

**CITY OF SMITHVILLE**  
**COUNCIL MEETING AND PUBLIC HEARING MINUTES**  
JUNE 13, 2022

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Joanna Morgan, and City Manager Robert Tamble. Not present Cassie Barrientos.

**Open Meeting:** Call to order: Mayor Foerster called the meeting to order at 6:00 p.m. Councilwoman Bruno led the Invocation and Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “National Flag Day” read by Mayor Foerster.
- b) Proclamation – “Juneteenth” read by Mayor Foerster.
- c) Lost Pines BBQ Showdown Presentation by Norman Jones

Citizen Comments: None

Approval of the minutes from May 16, 2022, Council Meeting and Public Hearing. Councilwoman Bruno moved to approve the minutes. Councilman Gordon seconded and the motion passed unanimously.

Presentation from the developer regarding voluntary annexation of 34.858 acres situated in the Edward Burleson Survey, A-16, in Bastrop County, Texas, being part of that tract described as 156.886 acres in a deed from Hurta Land, Inc. to Hurta Real Estate, LLC dated May 31, 2018, and recorded in the County Clerk's File No. 201807688 of the Official Records of Bastrop County Texas. Owner Smithville Land Partners, LLC. / S. Todd Mccullough.

**Public Hearing:**

Hear citizen’s comments on:

- a) Petition to Voluntarily Annex 34.858 acres situated in the Edward Burleson Survey, A-16, in Bastrop County, Texas, being part of that tract described as 156.886 acres in a deed from Hurta Land, Inc. to Hurta Real Estate, LLC dated May 31, 2018, and recorded in the County Clerk's File No. 201807688 of the Official Records of Bastrop County Texas. Owner Smithville Land Partners, LLC. / S. Todd Mccullough.

Mitchell Jameson spoke in opposition to the annexation until citizens can have their input. Jim Jenkins spoke about wanting the process to slow down and wanted to hold off for 30 days to get citizen input. Michele Rutherford spoke in favor of annexation and development and said she welcomes growth and we need more homes for families to move here. Cheryl Burns spoke not for or against annexation and to clear up some misunderstandings about school funding. Glenn Synnott is a developer that has been looking at Smithville to develop property he owns and hopes it is welcomed. Jenny Busche said annexation sounds great and is great but the process was not transparent and she would like more information. Ed Lick is not against growth but thinks the citizen need to have a voice and know more about what is going on. Doug Leyendecker would like the process to be slowed down he is not opposed to growth but wants the growth to add to the

city's charm. Brian Wells is not against growth and development but opposed to voting on this tonight. He would like to see our subdivision ordinances updated if not we will have many more meetings like this one. Daniel Hrna is not against development but wants the city to make wise decisions for the growth that is coming. April Daniels is not for or against this development. April said growth has arrived it is here and we need annual growth to keep our businesses open we must welcome growth.

### **Open Meeting:**

Mayor Foerster moved this agenda item to go before the Service Agreement.

Discussion and Action on an Ordinance to Annex property described as 34.858 acres situated in the Edward Burlison Survey, A-16, in Bastrop County, Texas, being part of that tract described as 156.886 acres in a deed from Hurta Land, Inc. to Hurta Real Estate, LLC dated May 31, 2018, and recorded in the County Clerk's File No. 201807688 of the Official Records of Bastrop County Texas. Owner Smithville Land Partners, LLC: Smithville Land Partners, LLC is requesting voluntary annexation of 34.858 acres of land where they would like to build 112 single-family residential homes over the next 3-6 years. The property is on the south side of Hwy 71 East and American Legion Road and is adjacent to Hurta River Estates. Approving this ordinance will bring the acreage into the city limits whereby the city will be eligible to collect property taxes on the appraised value of the land and any future improvements. There was a discussion from the Council. Councilwoman Morgan made a motion to approve the Ordinance to annex. Councilman Gordon seconded and the vote was:

For: Morgan and Gordon

Opposed: Etheredge and Bruno

The tiebreaker vote from Mayor Foerster was For, motion carries.

Citizen Comments: Mitchell Jameson signed up to speak and asked the mayor why she didn't recuse herself from the vote on the annexation. Mayor said she didn't have to because she was not receiving any money from this development. General Counsel Tyler said this item was for the Service agreement and Mitchell said he would speak on the next item which was the 380 Agreement. Jenny Busche had comments on what this was going to cost the city.

Discussion and Action on a Service Plan Agreement between the City of Smithville and Smithville Land Partners, LLC in regards to the annexation of 34.858 acres: Pursuant to Texas Local Government Cod 43.0672, the City shall identify and provide mutually-agreed municipal services within 60-days of annexation. Todd McCullough (Smithville Land Partners, LLC.) has agreed to the terms and conditions of the Service Agreement. Approving the Service Agreement is a pre-requisite for annexation. Councilman Gordon made a motion to approve the Service Agreement. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: Mitchell Jameson asked the question why did we have to act on this tonight what would 30 days hurt to wait to get citizen input. Jenny Busche wants to know what is the cost to the city and asked why we have to have a 380 agreement with the developer. Brian Wells explained impact fees and developer fees. Daniel Hrna is concerned about taking the burden off of the developer and putting it back on the city and considering the tax ramifications.

Discussion and Action on a 380 Agreement between Smithville Land Partners, LLC and the City of Smithville in regards to the annexation of 34.858 acres: Chapter 380 of the Texas Local

Government Code authorizes municipalities to offer performance-based incentives to developers as a means to promote economic development. The proposed terms of this 380 Agreement require Smithville Land Partners, LLC, to voluntarily annex 34.858-acre tract of land into the city limits for a single-family residential subdivision called the Enclave at Riverbend. The Developer will spend a minimum of \$4.5M on infrastructure improvements (sidewalks, curbs, gutters, streets, etc.) which will be conveyed to the city 2-years after substantial completion. Additionally, the Developer must provide varying layouts, rooflines, facades, and setbacks that offer a distinct yet complementary inventory of homes. In return, the City of Smithville will provide services (e.g., fire, police, garbage, water, and sewer) and offer approximately \$550k of performance-based incentives in the form of property tax reimbursements and reduced tap fees over the next 6-years. The cost of the incentives will be offset by increased property tax and utility services revenue (water, sewer, electric, garbage, etc.) with the City netting \$890k. Originally the Developer wanted to build over 146 homes on the 34-acres. However, this has been negotiated down to 112 homes with pocket parks and green space added. Councilman Gordon made a motion to approve the 380 Agreement. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: Mitchell Jameson was signed up for this item but left the meeting.

Discussion and Action on a 380 Agreement with the City of Smithville and Sammi and Travis Hill in regards to an airport hangar: Sammi and Travis Hill are local aviators that would like to enter into a Texas Local Government Code Chapter 380 Economic Development Agreement to allow the construction and subsequent donation of a 2800 ft<sup>2</sup> (70' x 40') hangar (valued at \$140,400) to the City of Smithville at the Smithville-Crawford Municipal Airport. The term of the agreement is 25-years. The Hills must purchase and build the hangar within 12-months of entering into the agreement at an approved location identified in the approved TXDOT Aviation Airport Layout Plan (ALP). The Hills will receive an 18-year "lease credit" at \$650 per month until the initial cost of \$140,400 is reimbursed. The Hills will then be allowed to rent the city-owned hangar at \$775 per month for the next 7-years. This will bring \$65,100 in revenue to the city beginning in 2040. In return, the City will cover the cost of utility installation, insurance, mowing, and monthly electric service. Both parties will share the cost to bring pavement (hot mix) to/from the hangar. Should you choose to approve this agreement, the city will gain a \$140,400 capital asset and \$65,000 in future revenue. The Hills will be allowed to "purchase" 25-years of dedicated hangar space in a city-owned hangar. In addition, the agreement will further enable the airport expansion per the approved TXDOT Aviation ALP. Councilman Gordon made a motion to approve the 380 Agreement. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding the Engineering Services Contract for the 2020 TXDOT (23CFR 172) TA Set-Aside Pedestrian Walkways: Proposals for engineering services (i.e., Request for Qualifications) for the 2020 TXDOT (23CFR 172) TA Set-Aside Pedestrian Walkway program were received on 4/22/22 and reviewed by the City of Smithville on 5/26/22. Experience, work performance, and capacity to perform were criteria used by the City staff to evaluate / differentiate each engineering consultant's qualifications. Five (5) Engineering services consultants submitted their qualifications. BEFCO Engineering, Inc. received the highest score with a total of 99 points. As such, it is the decision of the evaluation team to recommend BEFCO Engineering, Inc. for consideration / selection as the Engineering services firm to design and manage the 2020 TXDOT (23CFR 172) Set-Aside Pedestrian Walkways (Main Street ADA

Ramps and 1st Street Sidewalks). Councilwoman Bruno made a motion to award BEFCO Engineering Inc. the contract. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on an Appointment to replace / reappoint members of the Planning and Zoning Commission: The Planning and Zoning (P&Z) Commission is composed of five (5) members. P&Z members shall be resident citizens, taxpayers, and qualified voters of the City, all of whom shall be appointed by the City Manager subject to confirmation by the governing body. The members of the P&Z Commission serve a 2-year term that coincides with the election of the mayor. The individuals below are recommended for appointment / re-appointment. If appointed / reappointed, their terms would expire in May 2024:

Brian Riewe – Reappointment (Chairman)  
Caroline Noya – Reappointment (Vice-Chairman)  
Nancy Catherman - Reappointment  
Ed Lick – Reappointment  
Garrett Gutierrez – Appointment to replace Dianna Ewen.

Councilwoman Bruno made a motion to approve the reappointments and the new appointment. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on a Resolution Appointing the City Manager as the Chief Executive Officer and Authorized Representative in Connection with the FEMA Hazard Mitigation Grant (HMGP) Project and Committing the City to Provide Matching Funds to Secure and Complete the FEMA Hazard Mitigation Grant DR-4485: Approving this resolution will allow the City of Smithville to apply for additional funding to install back-up emergency generators at our two (2) water plants and serve as the official signatory for authorization of all matters pertaining to the DR-4485 grant. The grant requires a 90/10 match. Councilwoman Bruno made a motion to approve the Resolution. Councilman Gordon second and the motion passes unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report. Councilman Etheredge made a motion to accept the Financial Report. Councilman Gordon seconded and the motion passed unanimously.

Adjourn 8:45 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary