

CITY OF SMITHVILLE
April 9, 2018
COUNCIL MEETING

Present: Mayor Saunders, Councilmembers, Bill Gordon, Rhonda Janak and Joanna Morgan, Troy Streuer, Bennie Rooks, City Manager Robert Tamble.

Open Meeting: Call to order: Mayor Saunders called the meeting to order at 6:00 p.m.

Invocation: Robert Tamble gave the invocation.

Pledge of Allegiance: Councilman Gordon led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations: Character Trait Presentation “Self-Discipline” – Ellianah Krueger (4th Grade). *A proclamation was given by the Mayor for* Natl. Public Safety Telecommunications Week Proclamation. Mayor Saunders accepted an award from It’s Time Texas Community Challenge. Janice Bruno gave an update on the “Fast Tract to Health” program.

Approval of the minutes from the March 12, 2018 Council Meeting and Public Hearing: Councilman Gordon moved to approve the minutes as written for the March 12, 2018 Council Meeting and Public Hearing Councilman Morgan Seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on:

- a) a lot coverage variance for 308 3rd Ave., Mt. Pleasant Addition, Block 9, Lots 7 & 9, owner-Nicholas Johnson and Cody Davis : Nancy Catherman said the P&Z recommended approving the lot coverage variance.
- b) a rear and side yard setback variance at 201 Bishop St., Burleson Addition, Block 35, Lot 8, owner-John William Young, agent-Tom McClure : Nancy Catherman recommended approving the rear and side yard setback.
- c) a zone change from Community Facility (CF) to General Commercial District (C-2) at 408 NW 2nd Street, Smithville Townsite Addition, Block 29, Lots 2, 3, & 4 (FR’s 0.30 Acres), owner-Steve Rogers: Nancy Catherman recommended approving the zone change.

Public Hearing:

Hear citizen comments on:

- a) a lot coverage variance for 308 3rd Ave., Mt. Pleasant Addition, Block 9, Lots 7 & 9, owner-Nicholas Johnson and Cody Davis: Jonna Flemming spoke against the project because of parking and a narrow street. Jeff Flemming spoke against the project because of the parking, narrow street and the sewer issue when it rains.
- b) a rear and side yard setback variance at 201 Bishop St., Burleson Addition, Block 35, Lot 8, owner-John William Young, agent-Tom McClure: No one signed up to speak for or against the project.
- c) a zone change from Community Facility (CF) to General Commercial District (C-2) at 408 NW 2nd Street, Smithville Townsite Addition, Block 29, Lots 2, 3, & 4 (FR’s 0.30 Acres), owner-Steve Rogers: No one signed up to speak for or against the project.

Open Meeting:

Discussion and action on:

- a) a lot coverage variance for 308 3rd Ave., Mt. Pleasant Addition, Block 9, Lots 7 & 9, owner-Nicholas Johnson and Cody Davis:
 - 1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this Ordinance would

deprive the applicant of the reasonable use of his land; and: The two lots on which the proposed duplexes will be placed have vacant lots either side and a vacant lot in between the two. The entire block is under one ownership. It is the stated intent of the owners to increase the aesthetic appeal of the duplexes by placing them this way on the properties. The presence of mobile homes directly across the street limits the potential appeal of property, making development as long-term rental property a realistic use.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and: The owners intend to make the duplexes wheelchair accessible, and to provide garage and storage space. To accommodate this, each duplex will be 3,123 square feet, exceeding the 30% lot coverage guideline by 873sf for lot 7 and 738sf for lot 9.
3. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and: Adding rental property which will accommodate persons with limited mobility is a highly desirable use of vacant property in town. This represents revenue to the city as well as adding housing for the community. The City will also widen the road and be putting in sewer line for the project. There is no negative impact on public health, safety or welfare from this proposal.
4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance: This is not an issue with the requested variance.

Councilman Streuer made a motion to approve the lot coverage variance for 308 3rd Ave., Mt. Pleasant Addition, Block 9, Lots 7 & 9, owner-Nicholas Johnson and Cody Davis. Councilwoman Morgan seconded the motion and the vote was:

For: Streuer, Morgan, Rooks, Gordon

Against: Janak

- b) a rear and side yard setback variance at 201 Bishop St., Burleson Addition, Block 35, Lot 8, owner-John William Young, agent-Tom McClure

1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and: The garage on this property predated the ordinance that required a setback from the property line. It was the owner's intent to leave the existing garage in place while making renovations to it. When construction began, the discovery of significant termite and wood rot damage necessitated a complete replacement of all walls as a health and safety measure.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and: Given the layout of the property, it would be difficult to relocate the garage to allow the current setback requirement without negatively impacting the appearance and usability of the property.
3. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and: The garage will be rebuilt in place, so there will be no additional change to coverage on the lot. There is no impact on public health, safety or welfare.
4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance: This is not an issue with the requested variance.

Councilman Streuer made a motion to approve the rear and side yard setback to have a zero lot line. Councilman Gordon seconded the motion and the motion passed unanimously.

- c) a zone change from Community Facility (CF) to General Commercial District (C-2) at 408 NW 2nd Street, Smithville Townsite Addition, Block 29, Lots 2, 3, & 4 (FR's 0.30 Acres), owner-Steve Rogers: Councilwoman Morgan made a motion to

approve the zone change from CF to C-2. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on the Design Approval of the Panel for the NEA Mural Project at the DAEP at Loop 230 and Hwy 95: This agenda item was pulled and will be discussed at a later date there will not be any discussion or action on this item.

Discussion and Action on Amendment to Code of Ordinance-Chapter 3 Building Regulations by adding Article 3.1400: Industrial Housing & Buildings: Per the Texas Department of Licensing and Regulation (TDLR), a municipality cannot restrict and/or regulate the placement of Industrialized Housing & Buildings (aka modular homes) in a residential district unless a prior ordinance has been adopted to do so. Although the City of Smithville has adopted regulations for manufactured and mobile homes, the City of Smithville has no such ordinance on record that addresses modular homes. Adopting this ordinance will regulate the placement of modular homes in our residential district per TDLR 1202.253. Councilwoman Morgan made a motion to approve the amendment to Code of Ordinance-Chapter 3 Building Regulations by adding Article 3.1400: Industrial Housing & Buildings. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on the approval of a Resolution Approving a Rate Decrease for Gas-Utility Services Provided by CenterPoint Energy Resources, Corp. D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas-South Texas Division-Determining that this Resolution was passed in accordance with the requirements: The City is participating in the proceeding before the Railroad Commission and in its review of CenterPoint's rate case application, as part of the Alliance of CenterPoint Municipalities South Texas Division ("ACM"). Through ACM, the City engaged special counsel and rate consultants to review CenterPoint's application to increase rates. The City earlier took action on CenterPoint's Statement of Intent and suspended CenterPoint's proposed rate increase to allow its special counsel and rate consultants to review CenterPoint's application. After extensive review, the City's special counsel and rate consultants concluded that a decrease in CenterPoint's annual revenue requirement is in order. Their review suggests that CenterPoint's rates should be decreased by approximately \$5.0 million instead of an increase of about \$1.2 million (including the surcharge for hurricane expenses) as proposed by CenterPoint. If the City approves the reduction in non-gas revenue and the corresponding rates, the decrease would be effective on about May 22, 2018---the date the Railroad Commission is expected to consider the Settlement Agreement. Further, approval by the City means that CenterPoint would not submit an appeal of the merits of the City's decision to the Railroad Commission of Texas, thereby concluding the matter with regard to in-city rates at the City level. Approving this resolution will decrease the base rate CenterPoint can charge its customers. Councilwoman Morgan made a motion to approve a Rate Decrease for Gas-Utility Services Provided by CenterPoint Energy Resources, Corp. D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas-South Texas Division-Determining that this Resolution was passed in accordance with the requirements. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on approval of the Smithville HOME Program Waitlist Policy: Adopting a Home Grant Waitlist Policy is a requirement for continued participation in the Texas Department of Housing and Community Affairs (TDHCA) Home Grant program. Councilman Rooks made a motion to approve the Smithville HOME Program Waitlist Policy. Councilman Streuer seconded the motion and the motion passed unanimously.

Discussion and Action on the Financial Report: Councilwoman Janak made a motion to approve the Financial Report. Councilman Streuer seconded the motion and the motion passed unanimously.

Adjourn: at 7:05 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary