

CITY OF SMITHVILLE
COUNCIL MEETING MINUTES
JULY 10, 2023

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Tom Etheredge, Jimmy Jenkins, Tyrone Washington, Mitchell Jameson, and City Manager Robert Tamble.

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

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Presentation from Gry Park and Brooke Gillespe on the Refuge Center
- b) Presentation from Dr. Linda Wilson of the Smithville Hospital Authority Board

Citizen Comments: None

Approval of the minutes from the June 12, 2023, Council Meeting and Public Hearing, the June 14, 2023 Council Workshop, and the June 21, 2023 Workshop. Councilman Jenkins made a motion to approve the minutes. Councilman Etheredge Seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on the following:

- a. On a variance for zero lot line on front, rear, and side yard setbacks for property ID 8730020, Mt. Pleasant Addition, Block 36, Lot 4, property owner Dennis Koch, agent Andy Oates: P&Z Chairman Brian Riewe said P&Z recommended approving the zero-lot line variance.
- b. On a minor / amending replat combining two lots and an alley into one lot, property ID 103263 & 19166, Smithville Townsite, Block 12 Lots 7 & 8 and the adjacent alley, property owners John and Leigh Killgore, Agent Jon Snyder Construction Group - P&Z Chairman Brian Riewe said P&Z recommended approving the re-plat.
- c. On a re-plat to combine two lots into one lot, property ID 20778, Smithville Townsite Block 88 Lots 6 & 7, 300 San Jacinto Street, Property owners Karl, and Lisa Shackelford, Agent James E. Garon and/ or Glenn T. Dial: P&Z Chairman Brian Riewe said P&Z recommended approving the re-plat.

Public Hearing:

Hear Citizen's Comments:

- a. On a variance for zero lot line on front, rear, and side yard setbacks for property ID 8730020, Mt. Pleasant Addition, Block 36, Lot 4, property owner Dennis Koch, agent Andy Oates: No one signed up to speak for or against this item.

- b. On a minor / amending replat combining two lots and an alley into one lot, property ID 103263 & 19166, Smithville Townsite, Block 12 Lots 7 & 8 and the adjacent alley, property owners John and Leigh Killgore, Agent Jon Snyder Construction Group: No one signed up to speak for or against this item.
- c. On a re-plat to combine two lots into one lot, property ID 20778, Smithville Townsite Block 88 Lots 6 & 7, 300 San Jacinto Street, Property owners Karl and Lisa Shackelford, Agent James E. Garon and/or Glenn T. Dial: No one signed up to speak for or against this item.
- d. On the naming of Callie Street in the M5 Subdivision: No one signed up to speak for or against this item.

Adjourn

Open Meeting:

Citizen Comments: None

Discussion and Action on an Ordinance for a variance for zero-lot line on front, rear, and side yard setbacks for property ID 8730020, Mt. Pleasant Addition, Block 36, Lot 4, property owner Dennis Koch, agent Andy Oates: The lot has an existing 35-foot easement set-back from the street. The additional 25-foot set back within the lot in both the front and rear limit the size of a home to 75-feet in depth. The planned home is 93-feet, due to a side entry garage creating an "L" shape design, which makes the depth much longer than just the main living part of the house. In addition, the side yard set-backs are 10-feet for a two-story house on both sides of the lot, limiting the width of a house to only 55-feet. The Koch's house is roughly this width which allows no room for error in the "construction". The Koch's feel the 35-foot easement in the front provides a sufficient set-back considering neighboring blocks do not have this additional easement. Waiving the rear set-back will allow more flexibility in positioning the home further from the front of the lot. Also, the Koch's own the lot to the east, and an unbuilt 60-foot road is to the west and vacated alley to the rear, so there are no infringements to neighboring owners. The council had a discussion about setting the precedents on a zero-lot line. The contractor also mentioned a 4,000 sq ft home which would exceed the 40% coverage rule. There was discussion on combining the lots so the coverage and setback may not be an issue. Councilman Jenkins said they should go back through P&Z since given the options they were presented he made a motion to deny the ordinance and waive the fee to go back through to P&Z. Councilman Jameson added to the motion to deny because of item three the request does not result in unnecessary hardship. Councilman Washington seconded and the motion to deny passed unanimously.

Citizen Comments: None

Discussion and Action on a minor / amending re-plat combining two lots and an alley into one lot, property ID 103263 & 19166, Smithville Townsite, Block 12 Lots 7 & 8 and the adjacent alley, property owners John and Leigh Killgore, Agent Jon Snyder Construction Group: The re-plat is being requested to combine two lots into one. The eastern alley was previously abandoned by Quit Claim deed to Roger and Emily Hewitt on 5/16/2005. Councilwoman Bruno made a motion to approve the re-plat. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a re-plat to combine two lots into one lot, property ID 20778, Smithville Townsite Block 88 Lots 6 & 7, 300 San Jacinto Street, Property owners Karl, and Lisa Shackelford, Agent James E. Garon and/ or Glenn T. Dial: The re-plat is being requested to combine two lots into one. Councilman Jameson made a motion to approve the re-plat. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution authorizing the renaming of the street in the M5 Subdivision to Callie Street: This resolution will remedy an administrative error regarding the naming of Callie Street within the M5 subdivision. The M5 Final Plat was approved by the City Council on 3/14/22. At the time, the final plat identified street names as Street "A", "B", and "C". As the 911 addressing protocols and procedures have evolved over time, the Bastrop County GIS department must review and approve all new street names to ensure there are no phonetic conflicts within the area related to the 911 system. The M5 developer chose the name "Callie" street and the city notified Bastrop County GIS. On April 6, 2022, Bastrop County GIS (Julie Sommerfeld) sent an email to the City Manager stating there were no conflicts identified in Bastrop County nor the Smithville (i.e., 78957) portion of Fayette County with respect to Callie Street. Councilman Jameson made a motion to approve the resolution. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Sales Tax and Short-Term Rental Administration Agreement with Avenu Insights & Analytics: Avenu Insights & Analytics, LLC provides administrative services and compliance monitoring for general Sales and Use Tax collection and Hotel Occupancy Tax collection associated with Short-Term Rentals. The Sales and Use Tax compliance review is designed to assist the City of Smithville in enhancing its sales and use tax revenues by detecting, documenting, and correcting sales tax errors thereby producing previously unrealized revenue. The cost for this service is based on a thirty percent (30%) contingency fee. The fee applies to the sales/use tax revenue received by the city from correction of taxpayer reporting errors detected and documented by the Sales Tax Compliance Review. The Short-Term Rental Monitoring, Identification, and Compliance Services are designed to help the city enhance its short-term rental/lodging tax revenues by providing targeted web monitoring, web portal and identification services thereby producing previously unrealized revenue and improved compliance opportunities. The cost of the Short-Term Rental Monitoring, Identification, and Compliance Services includes a one-time setup fee of two thousand dollars (\$2,000) and an annual fixed fee of two hundred fifty-five dollars (\$255) per property / per year (up to 60 properties) or an annual Administration fee of fifteen thousand dollars (\$15,000), whichever is greater. Fees will be calculated based on the total number of known, registered and active listing properties at the beginning of each contract year and 1/12th of the total Fees calculated are invoiced and due at the beginning of each month. The initial term of this Agreement shall be for a period of three (3) years following the Effective Date, and automatically renew for two (2) successive one (1) year terms. Preliminary analysis indicates that there are 43 properties registered on various short-term rental websites in Smithville with the average nightly rental rate of \$204.71. The estimated unrealized annual STR tax revenue (at 50-75% occupancy range) is between \$104-154k. Councilwoman Bruno made a motion to approve the contract. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution supporting Ascension Seton Hospital and Smithville Hospital Authority Board: Councilmember Etheredge read the resolution. Councilwoman Bruno made a motion to approve the resolution. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding a contract for miscellaneous concrete work in Smithville: The City of Smithville published a Request for Proposal (RFP) in the Austin American Statesman on June 7, 2023 and June 14, 2023 for a general contractor qualified to build transformer pads, sidewalks, curbs, clear drainage conveyances, and complete small drainage improvement projects (e.g., valley gutters, box culverts, concrete conveyances, etc.) within the incorporated city limits of Smithville, TX. The City received three (3) sealed proposals that were reviewed by City staff on Wednesday, June 21, 2023. The qualified contractor must furnish their own equipment, utilize best-known practices for concrete forming / finishing, and carry \$1M in general liability insurance naming the City of Smithville as a certificate holder. Experience, work performance, capacity to perform, and cost were criteria used by the City staff to evaluate / differentiate each contractor's qualifications. RES Construction66, LLC was the lowest bidder that received the highest score with 94.33 points. As such, RES Construction66, LLC (Red Rock, TX) is the contractor that the evaluation team recommends to the City Council for awarding the 2-year contract (which includes an option for a discretionary 1-year extension). Councilman Jenkins made a motion to award RES Construction66, LLC the contract. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding a contract for mowing various city-owned properties: The City of Smithville published a Request for Proposal (RFP) in the Austin American Statesman on June 7, 2023 and June 14, 2023 for mowing various city-owned properties. The qualified contractor will be required to mow and maintain property to the satisfaction of the City. Grass shall not be allowed to exceed a height of 8 inches. Contractor shall also be responsible for trimming walks, flowerbeds, around trees and shrubs, and keeping the inside and outside of any fence lines clear of weeds and grass. Contractor will be responsible for providing all materials, supplies, and equipment necessary to complete the task(s) above and carry a \$1M general liability insurance policy. Experience, work performance, capacity to perform, and cost were the criteria to be used to evaluate / differentiate each contractor's qualifications. However, only one (1) contractor, Mr. John Thompson, (who resides at 409 McSweeney in Smithville) submitted a bid. As the sole bidder, Mr. John Thompson is the contractor recommended to the City Council for awarding the 2-year mowing contract (which includes an option for a discretionary 1-year extension). As a minimum, Contractor shall mow city-owned properties twice per month. Councilman Etheredge made a motion to award John Thompson the contract. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Approval of the Cultural District Public Art Project Form: If approved, local artists will use the form to identify / submit projects for funding consideration under the

City's Cultural District program. Councilman Jameson made a motion to approve the form. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Certification of Additional Sales and Use Tax to Pay Debt Services: The Texas Comptroller requires the Governing body to certify that the amount of additional sales and use tax revenue collected to pay debt service has been deducted from the total amount described by Tax Code Section 26.05(e-1), 26.04(e)(3)(C) and 26.05(a)(1). Councilman Etheredge made a motion to approve the Certificate. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on entering into a contract with Singleton, Clark & Company, PC for the 2022/2023 Fiscal Year Audit: Approval of this agenda item will allow the City to utilize Singleton, Clark & Company for our annual audit services. The estimated audit fee for FY22/23 is \$29,200 (Financial Statement Audit \$24,200 and Single Audit \$5,000). This represents a 10% increase over last fiscal year's base rate of \$22,000 plus an additional \$5,000 for the single audit. Councilman Etheredge made a motion to authorize the City Manager to enter into a contract with Singleton Clark & Company, PC and pay \$29,200 for said services. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report: Councilman Washington made a motion to approve the financial report. Councilwoman Bruno seconded and the motion passed unanimously.

Adjourn 8:07 p.m.

Sharon Foerster, Mayor

Attest:

Jennifer Lynch, City Secretary