

CITY OF SMITHVILLE
COUNCIL MEETING MINUTES
MAY 15, 2023

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

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

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation for " National Historic Preservation Month" – Councilman Gordon read the proclamation.
- b) Police Officer Memorial Day & National Police Week Proclamation – Councilman Etheredge read the proclamation.
- c) Proclamation for "Motorcycle Safety and Awareness Month" – Councilwoman Bruno read the proclamation.
- d) Proclamation for "Bennie Lueders Day" – Mayor Foerster read the proclamation.

Citizen Comments: None

Approval of the minutes from the March 13, 2023 Council Meeting and Public Hearing (specifically Page 2 that was not in the packet last month), the April 10, 2023 Council Meeting and Public Hearing, and the April 24, 2023 Special Called Council Meeting. Councilwoman Bruno made a motion to approve March 13, 2023, April 10, 2023 and April 24, 2023 minutes. Councilman Gordon Seconded and the vote was all for except for the April 24th meeting Councilman Etheredge abstained.

Citizen Comments:None

Discussion and Action on a Resolution Canvassing the May 6, 2023 Municipal General Election: Councilwoman Bruno made a motion to approve the Resolution Canvassing the Election which appoints Tyrone Washington to Place 1, Tom Etheredge to Place 2 and Jimmy Jenkins to Place 3. Councilwoman Morgan seconded and the motion passed unanimously. Councilman Gordon and Councilwoman Morgan both read their speeches and accepted their plaque of appreciation.

Administering of Pre-Oaths and Oath of Office to Elected Officials: Mayor Foerster gave the statement of office and oath of office to Councilman Washington, Etheredge, and Jenkins.

Issuing of Certificates of Election: Mayor Foerster issued Certificates of Election. The newly elected and re-elected Councilmembers took their seats on the dais.

Hear from each of the Candidates for the Place 4 vacancy: Mitchell Jameson, Garrett Gutierrez, Daniel Hrna, Joanna Morgan, Monic Poss, Derek Kahanek, and Mark Richter all submitted their requests for consideration and each spoke in the above order. Monica and Mark withdrew their application and voiced their support for Mitchell Jameson.

Hear Citizen Comments for the Place 4 vacancy: Mike Kahanek spoke in support of Derek Kahanek. Nancy Catherman spoke in support of Joanna Morgan. Jon Taylor spoke in support of Monica Poss and Mitchell Jameson. Pace Davis spoke in support of Joanna and Mitchell. Jenny Busche spoke in support of Mitchell. Ted LeVieux spoke in support of Joanna. There were also many letters sent in in support of Joanna, Mitchell, and Derek.

Closed Meeting: went into closed session at 7:38 PM

Executive Session Pursuant to Texas Government Code § 551.074(a)(1), the City Council shall convene in a closed session to deliberate the appointment of Councilmember Place 4.

Open Meeting: Came out of closed session at 7:44 PM

Discussion and Action on Appointment to Place 4 for the unexpired term as a result of the closed Executive Session: Councilwoman Bruno made a motion to appoint Mitchell Jameson to Place 4. Councilman Etheredge seconded and the motion passed unanimously.

Administering of Pre-Oaths and Oath of Office to the Appointment of Place 4: Mayor Foerster gave the pre-oath and oath of office to Mitchell Jameson and he took a seat at the dais.

Discussion and Action on the Election of Mayor Pro-tem: Councilwoman Bruno made a motion to nominate Councilman Etheredge as Mayor Pro-tem. Councilman Jameson seconded and the motion passed unanimously.

Discussion on Wastewater Expansion Study Update from BEFCO Engineering: Chad Emmel, P.E. from BEFCO Engineering gave a presentation to update the Council on the status of the wastewater expansion study.

Hear recommendations from Planning and Zoning on the following:

- a) on a change in Zoning class from Community Facility District (CF) to Single Family District (SF-1) for 406 Byrne Street, R16760, Byrne Addition, Block 106 Lots 1 and 2 property owner Charles T Etheredge, Jr. (Tom) and Debi Etheredge: P&Z Chairman Brian Riewe gave the recommendation to approve the zone change.
- b) On a rear yard setback variance and a fence height variance for 1034 Wilkes Circle, R17140, Colorado Heights, Block 1 Lot 5, property owner Jimmy Davis Agent Sylvia Davis: P&Z Chairman Brian Riewe gave the recommendation to approve the variance.

Public Hearing:

Hear Citizen's Comments:

- a) on a change in Zoning class from Community Facility District (CF) to Single Family District (SF-1) for 406 Byrne Street, R16760, Byrne Addition, Block 106

Lots 1 and 2 property owner Charles T Etheredge, Jr. (Tom) and Debi Etheredge. No one signed up to speak for or against this item.

- b) On a rear yard setback variance and a fence height variance for 1034 Wilkes Circle, R17140, Colorado Heights, Block 1 Lot 5, property owner Jimmy Davis Agent Sylvia Davis: No one signed up to speak for or against this item
- c) On a Substandard Building Violation located at NW 1st Street Smithville property ID# 19838: Lisa Pierce (City of Smithville Code Enforcement Officer) answered the question council had. Tut Jones spoke and said this building is a hazard and a danger

Adjourn

Open Meeting:

Discussion and Action on:

- a) A change in Zoning class from Community Facility District (CF) to Single Family District (SF-1) for 406 Byrne Street, R16760, Byrne Addition, Block 106 Lots 1 and 2 property owner Charles T Etheredge, Jr. (Tom) and Debi Etheredge: Councilwoman Bruno made a motion to approve the zone change. Councilman Washington seconded and the vote was:
For: Bruno, Jenkins, Jameson, Washington
Abstain: Etheredge
- b) A rear yard setback variance and a fence height variance for 1034 Wilkes Circle, R17140, Colorado Heights, Block 1 Lot 5, property owner Jimmy Davis Agent Sylvia Davis: Councilman Etheredge made a motion to approve the rear yard setback and fence height 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 Bruno seconded and the motion passed unanimously.
- c) On a Substandard Building Violation located at NW 1st Street Smithville property ID# 19838: Per the City of Smithville Code of Ordinances, Chapter 3 – Building Regulations, Section 3.03.005, “Standards for Ordering Repair, Vacation, or Demolition” paragraph (3) which states: “In any case where a substandard building or structure is fifty-percent (50%) damaged, decayed, or in a state of dilapidation due to lack of maintenance, it shall be demolished. Requesting authorization to issue demolition order of unsafe structure. Councilman Etheredge made a motion to take the recommendation of the Code Enforcement Officer on the substandard building violation located at NW 1st Street and that the agent and or owner has available to him all of his rights for appeal. Councilwoman Bruno seconded and the

motion

passed

unanimously.

Citizen Comments: None

Discussion and Action on the Annual Audit for the 2021-2022 Fiscal Year Budget: Singleton, Clark & Company, PC completed the annual audit of the City of Smithville's 2021-22 financial statements during the month of March. The results of the audit indicate that assets exceed liabilities by \$16,323,625 at the close of the past fiscal year. The total net position of the city increased by \$173,458 from the prior fiscal year (General Fund increased \$380,744 and Utility Fund decreased \$207,286). The City's fund balance in the General fund increased by \$65,016 to end at \$1,337,125 and was largely due to insurance proceeds and transfers from the Utility Fund. The City's total debt DECREASED by \$325,230 during the fiscal year to \$7,903,771 which included issuance of a \$785,000 tax note for capital equipment. Overall, the City received a "clean" financial audit with positive balances in all reported categories of net position. However, one finding (and subsequent area for improvement) was noted involving the solicitation of competitive bids for equipment / services (in aggregate) that exceeded \$50,000. Tech-Line, Burlin, and RES Construction were vendors the city used to purchase transformers and/or complete miscellaneous sidewalk, curb, and drainage projects throughout town. Going forward, the city will ensure purchases made over \$50,000 (in aggregate) are competitively bid. Jack Clark gave a presentation on the results of the FY22 Financial Audit. Councilman Etheredge made a motion to approve the audit. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Amending Rates of City Park Rentals and Updating the City's Master Fee Schedule: Approving this resolution will establish rental fees for the newly construction covered Pavilion at the Railroad Park. The pavilion was funded by a \$20k Union Pacific grant. Councilwoman Bruno made a motion to approve the resolution. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Supporting the City of Smithville's Application to The Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects: The City of Smithville is applying for the second phase of TXDOT TA 2023 Call for Proposals for sidewalks to finish out the connection between the 2019 SRTS Sidewalks that end at MLK Park and the 2009 SRTS Sidewalks that end at SW 4th Street and Eagleston. These eight (8) blocks of sidewalks will run from along MLK Drive from its terminus at Hardeman to Eagleston, with spurs that run to the MLK Park connection along Miller and along the Eagleston connection to SW 4th Street. The project is anticipated to cost a total of \$714,394, including \$472,075 construction, \$152,625 engineering, and various other TXDOT-imposed costs. Because the City of Smithville is eligible for Transportation Development Credits, this will be at no cost (no match) to the City, if we would be awarded the project. Councilman Etheredge made a motion to approve the resolution. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Texas Department of Agriculture Grant Award #CRC22-0031 RFQ for Engineering / Architectural Services: On April 20, 2023, Sid Miller (Texas Commissioner of Agriculture) left a voice mail message confirming that the TDA Implementation Grant for \$1M

(plus \$100K Match) is ready to start. Based on conversations with the TDA staff, the City was advised to advertise for competitive bids for an engineering/architectural firm. The engineering/architectural firm will manage all work related to the new construction of the “Skilled Trades Innovation Center” to be built at 400 Fawcett across the parking lot from the SWTC offices, and renovations to the Show Barn at Riverbend Park to prepare it to be a premiere Skilled Trades Classroom space. Councilwoman Bruno made a motion to award the bid to Cutright & Prihoda, Inc. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Texas Department of Agriculture Grant Award #CRC22-0031 RFP for Consulting Services: On April 20, 2023, Sid Miller (Texas Commissioner of Agriculture) left a voice mail message confirming that the TDA Implementation Grant for \$1M (plus \$100K Match) is ready to start. Based on conversations with the TDA staff, the City was advised to advertise for competitive bids for an consultant/consulting firm. The consultant/consulting firm will provide the guidance required to be able to ensure the success of the “incubator” concept at the new “Skilled Trades Innovation Center” once it opens for business. Note: As of Friday, May 12, 2023 @ 5:30 pm, no innovation consulting firms have submitted an RFP. The deadline to submit the RFQ is 10:00 am Monday, May 15, 2023. Since there was no bid submitted, the city will have to rebid the RFP. No action taken.

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 9:48 p.m.

Sharon Foerster, Mayor

Attest:

Jennifer Lynch, City Secretary