

**CITY OF SMITHVILLE**  
**COUNCIL MEETING MINUTES**  
JANUARY 9, 2023

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 Karen Beck gave the Invocation Councilman Etheredge led the Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation for It's Time Texas: Proclamation was read by Andy Esquivel
- b) Proclamation for "Martin Luther King Jr. Day": Proclamation read by Councilman Gordon.
- c) Presentation on the Smithville Workforce Training Center: This presentation was postponed until next month's meeting.

Citizen Comments: None

Approval of the minutes from December 12, 2022, City Council Meeting and Public Hearing. Councilman Etheredge made a motion to approve the minutes as presented. Councilwoman Bruno 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) A variance request for minimum lot size and minimum lot width for 415 Gazley St., parcel ID 21426, Wilson Addition Block 1 lot 6, property owner Lilian Goodwin, agent Karen Walker and Lacie Koska Langford Community Management Services. Brian Riewe said P&Z recommended approval of the variances.
- b) A variance request for minimum lot size and minimum lot width for 611 Gazley St., parcel ID 21522, Wilson Addition Block 3 lot 14, property owner Barbara Nell Hurd, agent Karen Walker and Lacie Koska Langford Community Management Services. Brian Riewe said P&Z recommended approval of the variances.
- c) A variance request for minimum lot size and minimum lot width for 203 Washington St., parcel ID 77885, Smithville Townsite, Block 71 Lot 5, property owner Maria A Sanchez, agent Karen Walker and Lacie Koska Langford Community Management Services. Brian Riewe said P&Z recommended approval of the variances.

**Public Hearing:**

Hear Citizen Comments on:

- a) A variance request for minimum lot size and minimum lot width for 415 Gazley St., parcel ID 21426, Wilson Addition Block 1 lot 6, property owner Lilian Goodwin, agent Karen Walker and Lacie Koska Langford Community Management Services. No one signed up to speak for or against this item.
- b) A variance request for minimum lot size and minimum lot width for 611 Gazley St., parcel ID 21522, Wilson Addition Block 3 lot 14, property owner Barbara Nell Hurd, agent Karen Walker and Lacie Koska Langford Community Management Services. No one signed up to speak for or against this item.
- c) A variance request for minimum lot size and minimum lot width for 203 Washington St., parcel ID 77885, Smithville Townsite, Block 71 Lot 5, property owner Maria A Sanchez, agent Karen Walker and Lacie Koska Langford Community Management Services. No one signed up to speak for or against this item.

### **Open Meeting:**

#### Discussion and Action on

- a) A variance request for minimum lot size and minimum lot width for 415 Gazley St., parcel ID 21426, Wilson Addition Block 1 lot 6, property owner Lilian Goodwin, agent Karen Walker and Lacie Koska Langford Community Management Services.
- b) A variance request for minimum lot size and minimum lot width for 611 Gazley St., parcel ID 21522, Wilson Addition Block 3 lot 14, property owner Barbara Nell Hurd, agent Karen Walker and Lacie Koska Langford Community Management Services.
- c) A variance request for minimum lot size and minimum lot width for 203 Washington St., parcel ID 77885, Smithville Townsite, Block 71 Lot 5, property owner Maria A Sanchez, agent Karen Walker and Lacie Koska Langford Community Management Services.

Councilman Etheredge made a motion to approve all variances at 415 Gazley, 611 Gazley and 203 Washington the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilwoman Barrientos seconded and the motion passed unanimously.

#### Citizen Comments: None

Discussion and Action on the appointment / re-appointment of members to the Smithville Hospital Authority Board: The Smithville Hospital Authority shall be governed by a board of directors consisting of seven (7) members. Three (3) directors (Places 2, 4 and 6) shall be appointed by the City Council and the board of directors shall appoint four (4) members (Places 1, 3, 5 and 7). Each of said directors shall serve for a term of two (2) years. Vacancies shall be filled for the unexpired terms. Places 1, 3, 5 and 7 shall be appointed for terms ending in even-numbered years and Places

2, 4, and 6 shall be appointed for terms ending in odd-numbered years. All terms shall expire February 3rd. The following appointments are being recommended. If approved, these re-appointments will expire in February 2025:

Ann Fulcher – Re-appointment  
Mark Bunte – Re-appointment  
Jimmy Trousdale – Re-appointment

Councilman Gordon made a motion to approve the reappointment of Ann Fulcher, Mark Bunte, and Jimmy Trousdale. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Calling for the May 6, 2023, Municipal General Election: Approving this resolution is required for holding Councilmember and Mayoral elections in May. Three places will be on the ballot: Place 1 - currently held by Joanna Morgan, Place 2 - currently held by Tom Etheredge, and the Place 3 – currently held by Bill Gordon. New and incumbent candidates may file beginning January 18, 2023. Candidate packets are available at City Hall. The deadline to file is February 17, 2023 at 5:00 pm. Councilwoman Barrientos made a motion to approve the Resolution. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Entering into a Joint Elections Contract with the Elections Administrator of Bastrop County to conduct the City of Smithville's May 6, 2023, General Election: Approving this contract establishes the terms, conditions, and responsibilities necessary to conduct a joint election with the County. Councilwoman Barrientos made a motion to approve the contract. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: Susie Cannon spoke as the new Chamber Director

Discussion and Discussion and Action on a contract with the Smithville Chamber of Commerce for Hotel Occupancy Tax Services: The agreement (contract) specifies the terms, conditions, allocation, use, and recordkeeping for HOT funds that the City of Smithville provides the Smithville Chamber of Commerce. All uses and expenditures of HOT Funds shall be conducted in accordance with the uses permitted by Chapter 351 of the Texas Tax Code, and all other applicable laws and regulations. The agreement also requires Chamber maintain the HOT funds provided by the City a separate account, and the Chamber shall not commingle the funds in that account with any other money, or maintain them in any other account. The term of the agreement is for three (3) years. Councilwoman Bruno made a motion to approve the Hotel Occupancy Tax Agreement. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action regarding Delinquent Utility Accounts: Prior to COVID-19, a concentrated effort was made to reduce the number of past-due utility accounts by limiting the number of days a customer is allowed to be delinquent. In the past, many utility customers with delinquent accounts (exceeding 90-days) were allowed to continue receiving services if the customer made payment arrangements. With 10% late penalties accruing each month (and continued utility usage), many customers simply could not honor their agreements. As a result, their utility services were

disconnected and the delinquent account(s) were sent to a collection agency. This is revenue the city will very likely never recover. In fact, the City has incurred more than \$701k in lost utility revenue associated with delinquent accounts over the past 10 years. Beginning June 1, 2023, utility customers with past due accounts greater than 30 days will have their service disconnected. There are three (3) exceptions to this rule:

- 1) Temperatures over 100oF in the summer;
- 2) Temperatures below 32oF in the winter; and/or
- 3)A life-threatening medical condition (certified by a licensed medical professional) that would be exacerbated by disconnecting service.

Per Article 13.03.003 (4) of our City Ordinance, “Services shall be interrupted to any customer whose account is five (5) days delinquent. In the event that the 5th day falls on a Friday, Saturday, Sunday or holiday, service interruption shall occur on the first following working day.” We are not quite ready to ratchet down to 5-days as this situation was not created overnight. Ultimately, establishing a 30-day past-due limit will benefit both the customer and the City by reducing the delinquent utility customer’s balance to something manageable while enabling a more reliable payment of utility services provided. The city staff will send out notices well in advance of the June 1, 2023 deadline to give customers with past due balances additional time to settle their accounts. Councilwoman Barrientos made a motion to approve the action by sending out a notice as the City Manager defines. Councilman Gordon 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. Councilman Gordon seconded and the motion passed unanimously.

**Closed Meeting:** Went into Executive Session at 6:45 PM

The City Council will hold an Executive Session pursuant to the Open Meetings Act, Chapter 551, Govt. Code, Vernon’s Texas Code Annotated, in accordance with the authority contained in Section 551.074, to discuss personnel (annual evaluation of the City Manager).

**Open Meeting:** Came out of Executive Session at 8:13 PM

Discussion and Action as a result of the Executive Session: Councilman Etheredge moved to approve the City Manager's 3% merit raise and to make it retroactive to October 8, 2022. Councilwoman Bruno seconded and the motion passed unanimously.

Adjourn 8:14 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary