

MINUTES OF REGULAR MEETING

July 13, 2022

SHENANDOAH CITY COUNCIL

The meeting was called to order by Mayor John G. Escoto at 7:00 p.m. City Council members present, Councilmember Bradt, Councilmember Pollard, Councilmember Fletcher and Councilmember Raymaker. City Administrator Kathie Reyer, City Secretary Courtney Clary, City Attorney William Ferebee, Finance Director Lisa Wasner, Public Works Project Manager Rual Porras, and Communications Manager Debbie Pilcher were also present.

1. CALL TO ORDER

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

2. CALL OF ROLL

Mayor Escoto stated for the record that Councilmember McLeod was absent and excused from the meeting.

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

Councilmember Fletcher 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.

Janeu Houston – To hear citizen comments, please click [HERE](#)

Jean Teague – To hear citizen comments, please click [HERE](#)

Charley Ballmer – To hear citizen comments, please click [HERE](#)

Esther Lum – To hear citizen comments, please click [HERE](#)

Frank Powell – To hear citizen comments, please click [HERE](#)

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INDIVIDUAL CONSIDERATION:

6. Discussion and possible action to nominate a member to the MCECD Board of Managers.

COUNCILMEMBER BRADT MADE A MOTION TO NOMINATE KATHIE REYER TO THE MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BOARD OF DIRECTORS, COUNCILMEMBER POLLARD SECONDED. THE MOTION CARRIED 4/0.

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

ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5, 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON JULY 1, 2022; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT AN ORDINANCE AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5, 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON JULY 1, 2022; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/0.

8. Discussion regarding a design change for additional parking at the Toddler Park.

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Mr. Porras stated that he had an update for Council regarding the project, which was currently under design. He stated that Energy Transfer owned the gas line and the 30' easement that runs through the Toddler Park and that Energy Transfer did not allow parking lots on their easement. He stated that because of this the parking spaces would be moved further west.

9. Discussion and possible action regarding third quarter budget amendments.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE THE THIRD QUARTER BUDGET AMENDMENTS AS PRESENTED, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 4/0.

10. Discussion and possible action regarding the TMLIRP Re-Rate.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE THE LIMITS AND DEDUCTIBLES AS PRESENTED, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 4/0.

11. Discussion and possible action regarding the creation of a water/sewer impact fee fund.

COUNCILMEMBER RAYMAKER MADE A MOTION TO APPROVE THE CREATION OF A WATER & SEWER IMPACT FEE FUND, COUNCILMEMBER BRADT SECONDED. THE MOTION CARRIED 4/0.

12. Presentation of a Planning and Zoning Commission preliminary report regarding a variance to the minimum lot frontage for 2.203 acres of and by deed recorded under County Clerk's File No. 2007-132782 of the Official Public Records of Montgomery County, Texas.

Mr. Ferebee stated that the proposed variance was for the Adriatic Café. Mr. Ferebee stated that the lot was located in the Commercial Corridor (CC), which requires a minimum of 200' wide for development, but the property only provides frontage distance of 159.74'. He added that the Planning and Zoning Commission unanimously voted to recommend approval of the reduction.

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13. Public Hearing regarding a variance to the minimum lot frontage for 2.203 acres of and by deed recorded under County Clerk's File No. 2007-132782 of the Official Public Records of Montgomery County, Texas.

Mayor Escoto opened the public hearing at 7:31pm

Councilmember Pollard asked the owner if there were any options other than changing the configuration, and whether it had been grandfathered in since the property had been annexed into the City Limits in 2015. The representatives stated that there no other options and that the property had been grandfathered in.

Councilmember Raymaker stated that he spoke to the property owner previously and requested a passthrough to the Sam Moon property. He stated that the owner planned to include the passthrough.

Mayor Escoto closed the public hearing at 7:33pm

14. 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 LOT FRONTAGE OF 159.74' FOR 2.203 ACRE TRACT OF LAND RECORDED UNDER COUNTY CLERK'S FILE NO 2007-132782 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 102, TO APPROVE A VARIANCE TO THE LOT FRONTAGE OF 159.74' FOR 2.203 ACRE TRACT OF LAND RECORDED UNDER COUNTY CLERK'S FILE NO 2007-132782 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, COUNCILMEMBER POLLARD SECONDED. THE MOTION CARRIED 4/0.

15. Presentation of a Planning and Zoning Commission preliminary report regarding a variance to the minimum vegetation barriers along a side property line for 2.203 acres of and by deed recorded under County Clerk's File No. 2007-132782 of the Official Public Records of Montgomery County,

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Texas. Planning and Zoning Commission Meeting June 28, 2022.

Mr. Ferebee stated that the requested variance was for the same property above and that the request was for a vegetation buffer reduction to 10' from 15' in certain areas along the Northern border of the property. Mr. Ferebee added that the Planning and Zoning Commission unanimously voted to recommend approval.

16. Public Hearing regarding a variance to the minimum vegetation barriers along a side property line for 2.203 acres of and by deed recorded under County Clerk's File No. 2007-132782 of the Official Public Records of Montgomery County, Texas.

Mayor Escoto opened the public hearing at 7:36pm

Mayor Escoto closed the public hearing at 7:37pm

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

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 98, TO APPROVE A VARIANCE TO SECTION 98-116 MINIMUM DEVOTION; VEGETATION BARRIERS OF THE CITY OF SHENANDOAH VEGETATION ORDINANCE REQUIRING VEGETATION BARRIER BETWEEN ONE COMMERCIAL PROPERTY ABUTTING ANOTHER COMMERCIAL PROPERTY OF NOT LESS THAN 15 FEET IN WIDTH FOR 2.203 ACRE TRACT OF LAND RECORDED UNDER COUNTY CLERK'S FILE NO 2007-132782 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER POLLARD MADE A MOTION TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 98, TO APPROVE A VARIANCE TO SECTION 98-116 MINIMUM DEVOTION; VEGETATION BARRIERS OF THE CITY OF SHENANDOAH VEGETATION ORDINANCE REQUIRING VEGETATION BARRIER BETWEEN ONE COMMERCIAL PROPERTY ABUTTING ANOTHER COMMERCIAL PROPERTY OF NOT LESS THAN 15 FEET IN WIDTH FOR 2.203 ACRE TRACT OF LAND RECORDED UNDER COUNTY CLERK'S FILE NO 2007-132782 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 4/0.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS APPOINTING REPRESENTATIVES TO SERVE ON THE CONROE-THE WOODLANDS URBANIZED AREA MOBILITY COMMITTEE.

COUNCILMEMBER BRADT MADE A MOTION TO APPOINT MAYOR ESCOTO AS THE PRIMARY REPRESENTATIVE AND FOR KATHIE REYER TO REMAIN AS THE ALTERNATE, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/0.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS DESIGNATING THE AUTHORIZED CHECK SIGNERS FOR THE CITY OF SHENANDOAH BANKING ACCOUNTS WITH ALLEGIANCE BANK AND TEXPOOL AND AUTHORIZING ALL OTHER NECESSARY SIGNATURES TO VALIDATE BANKING RESOLUTIONS WITH ALLEGIANCE BANK AND TEXPOOL.

COUNCILMEMBER RAYMAKER MADE A MOTION TO ADOPT A RESOLUTION DESIGNATING THE AUTHORIZED CHECK SIGNERS FOR THE CITY OF SHENANDOAH BANKING ACCOUNTS WITH ALLEGIANCE BANK AND TEXPOOL AND AUTHORIZING ALL OTHER NECESSARY SIGNATURES TO VALIDATE BANKING RESOLUTIONS WITH ALLEGIANCE BANK AND TEXPOOL, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 4/0.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS DESIGNATING THE AUTHORIZED CHECK SIGNERS FOR THE CITY OF SHENANDOAH BANKING ACCOUNT WITH ALLEGIANCE BANK AND AUTHORIZING ALL OTHER NECESSARY SIGNATURES TO VALIDATE BANKING RESOLUTIONS WITH ALLEGIANCE BANK.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT A RESOLUTION DESIGNATING THE AUTHORIZED CHECK SIGNERS FOR THE CITY OF SHENANDOAH BANKING ACCOUNT WITH ALLEGIANCE BANK AND AUTHORIZING ALL OTHER NECESSARY SIGNATURES TO VALIDATE BANKING RESOLUTIONS WITH ALLEGIANCE BANK, COUNCILMEMBER POLLARD SECONDED. THE MOTION CARRIED 4/0.

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21. Discussion and possible action to amend the budget calendar.

COUNCILMEMBER RAYMAKER MADE A MOTION TO AMEND THE BUDGET CALENDAR DATES FOR THE BUDGET WORKSHOP TO AUGUST 4, 2022 AT 5:30PM AND AUGUST 10, 2022 AT 5:30PM IF MORE TIME WAS NEEDED, COUNCILMEMBER BRADT SECONDED. THE MOTION CARRIED 4/0.

22. Discussion regarding the 2022-2023 fiscal year operating budget.

Ms. Wasner stated that there were no significant updates from the previous budget discussion. Ms. Wasner stated that staff was working with MDD President Byron Bevers regarding the potential for setting up an equipment replacement fund.

Ms. Wasner stated that staff was waiting on information for some of the departments and would provide more updates at budget workshop for those items. Ms. Wasner stated that the transfer to debt service line item in Non-Department had been removed. Councilmember Raymaker suggested cutting some of the funds for the Loan Assistance Program until there was more usage.

Ms. Wasner stated that there was no change in the Emergency Department.

Ms. Wasner stated that for the CVB Department there were not a lot of changes other than the additional staff member approved previously by Council along with increases to advertising which were still being finalized and presented at the budget workshop meeting. Councilmember Raymaker requested staff look into the market rate for commercial rental charges for CVB.

23. Discussion and possible action to adopt the minutes of the May 11, 2022 regular meeting and May 18, 2022 special meeting.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT THE MINUTES OF THE MAY 11,

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2022 REGULAR MEETING AND THE MAY 18, 2022 SPECIAL MEETING, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/0.

24. City Attorney updates.

- Frank Powell update

25. City Administrator updates.

Ms. Reyer stated that she had no updates at that time.

26. 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 thanked the Civic Club for a great job on the Independence Celebration.

Councilmember Pollard stated that he attended the most recent Civic Club meeting and called the organization the heart of the community. He encouraged more residents to get involved with the Civic Club and to attend the meetings.

Mayor Escoto welcomed Councilmember Pollard to the dais and thanked him for his commitment to the City.

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.

There being no further business, Mayor Escoto adjourned the meeting at 8:04 p.m.

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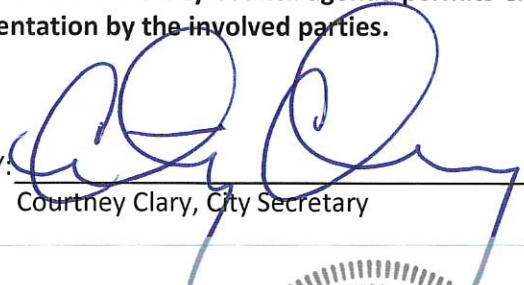
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ADJOURN

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.

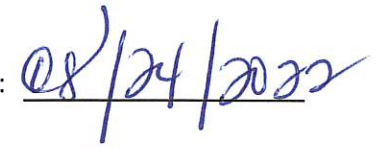
Any discussion item on the City Council agenda permits City Council to question the involved parties or receive a presentation by the involved parties.

SUBMITTED BY:



Courtney Clary, City Secretary

DATE APPROVED:



John G. Escoto, Mayor

