

CITY OF SMITHVILLE
COUNCIL MEETING MINUTES
DECEMBER 12, 2022

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Joanna Morgan, Cassie Barrientos and City Manager Robert Tamble.

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

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Swearing in the Fire Department Officers City Secretary gave oaths
- b) Present a check to Pastor Brown for the Salvation Army: Mayor Foerster presented the check.
- c) Presentation from Seton Ascension: Councilmember Etheredge gave a brief presentation about the hospital continuing its contract to stay in Smithville.
- d) Ameresco Performance Contract Review: Chris Summers gave the council an update on the performance and shortfalls of the metering system.
- e) Introduction to VertexOne (WaterSmart Customer Interface): Michelle Camp gave a presentation on a new system the City will implement for customers and staff to see their water usage.

Citizen Comments: None

Approval of the minutes from the November 14, 2022, City Council Meeting and Public Hearing. Councilwoman Morgan made a motion to approve the minutes as presented. Councilman Gordon seconded and the motion passed unanimously.

Hear from the Applicant/Agent on all P&Z Application requests. Ramon and Denise San Luis explained their need for the Special Use Permit to the Council.

Hear recommendations from Planning and Zoning on:

- a) On a Special Use Permit for a guest house at 500 Short Street, property ID 22128, Burleson, Block 19 Lot 4 property owners Ramon and Denise San Luis, Agent - Ronnie Sheppard: P&Z Chairman Brian Riewe said the P&Z recommends approving the Special Use Permit and also noted the owners would need to make room for the third parking space needed for the guest house.

Public Hearing:

Hear Citizen Comments on:

- a) Special Use Permit for a guest house at 500 Short Street, property ID 22128, Burleson, Block 19 Lot 4 property owners Ramon and Denise San Luis, Agent - Ronnie Sheppard. No one signed up to speak for or against this item.
- b) Annexation of property described as 7.044 acres tract or parcel of land out of and being a part of the Thomas DeCrow Survey, A-27, in Bastrop County, Texas Owner Smithville Investment, LLC: Dennis Lindner spoke and asked about the crime the convenient store would bring to the area. He wanted to know if there would be police protection. Monica Poss said that the EIP sheet Robert had doesn't include calls for service. She wanted to know how many calls for service there will be due to a convenience store.

Open Meeting:

Discussion and Action on a Special Use Permit for a guest house at 500 Short Street, property ID 22128, Burleson, Block 19 Lot 4 property owners Ramon and Denise San Luis, Agent - Ronnie Sheppard: Ramon and Denise San Luis would like to build a detached garage with a guest house for an office and guest house for family when they come to visit. Councilman Etheredge made a motion to approve the Special Use Permit. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance to Annex property described as 7.044 acres tract or parcel of land out of and being a part of the Thomas DeCrow Survey, A-27, in Bastrop County, Texas Owner Smithville Investment, LLC.: Approving this ordinance will authorize annexation of the 7.044-acre property into the city limits. The property is located across from Spiradrill at the corner of FM-153 and Hwy-71. Councilman Etheredge asked Robert to explain why we should annex. Robert explained that they would need the City to provide Sewer and in return, we would annex and get the sales tax and property tax. He didn't put calls for service on the EIP because it would be too hard to estimate calls for service to be able to put them in a 380 Agreement. Councilman Etheredge added that this would be adding a service to the citizens not just economic. Councilwoman Bruno added this type of development is in our comp plan for HWY 71. Councilman Gordon made a motion to approve the Ordinance. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution for a 380 Economic Development Agreement between the City of Smithville and Smithville Investment, LLC: Chapter 380 of the Texas Local Government Code authorizes municipalities to offer incentives designed to promote economic development. The terms of this 380 Agreement require Smithville Investment, LLC, to voluntarily annex 7.044-acre tract of land into the city limits, construct a gas station, c-store, and quick-service restaurant (at the corner of FM-153 and Hwy-71), and create a minimum of six (6) new jobs. In return, the City of Smithville will provide services (e.g., fire, police, garbage, and sewer) and offer approximately \$55k of performance-based incentives in the form of property tax reimbursements and installation of a wastewater line (50% cost share). The cost of the incentives will be offset by

increased property tax revenue, increased sales tax revenue, and utility services revenue from sewer and garbage. The City's Return on Investment (ROI) is approximately 4-years with \$17k net revenue in 2026. Councilwoman Morgan made a motion to approve the 380 Agreement. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Service Plan Agreement between the City of Smithville and Smithville Investment, LLC: Pursuant to Texas Local Government Code 43.0672, the City shall identify and provide mutually-agreed municipal services within 60-days of annexation. In addition to fire, police, and garbage services, the City will provide wastewater services to the property (50% installation cost share). Water and electric service will be provided by Aqua Water and Bluebonnet Electric respectively. Smithville Investment, LLC has agreed to the terms and conditions of the Service Plan Agreement. Councilwoman Bruno made a motion to approve the Service Agreement. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Amendment to the 380 Economic Development Agreement between Smithville Land Partners, LLC and the City of Smithville: The City of Smithville adopted Resolution No. 2022-06-492 on June 13, 2022 to enter into a 380 Economic Development Agreement with Smithville Land Partners, LLC for construction of a 112-home subdivision called the Enclave at Riverbend. The Parties desire to amend the economic development agreement to modify the terms regarding Discounted Tap Fees and extend the timeline for performance-based Economic Incentive Payments (EIP's) by 1-year. Initially, water and sewer tap fees were to be discounted by 50%. However, if the amendment is approved, water tap fees shall be due and owing at 100% per the schedule below:

3/4" - \$3,000	1-1/2" - \$5,000	Over 2" - Cost + 25%
1" - \$3,500	2" - \$5,500	

The 380 economic development agreement will be further amended to provide a 100% discount for sewer tap fees if the Developer installs sewer taps as part of the infrastructure construction and/or he becomes the home builder of record. If anyone other than Smithville Land Partners, LLC becomes the builder of record (and sewer taps were not previously installed as part of the subdivision's infrastructure construction), sewer tap fees will not be discounted and will be due and owing at 100% of the cost. Councilwoman Morgan made a motion to approve the amendment to the 380 Agreement. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance for a Quitclaim deed for a portion of the undeveloped Pine Street and Alley: Ms. Elizabeth Koch is requesting the City issue a Quitclaim deed to abandon the following undeveloped alleys, streets, and lots of the Mt. Pleasant Addition:

- a) The alley between Lot 3 & 4 and Lot 5 & 6 of Block 36
- b) The alley between Lot 1 and Lot 8 of Block 37
- c) Pine Street located between Block 37 (Lot 8) and Block 36 (Lot 5)

Councilwoman Barrientos made a motion to approve the Ordinance for the Quitclaim Deed. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding the Construction Contract for the City Hall Renovations: The bid opening for the City Hall renovation / construction project was held on Thursday, December 1, 2022. The city received two (2) bids for the project ranging from \$277,000 to \$297,000. The base bid covers remodeling the public restrooms for ADA compliance, adding two new offices, a workroom, and a west exterior wall. The lowest bidder was Noble General Contractors, (Wimberly, TX) with a base bid of \$277,000 and an estimated construction time of 84 days. Brad Cutright (Cutright & Prihoda) will be attending the meeting and can answer any questions the Council may have. NOTE: Due to supply chain issues and inflation, the base bid for this project is \$102k more than the initial cost estimate of \$175k. The project cost will be funded using American Rescue Plan Act (ARPA) funding with the \$102k balance (difference) coming from savings associated with the 2022 Series Tax Note. Councilwoman Morgan made a motion to award Noble General Contractors the bid. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Appointment / Reappointment to the Smithville Airport Advisory Board: The Airport Advisory Board (AAB) serves in an advisory capacity to the City Manager / Airport Manager in all matters pertaining to the administration, operation, development, improvement, and maintenance of the Smithville-Crawford Municipal Airport. AAB members serve two (2) year terms and are recommended by the Mayor. Four (4) members will be subject to appointment in even numbered years and three (3) members subject to appointment in odd number years. The individuals listed below would like to be considered for appointment / reappointment to the AAB with term expiring in December 2024:

Even Numbered Years:

Sandy Meyerson – Reappointment (Chairman)

Forrest Sanderson – Reappointment

Johnny Briggs – New Appointment (replacement for Mike McKenna)

Ron Spencer – Reappointment

Odd Numbered Years (FYI ONLY):

Ken Peck – Term Expires in December 2023

Travis Hill – Term Expires in December 2023`

James Sterling – Term Expires in December 2023

Councilman Ethedge made a motion to approve the appointments / reappointments as presented. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Inter-Local Agreement with Bastrop County for Community Development Block Grant (CDBG) Mitigation (MIT) Method of Distribution (MOD) Funding: CAPCOG is managing allocation / distribution of \$52,253,000 in Hurricane Harvey Community

Development Block Grant Mitigation (CDBG-MIT) Method of Distribution (MOD) funds to provide financial assistance for expenses related to Hurricane Harvey disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, mitigation, and affirmatively furthering fair housing in the most impacted and distressed areas in Bastrop, Caldwell, Fayette, and Lee counties. Bastrop County and the City of Smithville would like to submit an application for Hurricane Harvey CDBG-MIT (MOD) funding to pay for flood mitigation projects within each territorial jurisdiction. The funding amount allocated to Bastrop County is \$3.7M with the City of Smithville receiving \$1.5M. Approval of the Interlocal Agreement (ILA) will allow Bastrop County to manage the contract with the General Land Office (GLO) on behalf of the City. Councilwoman Bruno made a motion to approve the ordinance. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution for a Texas Smart Buy Membership Program for the Smithville Police Department: The Texas Department of Public Safety requires the Smithville Police Department to purchase “approved” blood draw kits for DWI field sobriety tests. Approving this Resolution will authorize the City of Smithville to participate in the Texas Comptroller of Public Accounts “SmartBuy Membership Program” which is the only certified provider of approved blood draw test kits. Councilman Gordon made a motion to approve the Resolution. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Public Engagement Platform / Website Re-design Initiative: Andy Esquivel (City of Smithville Community Engagement Coordinator) provided an overview of the Public Engagement Platform / Website Re-design Initiative to include budget, scope, and schedule with an update on Message Boards. Councilwoman Bruno made a motion to postpone this item until the Council can get more information and a demo of the products. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

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

Adjourn 7:56 p.m.

Sharon Foerster, Mayor

Attest:

Jennifer Lynch, City Secretary