

## MINUTES OF REGULAR MEETING

May 27, 2020

### 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 Secretary Courtney Clary, City Attorney William Ferebee, Finance Director Lisa Wasner, Public Works Director Joseph Peart, Interim Police Chief Troye Dunlap, Communications Manager Debbie Pilcher, CVB Director John Mayner, and IT Manager Chris Grizzaffi were also present. Community Development Manager Jackie Thompson was available by phone.

#### 1. CALL TO ORDER

Mayor Wheeler called the meeting to order at 7:07 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 (CALL IN ONLY)

*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.*

Julia Hepburn – To hear citizen comments, please click [HERE](#)

#### 6. COUNCIL'S INQUIRY

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

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**INDIVIDUAL CONSIDERATION:**

7. Presentation of the Municipal Development District monthly report.

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

8. Presentation of a final report regarding the proposed zoning amendment for a special use permit for a Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1644 Research Forest Drive, Suite 100, Shenandoah, Texas 77381.

Ms. Thompson stated that the Planning and Zoning Commission unanimously recommended approval for the special use permit.

9. Public hearing regarding the proposed zoning amendment for a special use permit for a Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1644 Research Forest Drive, Suite 100, 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.

10. 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 PERMIT FOR LAMA MEDITERRANEAN CUISINE LOCATED AT 1644 RESEARCH FOREST DRIVE, SUITE 100, 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 FOR A SPECIAL USE PERMIT FOR A MIXED BEVERAGE PERMIT FOR LAMA MEDITERRANEAN CUISINE, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

11. Discussion and possible action to approve a bid for test pumping at the east side pond.

COUNCILMEMBER RAYMAKER MADE A MOTION TO TABLE THE AGENDA ITEM REGARDING A BID FOR TEST PUMPING AT THE EAST SIDE POND, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

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

- a. Appoint a judge for the Shenandoah Municipal Court

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS APPOINTING A JUDGE FOR THE MUNICIPAL COURT OF THE CITY OF SHENANDOAH, TEXAS AND AUTHORIZING PAYMENT FOR SERVICES.

- b. Appoint a municipal clerk for the Shenandoah Municipal Court

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS APPOINTING A MUNICIPAL COURT CLERK FOR THE MUNICIPAL COURT OF THE CITY OF SHENANDOAH, TEXAS.

COUNCILMEMBER MCLEOD MADE A MOTION TO ADOPT A RESOLUTION APPOINTING GARY SCOTT AS JUDGE FOR THE MUNICIPAL COURT OF THE CITY OF SHENANDOAH, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

COUNCILMEMBER FLETCHER MADE A MOTION TO ADOPT A RESOLUTION APPOINTING JACKIE THOMPSON AS THE MUNICIPAL COURT CLERK FOR THE MUNICIPAL COURT OF THE CITY OF SHENANDOAH, COUNCILMEMBER GRISTY SECONDED. THE MOTION CARRIED 5/0.

13. Discussion and possible action to adopt revisions to the residential permit fee schedule.

COUNCILMEMBER MCLEOD MADE A MOTION TO TABLE THE AGENDA ITEM REGARDING REVISIONS TO THE RESIDENTIAL PERMIT FEE SCHEDULE, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

14. Discussion and possible action to appoint a Mayor Pro-tem.

COUNCILMEMBER MCLEOD MADE A MOTION TO APPOINT CHARLIE BRADT AS MAYOR PRO TEM, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/0/1 WITH COUNCILMEMBER BRADT ABSTAINING.

15. Discussion and possible action regarding second quarter budget amendments.

COUNCILMEMBER GRISTY MADE A MOTION TO APPROVE THE BUDGET AMENDMENTS PRESENTED, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

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16. Discussion and possible action to approve payment to the Montgomery County Fire Marshal's office.

COUNCILMEMBER MCLEOD MADE A MOTION TO APPROVE PAYMENT TO THE MONTGOMERY COUNTY FIRE MARSHAL'S OFFICE, COUNCILMEMBER BRADT SECONDED. THE MOTION CARRIED 5/0.

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

AN ORDINANCE PROTECTING THE WATER SUPPLY OF ALL PUBLIC WELLS IN THE CITY OF SHENANDOAH BY MEANS OF CREATING SANITARY CONTROL EASEMENTS WITHIN 150 FEET OF WELLS AND ESTABLISHING EXCEPTIONS TO SUCH EASEMENTS; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES OF UP TO \$2000 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVINGS CLAUSE IF ANY PORTION HEREOF IS DEEMED TO BE INVALID; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.

COUNCILMEMBER MCLEOD MADE A MOTION TO ADOPT AN ORDINANCE PROTECTING THE WATER SUPPLY OF ALL PUBLIC WELLS IN THE CITY OF SHENANDOAH BY MEANS OF CREATING SANITARY CONTROL EASEMENTS WITHIN 150 FEET OF WELLS AND ESTABLISHING EXCEPTIONS TO SUCH EASEMENTS, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

18. Discussion of General Fund Capital Improvement Plan (CIP) projects.

Mr. Peart stated that the plan covered roadways, pathways, parks, city facilities, and drainage projects and would provide Council with an overview of what staff recommended and what improvements were needed.

Councilmember Gristy stated that he liked the format a lot.

Councilmember Raymaker stated that he appreciated the dashboard view.

Mr. Peart stated that the plan moving forward would to put everything together and provide revenue and expense estimates and stated that he would like the item to be discussed at a joint meeting in the future.

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19. Discussion and possible action to approve the purchase of a booster pump for Water Plant No.2.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE THE PURCHASE OF A BOOSTER PUMP FOR WATER PLAN NUMBER TWO, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

20. Discussion and possible action to approve a new design for the city entrance monuments.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE DESIGN OPTION B FOR THE CITY ENTRANCE MONUMENTS, COUNCILMEMBER BRADT SECONDED. THE MOTION FAILED 2/3 WITH COUNCILMEMBERS MCLEOD, FLETCHER, AND GRISTY AS THE OPPOSING VOTES.

COUNCILMEMBER FLETCHER MADE A MOTION TO APPROVE DESIGN OPTION A FOR THE CITY ENTRANCE MONUMENTS, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 3/2 WITH COUNCILMEMBERS BRADT AND RAYMAKER AS THE OPPOSING VOTES.

21. Discussion and possible action to approve the minutes of the April 22, 2020 regular meeting.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 22, 2020 REGULAR MEETING, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

22. Discussion and possible action to approve the accounts payable for April, 2020.

COUNCILMEMBER MCLEOD MADE A MOTION TO RATIFY THE ACCOUNTS PAYABLE FOR APRIL, 2020, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

23. CITIZENS FORUM

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24. City Administrator Updates – Monthly Reports.

Mr. Peart presented the following updates:

- The drainage project between Wellman Road and Vision Park was underway and that there had not been any serious disruption to residents and business owners

25. COUNCIL'S INQUIRY

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Councilmember Raymaker stated that the Wellman loop was well underway and that the project was moving right along and that they were still targeting the third quarter for completion. He added that he was happy to be back on the dais and that it was great to see the parking lots busy again at Portofino. Councilmember Raymaker also stated that it would be important to remain watchful of spending during budget planning.

Councilmember Fletcher congratulated all the Seniors who graduated, wished them luck, and commended them all on their hard work.

Councilmember McLeod requested that the parks open back up and allow the residents to be responsible. He also stated that C.I.S.D. would be holding graduations and he asked everyone to be mindful of the traffic in and around the stadium.

Councilmember McLeod also stated that the reason the City saves money is for planned and unplanned expenses. He asked Ms. Wasner what the debt balance was for 2016. Ms. Wasner stated that the debt balance for May of 2016 was \$30,838,616. Councilmember McLeod asked what the balance was for May of 2020. Ms. Wasner stated that the balance was \$20,570,000. Councilmember

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McLeod asked what the general fund reserves were for 2017 compared to 2020. Ms. Wasner stated that in 2017 the general fund reserves were around 5.5 million and in May 2020 they were around 7.6 million dollars. Councilmember McLeod stated that around 10 million dollars in debt had been paid and that the City's reserves had increased by around 2 million dollars.

Mayor Wheeler stated that he and Ms. Reyer had been discussing opening the parks. He stated that he wanted the residents to have access to the parks and reminded residents that by opening the parks there would potentially be an influx in people visiting the parks from outside the City. Mayor Wheeler asked that everyone remain patient and aware. He also stated that he too was happy to see some normalcy in getting back to the way things were before COVID-19.

#### 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 8:05 p.m.

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

- i) Government Code § 551.074. Personnel Matters
  - Police Chief
  
- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

Mayor Wheeler reconvened the regular meeting at 9:18 p.m. and stated for the record that no

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action was taken in executive session.

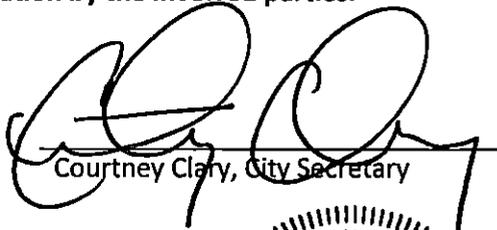
There being no further business, Mayor Wheeler adjourned the meeting at 9:18 p.m.

**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:

06/24/2020



M. Ritchey Wheeler, Mayor

