

# MINUTES OF REGULAR MEETING

February 23, 2022

## SHENANDOAH CITY COUNCIL

The meeting was called to order by Mayor Pro Tem Charlie Bradt at 7:00 p.m. City Council members present, Councilmember McLeod, Councilmember Bradt, Councilmember Escoto, Councilmember Fletcher and Councilmember Raymaker. City Administrator Kathie Reyer, City Secretary Courtney Clary, City Attorney William Ferebee, Finance Director Lisa Wasner, Public Works Director Joseph Peart, Police Chief Troye Dunlap, CVB Director John Mayner, Community Development Director Jackie Thompson, IT Manager Chris Grizzaffi, and Communications Manager Debbie Pilcher were also present.

### 1. CALL TO ORDER

Mayor Pro Tem Charlie Bradt called the meeting to order at 7:00 p.m.

### 2. CALL OF ROLL

Mayor Pro Tem Charlie Bradt stated for the record that Mayor Wheeler was absent and excused from the meeting.

### 3. PLEDGE OF ALLEGIANCE

### 4. INVOCATION

Mayor Pro Tem Charlie Bradt 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.*

Betty Anderson – To hear citizen comments, please click [HERE](#)

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

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

Ray Orsak – To hear citizen comments, please click [HERE](#)

Alex Warmath – To hear citizen comments, please click [HERE](#)

Larry Toepper – To hear citizen comments, please click [HERE](#)

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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.

Councilmember McLeod requested a resolution of support for an at grade solution be added to a future agenda.

Councilmember Raymaker stated that comments were made by residents regarding City Council ethics, and he asked Mr. Ferebee to explain the ethics the Council is governed by. Mr. Ferebee stated that Council was governed by a few laws of the state and some examples he shared were Chapters 171 and 176 of the Local Government Code, Chapter 553 of the Texas Government Code, House Bill 1295, and rules regarding limitations on the acceptance of gifts and nepotism to name a few.

Councilmember Escoto asked about employee ethics. Mr. Ferebee stated that the employee policy manual adopts the governed ethics that are not specific to City Council.

**INDIVIDUAL CONSIDERATION:**

7. Update from Commissioner Riley regarding the Research Forest/Grogan's Mill intersection.

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

Commissioner Riley and City Engineer John Bleyl presented a design for the first phase of changes for the Research Forest/Grogan's Mill Road intersection. The design included the addition of a right hand turn lane when turning right from Research Forest onto Grogan's Mill Road as well as an extension of the acceleration lane previously added to Grogan's Mill Road when turning right to enter onto Research Forest. Commissioner Riley stated that the design presented was not the final design for the intersection but would help to alleviate some of the traffic concerns immediately while plans continue to develop for the intersection.

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8. Special recognition of Police Officers.

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

Officers recognized included Jennifer Genovesi, C.J. Duenas, David Sweatnam, and Kevin Frantz.

9. Update regarding the Wellman Road school zone.

Quest Collegiate Academy School Administrator Russell Shafer and Area Superintendent Robert Riggs provided updates regarding changes made to alleviate traffic during pickup times after school. Mr. Shafer reported that the release time had been cut down to about 15 minutes thanks to these changes and with the help of Police Chief Troye Dunlap.

10. Presentation of the monthly MDD report.

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

11. Presentation of a final report regarding the proposed zoning amendment for a special use permit for a Mixed Beverage Permit (On Premise) with late hours. The proposed zoning amendment is for Katz's located at 19315 IH 45, Shenandoah, Texas 77381.

Mayor Pro Tem Charlie Bradt moved agenda items 11 – 13 after agenda items 14 – 16.

Ms. Thompson stated that Katz's was seeking a Special Use Permit for on-premise consumption with late hours between midnight and 2 a.m. and that the Planning and Zoning Commission recommended approval.

12. Public hearing regarding proposed zoning amendment for a special use permit for a Mixed Beverage Permit (On Premise) with late hours. The proposed zoning amendment is for Katz's located at 19315 IH 45, Shenandoah, Texas 77381.

Mayor Pro Tem Charlie Bradt opened the public hearing at 8:24 p.m.

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

Alex Warmath – To view citizen comments, please click [HERE](#)

Mayor Pro Tem Charlie Bradt closed the public hearing at 8:29 p.m.

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

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 102, GRANTING A SPECIAL USE PERMIT FOR A MIXED BEVERAGE (ON-PREMISE) PERMIT WITH LATE HOURS FOR KATZ'S DELI LOCATED AT 19315 IH 45, 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 GRANTING A SPECIAL USE PERMIT FOR A MIXED BEVERAGE (ON-PREMISE) PERMIT WITH LATE HOURS FOR KATZ'S DELI, COUNCILMEMBER ESCOTO SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER MCLEOD AS THE OPPOSING VOTE.

14. Presentation of a final report regarding the proposed zoning regulation amendment for Planned Development District # 14 (PDD # 14).

Ms. Thompson stated that the requested amendment included a reduction of retail square footage, the removal of the restriction of personal services and banking uses, provided for a PILOT based on 15,000 square feet of retail space, an increase in the allowable building height to two-story, an update to the City Impact Fee Ordinance and future agreement with a Point of Sale Agreement, and a reduction in the minimum square footage required for each unit.

15. Public hearing regarding the proposed zoning regulation amendment for Planned Development District # 14 (PDD # 14).

Mayor Pro Tem Charlie Bradt opened the public hearing at 7:58 p.m.

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

Woodlofts Shenandoah, LTD. – To view Citizen comments, please click [HERE](#)

Mayor Pro Tem Charlie Bradt closed the public hearing at 8:12 p.m.

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

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SHENANDOAH, TEXAS, CHAPTER 102, REPEALING PRIOR ORDINANCE O-2020 AND REPLACING IT WITH THIS ORDINANCE TO EFFECTUATE AMENDED ZONING REGULATIONS FOR PLANNED DEVELOPMENT DISTRICT 14 ("PDD #14"); DIRECTING A CHANGE IN THE OFFICIAL

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ZONING MAP OF THE CITY, AND 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 REPEALING PRIOR ORDINANCE O-2020 AND REPLACING IT WITH THIS ORDINANCE TO EFFECTUATE AMENDED ZONING REGULATIONS FOR PLANNED DEVELOPMENT DISTRICT 14 (“PDD #14”), COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/1 WITH COUNCILMEMBER MCLEOD AS THE OPPOSING VOTE.

17. Discussion regarding political signs.

Councilmember Fletcher stated that after speaking to County Commissioners, County Judges, political candidates, and Shenandoah residents regarding the number of political signs allowed at the City he heard nothing but great comments about Shenandoah and it’s stance on political signs. He added that the majority of the precincts he spoke to shared that they would prefer that more precincts would follow Shenandoah’s lead.

Councilmember McLeod stated that the consensus was not to change the number of signs allowed, but to change the hours which political signs were permitted at the City to 1:00 p.m. on the day before Election Day to 5:00 p.m. on the day after Election Day.

18. Discussion and possible action to ratify the accounts payable for January, 2022.

COUNCILMEMBER FLETCHER MADE A MOTION TO RATIFY THE ACCOUNTS PAYABLE FOR JANUARY, 2022, COUNCILMEMBER ESCOTO SECONDED. THE MOTION CARRIED 5/0.

19. CITIZENS FORUM

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Alex Warmath – To hear citizen comments, please click [HERE](#)

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### 20. City Administrator Updates.

Ms. Reyer provided the following updates:

- During the mulch fire at Living Earth the City was called to identify ownership of fire hydrants closest to the scene had failed. Although the City offered use of its hydrants the firefighters instead tied into the water system of the Houston Methodist Hospital. Shenandoah's water system was not effected
- Arbor Day scheduled for Saturday, March 5, 2022, 9:00 a.m. to 12:00 p.m.
- The City will be an Election Day voting site on March 1, 2022

### 21. 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 shared concerns with resident complaints over the city's water potentially being used for an emergency just outside the City.

Councilmember Fletcher stated that if Council were to reject ARPA funds that the funds would go to the state, and that returning the funds would not make a statement but would instead be used elsewhere. Councilmember Fletcher stated that year end audits represent funds that were approved during the budget workshop and that there were incorrect statements made regarding the use of budgeted funds.

Councilmember Raymaker stated that he did not want to add burden to taxpayers by passing on ARPA funds for a project.

Councilmember Escoto stated that proposed projects being funded by ARPA were essential and would come out of the city's budget if Council were to decline funding.

### 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*

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*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 Pro Tem Charlie Bradt stated for the record that Council would move into executive session at 8:48 p.m.

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

- ii) Government Code Sec. §551.087. Deliberation Regarding Economic Development Negotiations
  - Use of ARPA Funds
- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

Mayor Pro Tem Charlie Bradt reconvened the regular meeting at 9:10 p.m. and stated for the record that no action was taken in executive session.

There being no further business, Mayor Pro Tem Charlie Bradt adjourned the meeting at 9:10 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:

05/25/2022



  
John G. Escoto, Mayor