

**CITY OF SMITHVILLE**  
**COUNCIL MEETING MINUTES**  
**MARCH 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 Holt gave the Invocation Mayor Morgan led the Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – Proclamation "Vietnam Veterans Day" Councilwoman Bruno read the Proclamation.
- b) Community Resource Center Presentation (Video): Donna Klaeger gave a presentation on Community Resource Centers of Texas.

Citizen Comments: None

Approval of the minutes from February 13, 2023 Council Meeting and Public Hearing, the March 1, 2023 Special-Called Council Meeting, and the March 9, 2023 Special-Called Council Meeting. Councilwoman Bruno made a motion to approve all of the minutes as presented. Councilwoman Morgan seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on:

- a) On multiple variance requests at 205 NE 2<sup>nd</sup> St, parcel ID 84198, property owner Janice Taylor, agent Dallas Taylor:
  - i. front yard setback: P&Z recommended approval
  - ii. side yard setback: P&Z recommended approval
  - iii. rear yard setback: P&Z recommended approval
  - iv. minimum lot size: P&Z recommended approval
  - v. maximum lot coverage: No recommendation was made by P&Z
  - vi. off-street parking: No recommendation was made by P&Z
  - vii. open space: No recommendation was made by P&Z
- b) On a variance request for the masonry wall or equivalent noise attenuating barrier addition site design standard for the Highway Commercial Dist. For Property ID 8717857, property owner George McMahan, Agent Ronnye Kettler: No recommendation was made by P&Z.

**Public Hearing:**

Hear Citizen Comments: Monic Poss was the only person signed up to speak in the Public Hearing and she said the city should grant the parking and open space variance and wants the city to deny the masonry wall variance.

- a) On multiple variance requests at 205 NE 2<sup>nd</sup> St, parcel ID 84198, property owner Janice Taylor, agent Dallas Taylor.
  - i. front yard setback
  - ii. side yard setback
  - iii. rear yard setback
  - iv. minimum lot size
  - v. maximum lot coverage
  - vi. off-street parking, and
  - vii. open space
- b) On a variance request for the masonry wall or equivalent noise attenuating barrier addition site design standard for the Highway Commercial Dist. For Property ID 8717857, property owner George McMahan, Agent Ronnye Kettler.

### **Open Meeting:**

#### Discussion and Action on

- a) On multiple variance requests at 205 NE 2<sup>nd</sup> St, parcel ID 84198, property owner Janice Taylor, agent Dallas Taylor
  - i. front yard setback - a 25' variance
  - ii. side yard setback - west side variance of 24'2" & East side 14'
  - iii. rear yard setback - a 25' variance
  - iv. minimum lot size - lot size of 4,051 sq ft instead of 15,000 (which is a variance of 10,949 ft).
  - v. maximum lot coverage - variance of 6% lot coverage from 70 %to 76%.
  - vi. off-street parking - a variance to reduce the number of off-street parking spaces required from 6 to 2.
  - vii. open space - to reduce open space from 30% to 24%.

Councilwoman Barrientos made a motion to approve the 25' front yard variance, the 24.2 west side yard variance, the 14' Eastside yard variance, minimum lot size of 4,051 sq ft instead of 15,000 sq ft, allowing 76% coverage instead of 70%, off-street parking to go from six to two, and open space to go from 30% to 24% 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 Bruno seconded and the motion passed unanimously.

- b) On a variance request for the masonry wall or equivalent noise attenuating barrier addition site design standard for the Highway Commercial Dist. For Property ID 8717857, property owner George McMahan, Agent Ronnye Kettler: Family Dollar /

Dollar Tree is requesting a variance to allow a wooden fence instead of a masonry wall as a noise attenuating barrier to separate commercial from residential use.

Councilwoman Barrientos made a motion to approve the variance for a 6ft wooden fence and require the deed restrictions will be in place for a second fence for the subdivision beside this property, 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.

Citizen Comments: None

Discussion and Action on a Resolution Responding to the Application of CenterPoint Energy Resources Corp., South Texas Division, to Increase Rates Under the Gas Reliability Infrastructure Program (GRIP) Suspending the Effective Date of this Rate Application for Forty-Five (45) Days: Under Texas law (re: Gas Utilities Regulatory Act), we do not have the ability to oppose the rate increase. However, we can postpone the effective date of the proposed increase for 45-days. The rate will be increased by \$3.72/month for residential service and \$7.51/month for small commercial service. The adjusted monthly charge (base rate) will be \$30.75 and \$48.93 respectively. This represents an average increase between 13-18%. The rate increase will help recover incremental spending for capital infrastructure improvements in its South Texas Division during the 2023 calendar year. The proposed IRA will become effective on May 1, 2023 unless the City approves the resolution to suspend the IRA effective date until June 15, 2023. Councilman Etheredge made a motion to approve suspending the rate until June 15<sup>th</sup>. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Awarding the Home Grant construction contract – In accordance with TDHCA rules, the City published a bid request for the construction of the homes listed below:

- 203 Cleveland - Base Bid \$150,000
- 203 Washington - Base Bid \$148,200
- 611 Gazley - Base bid \$148,200
- 415 Gazley - Base Bid \$148,200

The bid opening was held at City Hall (317 Main) on February 16, 2023 at 9:00 A.M. One (1) bid was received from RM Quality Construction, LLC (dba Randy Malouf Builder). RM Quality Construction, LLC has built multiple HOME Program houses in and around central Texas including Smithville. Councilman Gordon made a motion to award RM Quality Construction, LLC. the bid Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Endorsing HB 2717 that would limit train length in Texas: Approving this resolution will officially communicate the City's support of HB 2717

sponsored by District 143 Representative Ana Hernandez. If passed, HB 2717 would establish a maximum length of 8,500' for any train operating in Texas. It is not uncommon to have trains in excess of 10,000 ft coming through Smithville while parents are dropping off and/or picking-up school aged children resulting in gridlocked traffic and excessive delays along Hwy 95 and Loop 230. Not to mention cutting off all available routes for emergency personnel between the south and north side(s) of our community. Councilman Gordon made a motion to approve the resolution. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution for Broadband: Approving this resolution will officially communicate the City's support of HB 9 sponsored by District 9 Representative Trent Ashby. If passed, HB 9 would develop broadband telecommunications services through an appropriation of public funds. Smithville clearly needs to address Broadband as an economic development issue as our rural community is still underserved by broadband providers. A number of federal agencies provide funds connected to grant/loan projects and programs that could be of use in Smithville. Several businesses, nonprofit organizations, and governmental entities have been coalescing to be ready to build broadband infrastructure once needs and funding sources are more clearly identified and once champions come to the fore. The City of Smithville intends to work with the Smithville Workforce Training Center, Bastrop County, BCC, and other local partners to ensure that our community is included in this effort. Councilwoman Morgan made a motion to approve the resolution. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance Amending Ordinance 9903-334 to Correctly include the alley in Block 10, Mount Pleasant Addition as being closed, vacated, and abandoned: This ordinance amendment is being presented to address a clerical error regarding a request to abandon an alley in Block 10, Mount Pleasant Addition. The owner of the property, Patsy Rae Caldwell (deceased) submitted the request to abandon the alley to Bob Miller (City Manager) in 1999. All other streets and alleys surrounding this property were abandoned by the City. Councilman Etheredge made a motion to approve the Ordinance Amendment to include the alley of Block 10. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: Leigh Kilgore said it's her opinion that if you have a group of people the know the ordinances and come to the meetings and have a quorum the P&Z doesn't need to go to seven.

Discussion and Possible Action on Changes to the Planning and Zoning Commission: Councilmember Etheredge is proposing to expand the P&Z Commission from 5 to 7 members and update language to clarify qualifications, roles, and responsibilities. There was discussion among the Council about having subject matter expertise on the board, making sure the board knew the rules and procedures, senior officials at the P&Z meeting, and the P&Z would stay at five members not go to seven. Councilman Etheredge asked Robert to make changes to the ordinance and incorporate anything he thought should be incorporated and bring it back to the council at a later council meeting for discussion and action.

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 appointment / re-appointment of members to the Smithville Library Board: There are nine (9) Library Board members appointed by the Council, each serving three-year terms. Every year (targeting February), the Library Director will request the City Council fill three seats - either by re-appointment or new appointment. Denis McGinness and Krystel Gutierrez are remaining Board members, this being their third year. The proposed Board members represent a community of library users and supporters, and are well-versed in library operations, services, and programs:

- a. Krystel Gutierrez – Re-Appointment (Place 1)
- b. Danne Absher – Re-Appointment - (Place 2)
- c. Denis McGinness – Re-Appointment (Place 3)
- d. Elana Schroeder - Re-appointment – (Place 4)
- e. Diana Villalobos – New Appointment – (Place 5)
- f. Will Holcomb – New Appointment – (Place 6)
- g. Nicholas Braddock – New Appointment - (Place 7)
- h. Vacant (Teen) – TBD (Place 8)
- i. Mike Morgan – New Appointment - (Place 9)

Councilwoman Bruno made a motion to approve the reappointments of Krystel Gutierrez, Danne Absher, and Denis McGinness. Councilwoman Barrientos 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.

Adjourn 8:13 p.m.

---

Sharon Foerster, Mayor

Attest:

---

Jennifer Lynch, City Secretary