

**CITY OF SMITHVILLE**  
**COUNCIL MEETING MINUTES**  
FEBRUARY 13, 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 Mike Murphy gave the Invocation Councilwoman Barrientos led the Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “African American History Month” Councilman Gordon read the proclamation.
- b) Presentation on the Smithville Workforce Training Center April Daniels gave an update on the SWTC.
- c) Presentation on Bird Houses and Other Public Projects Norman Jones gave a presentation on birdhouses and other projects.
- d) Ukraine Presentation from Davyd Akrachkov told his story about escaping Ukraine when the war broke out and what happened in his small town.

Item number 17 was moved up to the top of the agenda:

17. Discussion and Action on a Resolution Recognizing Chief Repka and His Dedication to the Job, Integrity, and Overall Leadership of the Smithville Police Department and his Team of Law Enforcement Officers: Councilmember Etheredge read a resolution recognizing Chief Repka and the Smithville PD for their dedication, integrity, and leadership. Councilwoman Bruno made a motion to approve the Resolution. Councilman Gordon seconded and the motion passed unanimously. David Repka then introduced Jadwin Hubbard and promoted him to Lieutenant of the Smithville Police Department.

Citizen Comments: None

Approval of the minutes from the January 9, 2023, City Council Meeting and Public Hearing. Councilman Etheredge made a motion to approve the minutes as presented. Councilwoman Barrientos seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on:

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges. Carolyn Noya said the P & Z recommended the following:
  - i. Variance for curb and gutters: **Recommend approval**
  - ii. Variance for street radius: **Recommend approval**
  - iii. Variance for speed limit: **Recommend approval**
  - iv. Variance for continuity: **Recommend approval**

- v. Variance for the street right of ways: **Recommend approval**
  - vi. Variance for sidewalks: **Recommend denial**
- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson: Carolyn Noya said the P&Z recommends approval.
  - c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia: Carolyn Noya said P&Z recommends approval.
  - d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott: Brian Riewe said P&Z recommends approval.
  - e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott: Brian Riewe said P&Z recommends approval.

### **Public Hearing:**

Hear Citizen Comments: Alfred Beck was the only person signed up to speak in the Public Hearing and he said he was in favor of the new subdivision listed in item a.

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges:
  - vii. Variance for curb and gutters
  - viii. Variance for street radius
  - ix. Variance for speed limit
  - x. Variance for continuity
  - xi. Variance for the street right of ways
  - xii. Variance for sidewalks
- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson. No one signed up to speak for or against this item.

- c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia. No one signed up to speak for or against this item.
- d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott. No one signed up to speak for or against this item.
- e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott. No one signed up to speak for or against this item.

### **Open Meeting:**

#### Discussion and Action on

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges.
  - xiii. Variance for curb and gutters- The developer would like to use concrete gutter to divert water in lieu of curb and gutter systems stated in Chapter 10, Article 3, Section 5 of the Subdivision ordinance. Due to minimal slope characteristics on the existing property utilization of this style of concrete gutter to divert runoff to Garwood and Short Streets would allow for minimal impacts to the existing property. This gutter style provides ample drainage to manage and divert runoff as needed.

Councilwoman Barrientos made a motion to approve the variance, 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. Councilman Etheredge seconded and the motion passed unanimously.

- xiv. Variance for street radius- The developer would like to use a tighter street radius to make Towers Lane viable around the large Century Oak tree and minimally impact the existing building to be utilized onsite. Due to the characteristics of the land, this street location and radius provides for the best use of the land and showcases one of the preserved trees on property. This would be in lieu of stated ordinances as described in Chapter 10, Article 3, Section 1.7 of the Subdivision ordinance which requires local streets have a

minimum radius at the centerline of five hundred (500) feet. Existing structures and trees require a unique design to accommodate all deed restrictions and viable lot layouts.

Councilwoman Bruno made a motion to approve the variance, 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.

- xv. Variance for speed limit- The developer would like to reduce the speed limit from 30 mph to 20 mph. Reducing the speed creates a safer street through the neighborhood and allows for the road radius around the century oak to be navigated. (re: Chapter 12 – Traffic and Vehicles, Article 12.04.002, “Establishment of Special Speed Limits).

Councilman Gordon made a motion to approve the variance, 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. Councilman Etheredge seconded and the motion passed unanimously.

- xvi. Variance for continuity- Chapter 10, Article 3, Section 1.8 of the Subdivision ordinance requires the system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions; and where other than adjacent connections are platted, must in general be reasonable projection of streets in the nearest subdivided tracts, and must be contained to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Developer is requesting a continuity variance to allow the locations of the site access and streets to provide for the best utilization of the property and allow for the use of existing storm sewer systems already in place.

Councilwoman Barrientos made a motion to approve the variance, 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. Councilman Gordon seconded and the motion passed unanimously.

- xvii. Variance for the street right of ways- Chapter 10, Article 3, Section 1.5 of the Subdivision ordinance requires local streets to be 60-feet wide. The developer is requesting a variance to reduce street width (ROW) from 60-feet to 50-feet.

Councilwoman Morgan made a motion to approve the variance, 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. Councilman Etheredge seconded and the motion passed unanimously.

- xviii. Variance for sidewalks- Chapter 10, Article 3, Section 6 of the Subdivision ordinance requires residential sidewalks on both sides of the street; shall not be less than four (4) feet in width, parallel to and not more than two (2) feet above or below the adjacent curb grade; and shall be located one (1) foot inside the dedicated street line and situated wholly within the dedicated street. Developer is requesting a variance to place sidewalks along "new" interior roadway but not along "existing" exterior roadways. The existing exterior roadways include Garwood, Short and Colorado streets.

Councilwoman Barrientos made a motion to deny the variance, the variance is contrary to the public interest, and there are not special conditions affecting the applicant's property; and even with the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance does not observe the spirit of the ordinance, and substantial justice will not be done. Councilman Etheredge seconded and the motion passed unanimously.

- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson.

Councilman Etheredge made a motion to approve the variance, 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. Councilman Gordon seconded and the motion passed unanimously.

- c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia.

Councilwoman Morgan made a motion to approve the variance, 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. Councilman Gordon seconded and the motion passed unanimously.

- d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott.

Councilwoman Morgan made a motion to approve the variance, 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. Councilman Gordon seconded and the motion passed unanimously.

- e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott.

Councilmen Etheredge made a motion to approve the preliminary plat. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Annual Rate Adjustment for Waste Management Garbage Services. Waste Management, Inc. (WMI) is requesting an 8% increase in the current residential and commercial garbage rates. Per Section 8.03 of the current contract, there is a 5% cap on annual rate adjustments. The current residential garbage rate that the City charges customers is \$38.50 / month. WMI currently charges the City \$29.35 / month per residential customer. The new monthly residential rate charged to the City (at 5%) will be \$30.81. The difference in the monthly rate between what the City charges and what the City pays help cover the cost for providing leaf and limb service. We are one of the few municipalities in the Central Texas area that still offers 2X per week garbage service, bulk service, AND leaf / limb pick-up service. Councilman Etheredge made a motion to approve a 5% increase. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Smithville Chamber of Commerce Budget for Hotel Occupancy Tax for the year 2023: Councilman Etheredge made a motion to approve the Hotel Occupancy Tax Budget. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the City Website: Andy Esquivel provided an update regarding the City website re-design project to include the status of message boards. Councilwoman Bruno made a motion to approve the contract with Civic Plus for the website re-design. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Extending Water and Wastewater Service Outside the City Limits: Rachael “Maggie” Quitta is seeking Council approval to extend water and sewer service outside city limits for property located on the south side of Loop 230 (ABS A46 Lomas, L. 3.439 Acres ID 8723804). Per Chapter 13 – “Utilities”, Article 13.500, Section 13.502 “Application for Extension” all costs associated with extending water and sewer service outside the City limit shall be the responsibility of the owner / developer. This will include the bore beneath Loop 230 and the water/sewer taps. Councilwoman Morgan made a motion to approve the extension of Water and Wastewater to Maggie Quitta’s property. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Amendment to the 380 Agreement with SJ2 Development, LLC: Global supply chain and logistics issues have impacted the Grove Subdivision development schedule. As such, SJ2 Development, LLC desires to amend the 380 Economic Development

Agreement to modify the timeline for performance-based Economic Incentive Payments (EIP's) by one (1) year. Councilman Etheredge made a motion to approve the Amendment. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on New Hours of Operation at the Smithville Recycling Center: The City Staff recommends the Recycling Center hours of operation be revised to improve resource utilization and operational efficiency. The following schedule is proposed:

Monday – CLOSED  
Tuesday – CLOSED  
Wednesday – 6:00 am to 10:00 pm  
Thursday – 6:00 am to 10:00 pm  
Friday – 6:00 am to 10:00 pm  
Saturday – 6:00 am to 10:00 pm  
Sunday – 6:00 am to 10:00 pm

We are proposing that the Recycling Center be CLOSED on Monday and Tuesday. The Public Works Department will have an employee working Wednesday through Sunday from 7:30 am to 4:30 pm to keep the Recycling Center from being overwhelmed and all recycling material sorted and bailed. Closing the Recycling Center on Monday and Tuesday will allow adequate time to restock, clean, and maintain equipment / buildings. Councilman Etheredge made a motion to approve the new hours and the City Manager the discretion as to when to start the new hours. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Authorizing the Submission of the Grant Application for the "Truancy Prevention Through Mentorship at the Gardens" to the Office of the Governor: Councilwoman Barrientos made a motion to approve the Resolution. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: none

Discussion and Action on the Reallocation of America Rescue Plan Act (ARPA) Funds: Based upon community feedback and the success of last year's event, the majority of the City Council has indicated they would like to hold a 4<sup>th</sup> of July fireworks display and celebration. Originally, we budgeted \$30k in ARPA funding for Tourism which included the Festival of Lights, Theater at the Gazebo, Songs of Smithville, and the 4<sup>th</sup> of July. However, at the request of Council, Christmas lights were installed in the 300 Block of Main and on NW/NE 2<sup>nd</sup> Street(s). In addition, ALL Christmas lights across Main Street and on buildings were replaced with LED bulbs. This pretty much exhausted the \$30k ARPA Tourism budget but the new lights were met with great enthusiasm and appreciation by residents. Recent bids for upgrading the Rec Center AV system were in excess of \$90k and the decision was made not to pursue the upgrade at this time. This leaves a surplus of \$25k in ARPA funding. As such, I would like to request reallocation of \$25k in ARPA funding from the Rec Center AV system upgrade to the Tourism line item to help cover the cost of a 4<sup>th</sup> of July Fireworks display and community celebration. Note: The event has tentatively been scheduled for Sunday, July 2, 2023. The Smithville Chamber has indicated they

will partner with the City to help coordinate and market the event. Councilwoman Bruno made a motion to approve the reallocation of the funds. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Retiree Health Benefits: Developing a program / policy to provide health benefits for retirees was approved during the budget cycle. The Health Benefits for Retirees Policy / program will be limited to Employees (EE) with 20 or more years of service with the City of Smithville. The Plan will cover insurance premiums (medical and dental) based on the following service schedule:

- 20+ years of service – 50% of individual plan premium
- 25+ years of service – 75% of individual plan premium
- 30+ years of service – 100% of individual plan premium

Plan will remain in effect until one of the following:

- Employee accepts employment with another company that offers group health insurance coverage; OR
- Employee reaches Medicare age (65), they will no longer be eligible to remain on the City's retiree health plan.

The City of Smithville will provide eligible Retirees 65 years and older up to a \$250 / month allotment to secure Medicare Supplement plan(s). Estimated Cost of the Health Benefits for Retiree program is approximately \$6k per year / Retiree at 100%. If approved by City Council, the Health Insurance Benefit Plan for Retirees would go into effect March 1, 2023. Councilman Etheredge made a motion to approve the Retiree Benefit plan. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

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

**Closed Meeting:** Went into Executive Session at 8:45 PM

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 551.071, Consultation with an Attorney on (a) seeking advice on pending or contemplated litigation or (b) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

**Open Meeting:** Came out of Executive Session at 9:14 PM



Discussion and Action as a result of the Executive Session: Mayor Foerster announced advised by legal counsel threatened litigation by Cedric Hill Jr. no action will be taken.

Adjourn 9:15 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary