

MINUTES OF REGULAR MEETING

April 27, 2022

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 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, Community Development Director Jackie Thompson, IT Manager Chris Grizzaffi, and Communications Manager Debbie Pilcher 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.

Garry Watts – To hear citizen comments, please click [HERE](#)

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

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

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

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

Bob Barker – To hear citizen comments, please click [HERE](#)

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

John King – To hear citizen comments, please click [HERE](#)

Christina Lozano – To hear citizen comments, please click [HERE](#)

Theresa Danz – 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 inquired about the average number of officers per capita. Chief Dunlap stated that the number is dependent on the type, size, and location of cities.

INDIVIDUAL CONSIDERATION:

7. New employee introduction.

Andreas Rodriguez was introduced as the new Field Service Representative for the Public Works Department.

8. Presentation to Bleyl Engineering.

Mayor Wheeler presented an award to John Bleyl with Bleyl Engineering for his longtime relationship with the City and to celebrate their 25 years in business.

9. Presentation of the monthly MDD report.

**Mayor Wheeler skipped this item until later in the meeting*

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

10. Update regarding City finances.

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

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11. Discussion and possible action to approve a street closure at Silverwood Ranch.

**Mayor Wheeler skipped this item until later in the meeting*

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE A STREET CLOSURE AT SILVERWOOD RANCH, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 4/0/1 WITH COUNCILMEMBER ESCOTO ABSTAINING AS A RESIDENT OF SILVERWOOD RANCH.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH REGULATING THE USE OF CITY OWNED TENNIS AND PICKLEBALL COURTS.

COUNCILMEMBER FLETCHER MADE A MOTION TO ADOPT AN ORDINANCE REGULATING THE USE OF CITY OWNED TENNIS AND PICKLEBALL COURTS, COUNCILMEMBER MCLEOD SECONDED. THE MOTION CARRIED 5/0.

13. Discussion and possible action to approve the 2022-2023 Budget Calendar.

COUNCILMEMBER BRADT MADE A MOTION TO APPROVE THE 2022-2023 BUDGET CALENDAR, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

14. Presentation of a final report regarding variance to City of Shenandoah Zoning Ordinance allowing for encroachment of generator and equipment within the 5' side building setback. The proposed variance is for 49 Pine Brook Court, Shenandoah, Texas.

Ms. Thompson stated that a request was made for a variance to allow for the encroachment of a generator and equipment within a 5' side building setback. She added that the Planning and Zoning Commission unanimously recommended approval.

15. Public hearing regarding a variance to City of Shenandoah Zoning Ordinance allowing for encroachment of generator and equipment within the 5' side building setback. The proposed variance is for 49 Pine Brook Court, Shenandoah, Texas.

Mayor Wheeler opened the public hearing at 8:00 p.m.

Mayor Wheeler closed the public hearing at 8:01 p.m.

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16. 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 ORDINANCE NO. O-10-010, DIVISION 2, SECTION 2.01, SUBSECTION IV (B) OF THE CITY OF SHENANDOAH ORDINANCE PROVIDING FOR A SIDE BUILDING SETBACK LINE; 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 ORDINANCE NO. O-10-010, DIVISION 2, SECTION 2.01, SUBSECTION IV (B) OF THE CITY OF SHENANDOAH ORDINANCE PROVIDING FOR A SIDE BUILDING SETBACK LINE AT 49 PINE BROOK COURT, COUNCILMEMBER ESCOTO SECONDED. THE MOTION CARRIED 5/0.

17. Presentation of a final report regarding variance to City of Shenandoah Zoning Ordinance allowing for encroachment of pool equipment within the 5' side building setback. The proposed variance is for 157 Silverwood Ranch Drive, Shenandoah, Texas.

Ms. Thompson stated that a request was made for a variance to the Zoning Ordinance allowing for encroachment of pool equipment within the 5' side building setback at 157 Silverwood Ranch Drive and added that the Planning and Zoning Commission unanimously voted to recommend approval.

18. Public hearing regarding a variance to City of Shenandoah Zoning Ordinance allowing for encroachment of pool equipment within the 5' side building setback. The proposed variance is for 157 Silverwood Ranch Drive, Shenandoah, Texas.

Mayor Wheeler opened the public hearing at 8:05 p.m.

Judy Bush – To hear citizen comments, please click [HERE](#)

Mayor Wheeler closed the public hearing at 8:06 p.m.

19. 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 CITY OF SHENANDOAH INTEGRATED DEVELOPMENT CODE PROVIDING FOR ENCROACHMENT OF POOL EQUIPMENT

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INTO A SIDE BUILDING SETBACK LINE FOR 157 SILVERWOOD RANCH DRIVE; 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 CITY OF SHENANDOAH INTEGRATED DEVELOPMENT CODE PROVIDING FOR ENCROACHMENT OF POOL EQUIPMENT INTO A SIDE BUILDING SETBACK LINE FOR 157 SILVERWOOD RANCH DRIVE, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

**Mayor Wheeler stated that Council would move into executive session at 8:12 p.m.*

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

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS AMENDING CHAPTER 91 OF THE CODE OF ORDINANCES REGULATING CERTAIN ASPECTS OF MAJOR HOSPITALS; SIGNS.

COUNCILMEMBER ESCOTO MADE A MOTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF ORDINANCES REGULATING MAJOR HOSPITALS SIGNS, COUNCILMEMBER FLETCHER SECONDED. THE MOTION CARRIED 5/0.

21. Discussion and possible action to accept a police K9.

COUNCILMEMBER FLETCHER MADE A MOTION TO ACCEPT AN AWARDED POLICE K9 FROM INTEGRITY K9, COUNCILMEMBER ESCOTO SECONDED. THE MOTION CARRIED 5/0.

22. Discussion and possible action to adopt the minutes of the January 12, 2022, January 26, 2022, and the February 9, 2022 regular meetings.

COUNCILMEMBER BRADT MADE A MOTION TO ADOPT THE MINUTES OF THE JANUARY 12, 2022, JANUARY 26, 2022, AND THE FEBRUARY 9, 2022 REGULAR MEETINGS, COUNCILMEMBER ESCOTO SECONDED. THE MOTION CARRIED 5/0.

23. Discussion and possible action to ratify the accounts payable for March, 2022.

COUNCILMEMBER ESCOTO MADE A MOTION TO RATIFY THE ACCOUNTS PAYABLE FOR

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MARCH, 2022, COUNCILMEMBER RAYMAKER SECONDED. THE MOTION CARRIED 5/0.

24. CITIZENS FORUM

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

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

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

Theresa Danz – To hear citizen comments, please click [HERE](#)

25. City Attorney Updates.

Mr. Ferebee presented information related to the lawsuit filed by Frank Powell.

26. City Administrator Updates – Monthly Reports.

Ms. Reyer provided the following updates:

- David's Dream Run scheduled for April 30, 2022 at 7:30 a.m. followed by the Montgomery County Safety Expo from 11 a.m. - 2 p.m. at Woodforest Bank Stadium

27. COUNCIL'S INQUIRY

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Councilmember McLeod applauded the transparency stars the City received from the Texas Comptroller. Councilmember McLeod also urged residents to vote at the May 7, 2022 general election

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and to make informed decisions by doing their own research rather than relying on the word of others or social media.

Councilmember Bradt asked residents to participate in the City's general election.

Councilmember Fletcher asked the City Attorney whether civil courts handle TOMA violations regarding claims made about the lawsuit brought against Council members and staff by Frank Powell. Mr. Ferebee stated that the District Attorney's office would handle TOMA violation claims.

Councilmember Fletcher inquired about residential crime rates going down and asked about catalytic converter thefts in the neighborhoods. Chief Dunlap stated that residential and property crime had gone down and that there were no catalytic converter thefts in the neighborhoods in the last couple of years. He added that the department was focused on crime with the commercial properties and being proactive regarding all crime in the City. Chief Dunlap stated that most criminals were coming from Houston and that officers were actively working to get criminals off the streets.

Councilmember Fletcher asked what the officer response time was in the neighborhoods. Chief Dunlap stated that the response times were around 2 to 3 minutes. Councilmember Fletcher thanked Chief Dunlap and the department for everything they do and the effort they put in to keep the residents safe.

Councilmember Fletcher stated that when looking at what Shenandoah residents pay out of pocket compared to other cities similar in size was much lower, and in some cases the City found ways to cover costs and fees to keep residents from paying anything at all. He stated that there was a lot to consider when comparing taxes and fees paid by the residents to other cities and that there was a lot of misinformation being put out about this and city spending.

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Councilmember Raymaker stated that he looked forward to the Safety Expo followed by a question about the requirements to receive transparency stars now as compared to previous years. Ms. Wasner stated that there were minimum requirements in previous years and that the requirements changed in 2017. Councilmember Raymaker thanked Ms. Wasner and her department for their hard work to keep the City transparent.

Mayor Wheeler stated that he was looking forward to David's Dream Run and the Safety Expo. Mayor Wheeler stated that being a part of City Council was an honor and a privilege, and he urged residents to keep from attacking one another and spreading negativity just to win an election. He added that there were a lot of good people that wanted to serve the City but were being run off after witnessing the attacks and misinformation being spread in an attempt to win a seat on Council. Mayor Wheeler stated that while council members volunteer their time to serve, the employees of the City chose to work for Shenandoah and to serve its residents. He added that the average person would not tolerate the attacks and negativity that city staff endure at Council meetings and on social media, day in and day out, all stemming from the desire to win an election. Mayor Wheeler thanked the staff for all they do and urged residents to remember that the staff work hard to keep the City running.

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 8:12 p.m.

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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.
 - Mill Creek Apartments, Life Time Fitness
- ii) Government Code Sec. §551.071. Consultation with Attorney; Pending Litigation.
 - Frank Powell lawsuit
- a) Consideration and if determined appropriate, take action resulting from the item(s) listed under Executive Session.

Mayor Wheeler reconvened the regular meeting at 8:51 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 10:00 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:


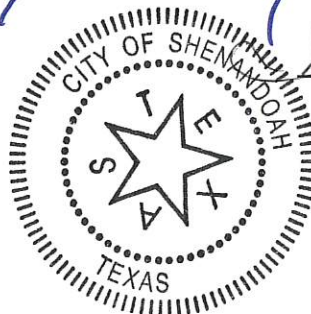


Courtney Clary, City Secretary

DATE APPROVED:



06/23/2022



John G. Escoto, Mayor