CITIZENS FORUM

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

James Leveston: To hear citizen comments, please click [HERE](#)

6. COUNCIL'S INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

Mayor Wheeler stated for the record that there were no councilmembers wishing to speak.

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SHENANDOAH CITY COUNCIL

INDIVIDUAL CONSIDERATION:

7. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS, (OR "CITY") DECLINING TO APPROVE THE CHANGE IN RATES REQUESTED IN ENTERGY TEXAS, INC.'S ("ETI" OR "COMPANY") STATEMENT OF INTENT FILED WITH THE CITY ON JANUARY 13, 2020, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

COUNCILMEMBER MCLEOD MADE A MOTION TO ADOPT AN ORDINANCE DECLINING TO APPROVE THE CHANGE IN RATES REQUESTED IN ENTERGY TEXAS, INC.'S STATEMENT OF INTENT FILED WITH THE CITY ON JANUARY 13, 2020, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

8. Discussion and possible action regarding the Memorial Hermann ACP replacement project.

COUNCILMEMBER MCLEOD MADE A MOTION TO AUTHORIZE DESIGN OF BUDGETED WATERLINE REPLACEMENT PROJECTS AND TO REQUEST ADDITIONAL FUNDS FROM THE MUNICIPAL DEVELOPMENT DISTRICT FOR CONSTRUCTION, COUNCILMEMBER BRADT SECONDED. THE MOTION CARRIED 5/0.

9. Discussion and possible action to adopt the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS, AMENDING POLICIES AND PROCEDURES FOR CITY COUNCIL MEETINGS.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT A RESOLUTION AMENDING POLICIES AND PROCEDURES FOR CITY COUNCIL MEMBERS, COUNCILMEMBER GRISTY SECONDED. THE MOTION CARRIED 5/0.

10. Discussion and possible action to approve payment for emergency waterline repair.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE PAYMENT FOR EMERGENCY WATERLINE REPAIRS, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

11. Discussion and possible action to adopt the following Resolution:

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SHENANDOAH CITY COUNCIL

A RESOLUTION SUSPENDING ATTENDANCE REQUIREMENTS AT CIVIC CLUB MEETINGS.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT A RESOLUTION SUSPENDING ATTENDANCE REQUIREMENTS AT CIVIC CLUB MEETINGS THROUGH JUNE 30, 2021, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

12. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, POSITIONS 2, 3 AND 4; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTIONS.

COUNCILMEMBER MCLEOD MADE A MOTION TO ADOPT AN ORDINANCE PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, POSITIONS 2, 3 AND 4, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

13. Discussion and possible action to approve the following agreements with Montgomery County for the May 1, 2021 City General Election:

- Election Services Agreement
- Joint Election Agreement

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE ELECTION SERVICES AGREEMENT AND THE JOINT ELECTION AGREEMENT WITH MONTGOMERY COUNTY FOR THE MAY 1, 2021 CITY GENERAL ELECTION, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

14. Update regarding the Comprehensive Plan.

To view the map, please click [HERE](#)

To view the presentation, please click [HERE](#)

15. Discussion and possible action to approve the minutes of the October 28, 2020 and the November 11,

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2020 regular meetings.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 28, 2020 AND THE NOVEMBER 11, 2020 REGULAR MEETINGS, COUNCILMEMBER GRISTY SECONDED. THE MOTION CARRIED 5/0.

16. CITIZENS FORUM

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

Mayor Wheeler stated for the record that there were no citizens that wished to speak.

17. City Administrator Updates.

Ms. Reyer provided the following updates:

- The Aloft Hotel opened and the City was scheduled to host a Chamber Event on January 26, 2021 at 5:30 p.m.
- A waterline on the Northbound service road was hit by a boring contractor. Repairs were made the same day and the company was being billed for the repairs
- The backboards were put in place at the tennis courts
- The utility billing rebate program was launched in November, 2020 and staff would be doing a second promotion of the program

18. COUNCIL'S INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

Councilmember Fletcher stated that he filed his application to run for City Council.

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Councilmember Raymaker inquired about COVID-19 vaccination availability for residents and staff. Ms. Reyer stated that the vaccinations were not available to everyone but were available for first responders.

Councilmember Bradt stated that he filed his application to run for City Council.

Mayor Wheeler stated that there was a lot going on in the country but that the City Council would focus its efforts solely on the City and continuing to work hard towards making Shenandoah even better. He stated that the job of City Council was to focus on, and work for, the City and its residents, and that that they would not allow outside issues to prevent Council from working towards their goals.

EXECUTIVE SESSION

Public notice is given that the City Council may elect to go into Executive Session at any time during the meeting in order to discuss any matters listed on the Agenda when authorized by the provisions of the Open Meeting Act, Chapter 551 of the Texas Government Code, to receive advice from legal counsel, to discuss matters of land acquisition, personnel matters or other lawful matters that are specifically related to items listed on this Agenda. Prior to any such closed session, the Mayor, in open session, will identify the agenda item to be discussed and the Section or Sections of Chapter 551 under which the closed discussion is authorized.

Mayor Wheeler stated for the record that Council would move into executive session at 8:36 p.m.

Executive Session – According to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code as follows:

- i) Government Code § Sec. 551.087. Deliberation Regarding Economic Development Negotiations; Pending Litigation
 - PILOT Agreement; Sales Tax Agreement
- ii) Government Code § Sec. 551.074. Personnel Matters
 - Incentive Pay
- iii) Government Code § Sec. 551.074. Personnel Matters
 - New Directorship Position

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- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

Mayor Wheeler reconvened the regular meeting at 9:24 p.m. and stated for the record that no action was taken in executive session.

There being no further business, Mayor Wheeler adjourned the meeting at 9:25 p.m.

ADJOURN

The Council may vote and/or act upon each of the items listed on this Agenda. One agenda item will be discussed at a time unless logic and practical consideration allow similar topics to be considered together for purposes of convenience and efficiency. The Council may retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.

Any discussion item on the City Council agenda permits City Council to question the involved parties or receive a presentation by the involved parties.

SUBMITTED BY:

Courtney Clary, City Secretary

DATE APPROVED: _____

M. Ritchey Wheeler, Mayor

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SHENANDOAH CITY COUNCIL

The meeting was called to order by Mayor M. Ritchey Wheeler at 7:00 p.m. City Council members present, Councilmember McLeod, Councilmember Bradt, Councilmember Gristy, Councilmember Fletcher and Councilmember Raymaker. City Administrator Kathie Reyer, City Secretary Courtney Clary, City Attorney William Ferebee, Finance Director Lisa Wasner, Police Chief Troye Dunlap, CVB Director John Mayner, Community Development Manager Jackie Thompson, and Communications Manager Debbie Pilcher.

1. CALL TO ORDER

Mayor Wheeler called the meeting to order at 7:00 p.m.

2. CALL OF ROLL

Mayor Wheeler stated for the record that all members were present.

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

Mayor Wheeler gave the invocation.

5. CITIZENS FORUM

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

Mayor Wheeler stated for the record that there were no citizens that wished to speak.

6. COUNCIL'S INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

Mayor Wheeler stated for the record that there were no councilmembers wishing to speak.

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INDIVIDUAL CONSIDERATION:

7. Presentation of a Proclamation setting the date for Arbor Day.

Mayor Wheeler presented a proclamation declaring the nationally recognized date for Arbor Day as April 30, 2021.

8. Presentation of the MDD monthly report.

To view the presentation, please click [HERE](#)

9. Presentation of a Traffic Study for the IH-45 Intersection.

To view Traffic Study documents, please click [HERE](#)

To view the presentation, please click [HERE](#)

10. Discussion and possible action to approve first quarter 2021 budget amendments.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE FIRST QUARTER 2021 BUDGET AMENDMENTS, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

11. Discussion and possible action to approve an amended agreement with The Woodlands Township for fire services.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE AN AMENDED AGREEMENT WITH THE WOODLANDS TOWNSHIP FOR FIRE SERVICES, COUNCILMEMBER GRISTY SECONDED. THE MOTION CARRIED 5/0.

12. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF SHENANDOAH, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

COUNCILMEMBER RAYMAKER MADE A MOTION TO ADOPT AN ORDINANCE AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS

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CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021,
COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

13. Presentation of a Final Report regarding a variance to the maximum allowed square footage of living space. The proposed variance is for 3 Etonshire Court, Shenandoah, Texas 77381.

Ms. Thompson stated that the homeowner had requested a variance to the allowed living space of the home and that the resident was requesting 3,799 square feet of living space.

Ms. Thompson stated that the Planning and Zoning Commission unanimously recommended approval of the variance.

14. Public Hearing regarding a variance to the maximum allowed square footage of living space. The proposed variance is for 3 Etonshire Court, Shenandoah, Texas 77381.

Mayor Wheeler opened the public hearing at 7:16 p.m.

With there being no citizens wishing to speak, Mayor Wheeler closed the public hearing at 7:17 p.m.

15. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 102, TO APPROVE A VARIANCE TO THE MAXIMUM ALLOWED SQUARE FOOTAGE OF LIVING SPACE FOR 3 ETONSHIRE COURT, SHENANDOAH, TEXAS; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER RAYMAKER MADE A MOTION TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 102, TO APPROVE A VARIANCE TO THE MAXIMUM ALLOWED SQUARE FOOTAGE OF LIVING SPACE FOR 3 ETONSHIRE COURT, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

16. Presentation of a Final Report regarding the proposed zoning amendment for a special use permit for a Mixed Beverage (On-Premise) Permit with Late Hours. The proposed zoning amendment is for Hyatt House located at 18645 Residence Drive, Shenandoah, Texas 77385.

Ms. Thompson stated that the Hyatt House was seeking a special use permit for a Mixed

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Beverage Permit with late hours. She added that the Planning and Zoning Commission recommended approval for the SUP.

17. Public Hearing regarding the proposed zoning amendment for a special use permit for a Mixed Beverage (On-Premise) Permit with Late Hours. The proposed zoning amendment is for Hyatt House located at 18645 Residence Drive, Shenandoah, Texas 77385.

Mayor Wheeler opened the public hearing at 7:19 p.m.

With there being no citizens wishing to speak, Mayor Wheeler closed the public hearing at 7:20 p.m.

18. Discussion and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 102, SO AS TO A SPECIAL USE PERMIT FOR A MIXED BEVERAGE (ON-PREMISE) PERMIT WITH LATE HOURS FOR HYATT HOUSE HOTEL LOCATED AT 18645 RESIDENCE DRIVE, SHENANDOAH, TEXAS; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER FLETCHER MADE A MOTION TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 102, SO AS TO A SPECIAL USE PERMIT FOR A MIXED BEVERAGE (ON-PREMISE) PERMIT WITH LATE HOURS FOR HYATT HOUSE HOTEL, COUNCILMEMBER GRISTY SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER RAYMAKER AS THE OPPOSING VOTE.

19. Discussion and possible action to adopt the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE SHENANDOAH MUNICIPAL DEVELOPMENT DISTRICT.

COUNCILMEMBER FLETCHER MADE A MOTION TO ADOPT A RESOLUTION APPOINTING JOANNA GONZALEZ TO PLACE 3 TO THE BOARD OF DIRECTORS OF THE SHENANDOAH MUNICIPAL DEVELOPMENT DISTRICT, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

20. Discussion and possible action to approve a new Directorship position.

COUNCILMEMBER MCLEOD MADE A MOTION TO APPROVE A NEW DIRECTORSHIP

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POSITION OF DIRECTOR OF COMMUNITY DEVELOPMENT, COUNCILMEMBER GRISTY SECONDED.

THE MOTION CARRIED 5/0.

21. Discussion and possible action regarding incentive pay.

COUNCILMEMBER GRISTY MADE A MOTION TO APPROVE THE RECOMMENDATION FROM STAFF FOR INCENTIVE PAY FOR KATHIE REYER, COUNCILMEMBER BRADT SECONDED. THE MOTION CARRIED 4/0/1 WITH COUNCILMEMBER RAYMAKER ABSTAINING.

22. Discussion and possible action to approve the minutes of the December 9, 2020 regular meeting.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 9, 2020 REGULAR MEETING, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

23. Discussion and possible action to ratify the accounts payable for December, 2020.

COUNCILMEMBER GRISTY MADE A MOTION TO RATIFY THE ACCOUNTS PAYABLE FOR DECEMBER, 2020, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

24. Non-Action Items

The following budgeted items were authorized by the City Administrator, per Council approval:

Budgeted Purchase Orders over \$15,000:

- | | |
|---|--------------|
| • Motor Control Center Replacement – Engineering Services | \$60,000 |
| • Waste Water Treatment Plant Expansion – Professional Services | \$30,000 |
| • Research Forest Lift Station Rehabilitation – Professional Services | \$ 14,450.00 |
| • Research Forest Lift Station Rehabilitation – Construction Services | \$ 34,782.61 |

25. CITIZENS FORUM

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Council shall be limited to a proposal to place the subject on the agenda of a future meeting.

Mayor Wheeler stated for the record that there were no citizens that wished to speak.

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26. City Administrator Updates.

Ms. Reyer provided the following updates:

- CISD permitted the two-story teacher training center and the school board would be relocated to the Natatorium and the
- The City's Fire Inspector had been visiting commercial businesses regarding compliance and had been working with those that needed to be brought to compliance
- Police cautioning everyone to lock vehicles and hide valuables
- Glorias Restaurant was the high bidder on the Jacobson Hotel property

27. COUNCIL'S INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

Councilmember McLeod asked to move resident requested agenda items to the front of the meeting.

Mayor Wheeler thanked Ms. Reyer for her role as City Administrator.

EXECUTIVE SESSION

Public notice is given that the City Council may elect to go into Executive Session at any time during the meeting in order to discuss any matters listed on the Agenda when authorized by the provisions of the Open Meeting Act, Chapter 551 of the Texas Government Code, to receive advice from legal counsel, to discuss matters of land acquisition, personnel matters or other lawful matters that are specifically related to items listed on this Agenda. Prior to any such closed session, the Mayor, in open session, will identify the agenda item to be discussed and the Section or Sections of Chapter 551 under which the closed discussion is authorized.

Mayor Wheeler stated for the record that Executive Session was cancelled.

Executive Session – According to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code as follows:

- i) Government Code § Sec. 551.087. Deliberation Regarding Economic Development Negotiations;

MINUTES OF REGULAR MEETING

January 27, 2021

SHENANDOAH CITY COUNCIL

- Potential Land Purchase
- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

There being no further business, Mayor Wheeler adjourned the meeting at 7:41 p.m.

ADJOURN

The Council may vote and/or act upon each of the items listed on this Agenda. One agenda item will be discussed at a time unless logic and practical consideration allow similar topics to be considered together for purposes of convenience and efficiency. The Council may retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.

Any discussion item on the City Council agenda permits City Council to question the involved parties or receive a presentation by the involved parties.

SUBMITTED BY:

Courtney Clary, City Secretary

DATE APPROVED: _____

M. Ritchey Wheeler, Mayor