

**CITY OF SMITHVILLE**  
**COUNCIL MEETING MINUTES**  
**OCTOBER 16, 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. Robert Tamble gave the Invocation and Mayor Foerster led the Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a. Proclamation "Municipal Court Week" Councilman Jameson read the proclamation.
- b. Proclamation for "Breast Cancer Awareness Month" Councilwoman Bruno read the proclamation.

Discussion and Action on the Approval of the minutes from September 11, 2023, Council Meeting and Public Hearing. Councilman Etheredge made a motion to approve all of the minutes. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Solar Power Purchase Agreement (PPA) with Smithville Solar Two, LLC / UGE: Mr. Seyi Adeyemi (Managing Director, M&A and Power Marketing) from UGE will be providing a presentation on behalf of Smithville Solar Two, LLC regarding a proposed solar Power Purchase Agreement (PPA). Should the council approve entering into a second PPA, the City will save a minimum of \$220k (approximately \$9k per year) over the 25-year term. The cost savings will help lower the cost associated with maintaining our distribution system. Construction of the second solar array would begin at the beginning of the new year with the system commissioned and operational by January 2025. Councilman Etheredge made a motion to approve as presented with the changes being that the parent company provides a guarantee of performance throughout to our counterparty and that in the event there is a transfer the subsequent counterparty will be of equal or greater financial execution capability of the initial one. Councilman Jameson seconded and the motion passed unanimously.

Citizen Comments: Camilla Snyder, Chuck Watson, Tommy Oates, John Gilkinson Spoke.

Discussion and Action on Certificate of Appropriateness for 108 NE 2nd Street - Main Street: Monica Poss (Historic Preservation Design Standards Advisory Committee (HPDSAC) Chairwoman presented recommendations for approval of a Certificate of Appropriateness (COA) to allow Andy and Tommy Coats (business owners of the Smithville General Store) to make repairs to windows and doors and renovation to include a drive thru window at the alley. The committee noted that any ordinances relating to use of the alley for a drive-thru and/or the proposed fence would need to be brought before the P&Z Commission and City Council for consideration. The committee recommended approval for the needed repairs — which do not actually require a COA based on the ordinance and Guidelines — and they recommended approval for the conversion of the existing doorway on the alley-side of the building because the proposed

construction will not detract from or destroy the historic fabric of the building. Jameson made a motion to approve the COA. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: Leigh Killgore, Alan Butler

Discussion and Possible Action on the Allocation of the \$3 Million Tax Note funds: Police Chief Repka spoke on his list of items for purchase with the Tax Note which includes weapons, ammo, tasers, office equipment, computers, etc. (\$85,000). Patrol vehicles (\$260,000), replace/repair the HVAC at the PD (\$20,000), new Animal Control Vehicle (\$55,000), and mobile CAD Units for Patrol cars(\$81,250). Councilwoman Bruno made a motion to approve all items for PD to be approved for \$501,250. Councilman Jameson seconded and the motion passed unanimously. Public Works Director Edward Balusek spoke on his list of items his department needed to purchase with the Tax Note. Balusek items included a chipper truck (\$85,000), sewer pump truck (\$200,000), small bucket truck (\$190,000), Utility trucks F-250 (\$160,000), tractor w/shredder (\$40,000), warehouse roof repair (\$100,000), rack storage warehouse (\$25,000), misc tools (\$100,000), road repair, drainage, sidewalks, curbs and gutters(\$200,000). Councilman Etheredge made a motion to approve the full amount under this category as presented recognizing you may not be able to get some of it right away and he will defer to Bausek and the City Manager at points in time where it makes sense to substitute something else that you will just come to Council and make that suggestion so we can maximize the approval of these dollars for the \$1,100,000. Councilwoman Bruno seconded and the motion passed unanimously. Councilman Etheredge made a motion to approve the \$150,000 for airport lighting and runway system, \$350,000 for security cameras subject to City Manager arranging for a presentation that the council has to confirm if they want to go forward with that, the \$275,000 for the tanker truck, and the \$275,000 for the grant match for infrastructure. Councilwoman Bruno seconded and the vote was:

For: Etheredge, Bruno, Washington, and Jenkins

Opposed: Jameson

Councilman Jameson made a motion to postpone action on the remaining items for future workshops it be held within the next 45 days. Councilwoman Bruno seconded. Councilman Jameson made a motion to amend his original motion to carve out the \$45,000 for panic button glass windows, and security doors and add a discussion for the remaining \$280,000 for discussion on the November Council agenda. All were in favor of the amendment and original motion.

Citizen Comments: Hayden, Ramon, Caroline Noya, Willy Culberson, Clara Beckett all spoke.

Discussion on a Memorandum of Understanding (MOU) with the Smithville Workforce Training Center regarding the use of City of Smithville facilities: If approved, the proposed MOU agreement between the City and SWTC would be valid for seven (7) years (until May, 2030) at which time the terms of the MOU will be renegotiated. Facility Usage Fees will be waived for this 7-year period in consideration of the enhanced value to the City-owned property that will result from the construction to be done under the grant.

**Closed Meeting:** Went into Closed meeting at 8:59 PM

The City Council will hold an Executive Meeting pursuant to the Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Code Annotated, in accordance with the authority contained in Section 551.072, to discuss Real Property (City of Smithville's facilities used by the Smithville Workforce Training Center).

**Open Meeting:** Came back into open meeting at 9:31 PM

Discussion and Action as a result of the Executive Session on a Memorandum of Understanding (MOU) with the Smithville Workforce Training Center regarding the use of City of Smithville facilities. Councilman Etheredge made a motion to approve the MOU with the following changes, the City of Smithville Council would be able to appoint no less than two SWTC board members or 20 percent of the board members. The SWTC will report to the City Council every quarter with their performance and progress. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Possible Action regarding the Recycling Center: Councilmember Jenkins and Councilmember Washington will provide an update and lead the discussion. No action was taken.

Citizen Comments: None

Discussion and Possible Action on TCEQ air quality permit for the rock crushing operation: Councilmember Jenkins made a motion to create a proclamation in opposition to the rock crushing plant and use Councilman Etheredge's statements. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance Amending Chapter 3, Building Regulations, section 3.02.032 (b) to charge a fee for demolition permits: Approving this amendment will add language to the ordinance documenting a \$50 fee per demolition permit as approved by Council when the FY23/24 budget was adopted. Previously, such fees were prohibited. Councilwoman Bruno made a motion to approve the ordinance. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding a contract for Grant Services for the TDA "Innovation Center" per Grant Award #CRC22-0031: Proposals for grant management services were received on October 11, 2023. Experience, work performance, capacity to perform, and cost were the criteria to be used by the City staff to evaluate / differentiate each grant management consultant's qualifications. However, Langford Community Management Services, Inc. (LCMS) was the only grant management consultant to submit a proposal. As such, there was no comparative evaluation performed. The proposed fee for LCMS services is 7.5% of the total \$1M award or (\$75,000). Councilwoman Bruno made a motion to award Langford Community Management Services, Inc. the contract. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the awarding of a contract for Construction of Transportation Alternative Program- CSJ No. 0914-18-118-Federal Aid Project No. STP2022(525) TAPS for sidewalks and ADA Ramps: The bid opening for the City of Smithville's Transportation Alternatives Program NW 1st Street Sidewalks and Main Street ADA Ramps was held on Thursday, September 14, 2023. The City received four (4) bids for the project (see attached bid tally) ranging from \$314,492.76 to \$659,205.67. The low bidder for the project was WJC Constructors Services, LLC of Smithville. BEFCO Engineering's review of their bid submittal determined WJC Constructors Services, LLC did provide a complete bid submittal package and was not missing any items. Councilman Jameson made a motion to award WJC Constructors Services, LLC the contract in the amount of \$314,492.76. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance approving the Budget Amendment(s) amending the 2022-2023 Fiscal Year Budget: Cynthia has finalized our FY22/23 budget amendments. Revenues exceeded expenditures by approximately \$253k on a \$14.7M budget. Councilman Jameson made a motion to approve the Ordinance. Councilman Jenkins seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Joint Use Pole Attachment Agreement with RTA Broadband: The City has completed negotiations with RTA America, Inc. (formerly SCT Broadband) to renew our Joint Use Pole Attachment Agreement. If approved, the new base rate for the 5-year contract will be \$14.00 per pole attachment with an incremental increase of \$1.00 per year until \$18.00 is reached. The incremental increase will align with the fees other service providers are being charged for using our poles. RTA has approximately 516 joint use pole attachments compared to Time Warner Cable / Spectrum with approximately 1400 pole attachments within the City. The expected revenue is \$7-10k per year. Councilman Jenkins made a motion to approve the agreement. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Communication Water Tower Lease Agreement with RTA: The City has completed negotiations with RTA America, Inc. to renew the Tower Antennae Rental agreement for “renting” space on three (3) water towers for placement of broadband antennae(s). The contract term is for 5-years at a proposed rate of \$3.3k of revenue per year. Councilwoman Bruno made a motion to approve the agreement. Councilman Washington seconded and the motion passed unanimously.

Citizen Comments: None

Approval of the Financial Report: Councilman Etheredge made a motion to approve the financial report. Councilwoman Bruno seconded and the motion passed unanimously.

**Closed Meeting:** Went into the closed meeting at 10:01

The City Council will hold an Executive Meeting 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 back into open meeting at 11:20

Discussion and Action as a result of the Executive Meeting. Councilman Etheredge made a motion stating that the City Manager met or exceeded expectations and the consensus of the council was that his pay be adjusted upwards of 8 percent. The council agreed that they would convene in November with the City manager and establish goals for 2024. Councilman Jenkins seconded and the motion passed unanimously.

Adjourn 11:21 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary