

## MINUTES OF REGULAR MEETING

January 23, 2019

### 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 Bevers, Councilmember Fletcher, and Councilmember Raymaker. City Administrator Kathie Reyer, City Attorney William Ferebee, City Secretary Courtney Clary, Communications Manager Debbie Pilcher, Finance Director Lisa Wasner, Public Works Director Joseph Peart, Police Chief Raymond Shaw, CVB Director John Maynor, and Community Development Manager Jackie Thompson were also present.

#### 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 wishing 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.*

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

#### **INDIVIDUAL CONSIDERATION**

7. Presentation regarding the Senior Rides Program.

Compliance Director Katy Foster with Meals on Wheels Montgomery County gave a presentation regarding the Senior Rides Program. She stated that the Senior Rides program provides public transit options for the elderly that are unable to drive. Ms. Foster explained that residents can use either the transportation bus program or a taxi voucher option. She added that due to lack of funding the number of rides offered to Shenandoah residents had decreased.

Councilmember Bevers asked Ms. Foster to explain the lack of funding. Ms. Foster replied that there were no funds received from Shenandoah previously. She added that due to an oversight, her team had not been reaching out to cities. Ms. Foster shared her appreciation for Ms. Reyer taking the time to reach out to her regarding funds that had been budgeted for the program in previous years that were never used. She stated that there would potentially be many more options for Shenandoah residents in need of the Senior Rides Program.

Mayor Wheeler asked how many clients in Shenandoah utilized the program. Ms. Foster stated that there were only 2-6 in Shenandoah and that her team was working to market the program to make residents more aware of the services they provide.

Councilmember McLeod asked if using companies such as Uber or Lift would be cheaper. Ms. Foster stated that in her experience with senior clientele they are not as familiar with those companies or with using apps on their phones in order to get rides. She stated that Uber and Lift were unreliable, not restricted to set rates, the price for rides goes up during peak times, and that appointments cannot be made in advance and that there was a benefit to taxis being available 24

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hours a day.

Councilmember Bevers asked how proportional share for each City was determined. Ms. Foster stated that averages were determined by cost per trip, how many residents utilized the service in previous years, and potential service needs for the fiscal year.

Councilmember Bevers requested to see numbers for trip destinations in Shenandoah due to the amount of hospitals in the area and stated that he felt the City would be interested in discussing potential aid with funding a direct marketing program for seniors in the future.

View full presentation [HERE](#)

8. 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 APPROVE AN EXTENSION OF A SPECIAL USE PERMIT FOR A MIXED BEVERAGE LATE HOURS PERMIT FOR DAVE & BUSTER'S LOCATED AT 8915 METROPARK 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 BEVERS MADE A MOTION TO ADOPT AN ORDINANCE APPROVING AN EXTENSION OF A SPECIAL USE PERMIT FOR A MIXED BEVERAGE LATE HOURS PERMIT FOR DAVE & BUSTERS, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER MCLEOD AS THE OPPOSING VOTE.

9. 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 APPROVE AN EXTENSION OF A SPECIAL USE PERMIT FOR 5.1923 ACRES OF LAND IN RESTRICTED RESERVE "A" OF THE EASTWOOD VILLAGE REPLAT NO. 1 RECORDED ON CABINET Z, SHEET 3434 M.R.M.C TO ALLOW A MINIMUM SQUARE FOOTAGE OF RETAIL USE AND PARKING STRUCTURE; 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 APPROVING AN EXTENSION OF A SPECIAL USE PERMIT FOR 5.1923 ACRES OF LAND IN RESTRICTED RESERVE "A" OF THE EASTWOOD VILLAGE REPLAT NO. 1, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION

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CARRIED 4/1 WITH COUNCILMEMBER BEVERS AS THE OPPOSING VOTE.

10. Proclamation announcing Arbor Day in Shenandoah.

Mayor Wheeler announced the signing of a proclamation to declare the nationally recognized date for Arbor Day as Arbor Day. He stated that the Arbor Day event for the City would occur on March 2, 2019.

11. Discussion regarding a community room.

Mr. Peart stated that staff had looked into utilizing the 1,000 square feet of space previously occupied by Landology and transforming it into a community room.

Councilmember McLeod asked what the cost would be to have carpeting installed instead of tile to help reduce noise. Mr. Peart stated that commercial carpet would be a great option and that he would look into it in the future.

Councilmember Bevers stated that he would be interested to hear feedback from the Garden Club, Civic Club, and any other groups that would frequently utilize the space.

Councilmember Bradt asked if the space could be used for events, such as Lighting of The Angels. Mr. Peart replied that this was a possibility.

Councilmember McLeod suggested charging a reservation fee similar to the park reservations to help cover cost of cleaning expenses and keeping the room updated.

Councilmember Fletcher asked if the maglocks would open when the fire alarms sound. Mr. Peart replied that he didn't have an answer for that at that time. Councilmember Fletcher also suggested a wall could be knocked down in order to add more space.

Mayor Wheeler suggested that the community room be discussed at the Spring

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Townhall Meeting in order to get feedback from residents.

12. Discussion and possible action regarding the Tamina median closure.

COUNCILMEMBER MCLEOD MADE A MOTION TO APPROVE THE TAMINA MEDIAN CLOSURE PROJECT ONCE THE RESOLUTION WAS APPROVED AT THE NEXT MEETING, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED UNANIMOUSLY.

13. Discussion and possible action regarding the Shenandoah Park/Ed English sewer line and waterline project.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE COMPLETION OF THE FINAL DESIGN OF THE SEWER LINE UPSIZING BY BLEYL ENGINEERING, COUNCILMEMBER BEVERS SECONDED. THE MOTION CARRIED UNANIMOUSLY.

14. Discussion and possible action regarding the Savannah waterline replacement.

COUNCILMEMBER BEVERS MADE A MOTION TO APPROVE ADDITIONAL FUNDS FOR THE DESIGN OF THE SAVANAH ACP WATERLINE REPLACEMENT PROJECT, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED UNANIMOUSLY.

15. Discussion and possible action regarding the Wellman and Cedarwood intersection.

COUNCILMEMBER BEVERS MADE A MOTION TO NOT MAKE ANY CHANGES TO THE WELLMAN AND CEDARWOOD INTERSECTION, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 3/2 WITH COUNCILMEMBERS BRADT AND RAYMAKER AS THE OPPOSING VOTES.

16. 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 4, 2019, 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.

En consideración y posible acción para adoptar la siguiente Ordenanza:

UNA ORDENANZA DE LA CIUDAD DE SHENANDOAH, TEXAS, QUE PROPORCIONA QUE SE REALICE UNA

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ELECCIÓN GENERAL QUE SE REALIZARÁ EL 4 DE MAYO DE 2019, CON EL FIN DE ELEGIR A TRES (3) MIEMBROS DEL CONSEJO DE LA CIUDAD, POSICIONES 2, 3 Y 4; Y PROPORCIONANDO DETALLES RELACIONADOS CON LA EXPLOTACIÓN DE TALES ELECCIONES.

COUNCILMEMBER RAYMAKER MADE A MOTION TO ADOPT AN ORDINANCE FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, POSITIONS 2, 3, AND 4, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED UNANIMOUSLY.

17. Discussion and possible action to approve agreements for the May 5, 2018 Election and authorize the Mayor to sign:

a) Election Services Agreement with Montgomery County, Texas

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE ELECTION SERVICES AGREEMENT WITH MONTGOMERY COUNTY, TEXAS, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED UNANIMOUSLY.

b) Joint Election Agreement with Montgomery County, Texas

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE JOINT ELECTION AGREEMENT WITH MONTGOMERY COUNTY, TEXAS, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED UNANIMOUSLY.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS IMPOSING AN IMPACT FEE FOR CERTAIN UTILITY CONNECTIONS ADJACENT TO SHENANDOAH PARK DRIVE AND DAVID MEMORIAL DRIVE IN CITY OF SHENANDOAH, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER BRADT MADE A MOTION ADOPT AN ORDINANCE IMPOSING AN IMPACT FEE FOR CERTAIN UTILITY CONNECTIONS ADJACENT TO SHENANDOAH PARK DRIVE AND DAVID MEMORIAL DRIVE, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER BEVERS AS THE OPPOSING VOTES.

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

AN ORDINANCE OF THE CITY OF SHENANDOAH AMENDING SECTION 66, PLACING RESTRICTIONS ON THE ISSUANCE OF BUILDING PERMITS TO INDIVIDUALS AND ORGANIZATIONS WHO ARE DELINQUENT IN THEIR FINANCIAL OBLIGATIONS TO THE CITY.

COUNCILMEMBER RAYMAKER MADE A MOTION ADOPT AN ORDINANCE PLACING RESTRICTIONS ON THE ISSUANCE OF BUILDING PERMITS TO INDIVIDUALS AND ORGANIZATIONS WHO ARE DELINQUENT IN THEIR FINANCIAL OBLIGATIONS TO THE CITY, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 3/2 WITH COUNCILMEMBERS BRADT AND BEVERS AS THE OPPOSING VOTES.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS, AMENDING ORDINANCE O-18-036, PLACING RESIDENCY RESTRICTIONS ON CERTAIN SEX OFFENDERS.

COUNCILMEMBER FLETCHER MADE A MOTION TO ADOPT AN ORDINANCE AMENDING ORDINANCE O-18-036, PLACING RESIDENCY RESTRICTIONS ON CERTAIN SEX OFFENDERS, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER BRADT AS THE OPPOSING VOTES.

21. Discussion and possible action regarding Tahoe purchases.

COUNCILMEMBER MCLEOD MADE A MOTION TO APPROVE THE PURCHASE OF A 2019 CHEVROLET POLICE TAHOE AND EMERGENCY EQUIPMENT, COUNCILMEMBER BEVERS SECONDED. THE MOTION CARRIED UNANIMOUSLY.

22. Discussion and possible action to approve the minutes of the November 14, 2018 meeting.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 14, 2018 MEETING, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED UNANIMOUSLY.

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23. Ratify the accounts payable for December 2018.

COUNCILMEMBER FLETCHER MADE A MOTION TO RATIFY THE ACCOUNTS PAYABLE FOR DECEMBER, 2018, COUNCILMEMBER BEVERS SECONDED. THE MOTION CARRIED UNANIMOUSLY.

24. 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 wishing to speak.

25. City Administrator Updates – Monthly Reports.

- Administration
- Finance
- Police/Fire
- Public Works/Capital Projects
- Community Development/Municipal Court
- Convention and Visitors Bureau

Ms. Reyer stated that motor vehicle burglaries were down to one incident in December of 2018 compared to four motor vehicle burglaries in December, 2017 and 26 motor vehicle burglaries in December, 2016. She added that the police department was hosting safety training conducted by the hospital district to get employees recertified.

Ms. Reyer stated that the reforestation project was in progress and that trees were being added to both parks and then Ms. Reyer shared information regarding the Joint Workshop Meeting.

Ms. Reyer ended by congratulating Hannah Zedaker with Community Impact News for being promoted and stated that Andrew Christman would cover Shenandoah news moving forward.



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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 Raymaker thanked Chief Shaw for adding the LPR information to the Police Department Monthly Report's. He asked to see action hits from stationery hits verses mobile. Councilmember Raymaker also asked what was being done to make Shenandoah PD more discoverable and appealing to new recruits.

Councilmember Bevers stated that he was happy to see trees being planted. He also commented that MDD's funding of holiday patrol might have helped with motor vehicle burglaries going down.

Councilmember Bradt announced that he had submitted his application to run in the 2019 Election. Councilmember Bradt also stated that the attendance was good at the Stop the Bleed event, but that some residents had commented that they were unable to see information on the event. He asked to see more signage. Ms. Reyer stated that this was something that could be handled under her authority if Council was alright with moving forward.

Councilmember McLeod reminded staff to bring back the resolution for the median closure near Home Depot.

Mayor Wheeler asked to schedule a townhall meeting in March or April, if possible.

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#### 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 adjourn to executive session at 9:12 p.m.

Executive Session – According to the Texas Open Meetings Act, Chapter 551 of the Texas

Government Code as follows:

- i) Government Code §551.071. Consultation with Attorney; Pending Litigation;
  - Solar street lights
  
- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

Mayor Wheeler reconvened the regular meeting at 9:23 p.m. and stated for the record that no action was taken in executive session.

COUNCILMEMBER MCLEOD MADE A MOTION TO AUTHORIZE THE CITY ATTORNEY TO FILE SUITE AGAINST THE BONDING COMPANY REGARDING THE CITY'S SOLAR STREET LIGHTS, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

There being no further business, Mayor Wheeler adjourned the meeting at 9:24 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***

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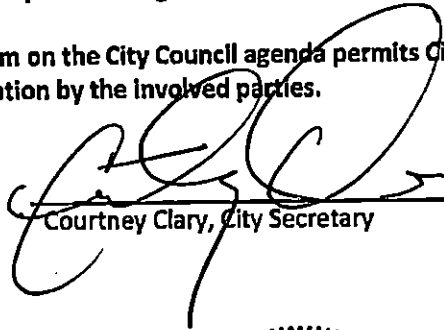
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*concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.*

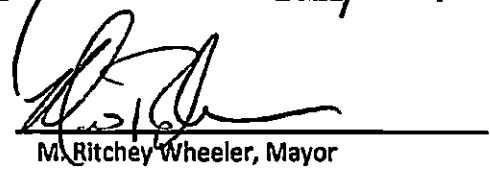
Any discussion item on the City Council agenda permits City Council to question the involved parties or receive a presentation by the involved parties.

SUBMITTED BY:

  
\_\_\_\_\_  
Courtney Clary, City Secretary

DATE APPROVED:

03/27/2019

  
\_\_\_\_\_  
M. Ritchey Wheeler, Mayor

