

CITY OF SMITHVILLE

April 10, 2017

COUNCIL MEETING

Present: Mayor Saunders, Councilmembers Troy Streuer, Bill Gordon, Rhonda Janak, Joanna Morgan, and City Manager Tamble. Not present Bennie Rooks

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

Invocation: William Brown from the Mt. Pilgrim Church gave the invocation.

Pledge of Allegiance: Councilman Streuer led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

Fourth grader Daucie Davis read her essay for Character Trait "Self-Discipline". Mayor Saunders presented a proclamation for "Motorcycle Safety", and "Lupus Awareness Month". Jill Strube gave a presentation on the TXDOT Transportation Alternatives Program (TAP) Grant.

Approval of the minutes from the March 13, 2017 Council Meeting and Public Hearing:

Councilman Gordon moved to approve the minutes as written for the March 13, 2017 Council Meeting and Public Hearing. Councilwoman Janak Seconded and the motion passed unanimously.

Discussion and Action on an Agreement with Bob Wynn for an Encroachment onto city property at 114 NE 2nd Street: Mr. Bob Wynn has purchased the old Vasek Automotive property and will begin remodeling and restoring the building. He would like to install and/or replace awnings and fencing that will encroach onto City property. There are existing encroachments (awnings) conveyed with the sale property. Councilwoman Morgan made a motion to approve an agreement with Bob Wynn for an Encroachment onto city property at 114 NE 2nd Street. Councilman Gordon seconded the motion and the motion passed unanimously.

Hear recommendations from Planning and Zoning on:

a) A minor re-plat to combine lots, at 100 Main Street, Smithville Townsite Addition, Block 43 Lots 1, 2, 3,4,5,6 & 11, owned by Project 100 Main Series, a series of Millspaugh Holdings LLC: Nancy Catherman said the P&Z recommended to approve the minor re-plat at 100 Main St.

b)(1) A minor re-plat to combine lots, at 101 Main Street, Smithville Townsite Addition, Block 42, Lot 101, Acres 0.084, Lot 104, Acres 0.084 (amended plat of lots 7,8,9 & 10), owned by Project 101 Main Series, a series of Millspaugh Holdings, LLC : Nancy Catherman said the P&Z recommended approving the minor re-plat at 101 Main St.

(2) A height variance not to exceed 47 feet at 101 Main Street owned by Project 101 Main Series, a series of Millspaugh Holdings, LLC: Nancy Catherman said the P&Z recommended approving the height variance at 101 Main St.

c) A review of application for Historic Marker/Designation for Mary Nichols Art Center at 301 Burleson Street – Nancy Catherman said the P&Z recommended approving the historical Marker /Designation for Mary Nichols Art Center at 301 Burleson Street.

Public Hearing:

Hear Citizen's comments on:

a)A minor re-plat to combine lots, at 100 Main Street, Smithville Townsite Addition, Block 43 Lots 1,2,3,4,5,6 & 11, owned by Project 100 Main Series, a series of Millspaugh Holdings LLC: There were no citizen signed up to speak for or against the minor re-plat at 100 Main St.

b) (1) A minor re-plat to combine lots, at 101 Main Street, Smithville Townsite Addition, Block 42, Lot 101, Acres 0.084, Lot 104, Acres 0.084 (amended plat of lots 7, 8, 9 & 10), owned by

Project 101 Main Series, a series of Millspaugh Holdings, LLC: There were no citizen signed up to speak for or against the minor re-plat at 101 Main St.

(2) A height variance not to exceed 47 feet at 101 Main Street owned by Project 101 Main Series, a series of Millspaugh Holdings, LLC: There were several citizens signed up to speak for and against the height variance. Susan Martin spoke for the height variance and said she was impressed with this project. Martin would even consider downsizing what she has and move into one of these condos. Martin likes the off-street parking covered and thinks this will be a good addition to the town and the height variance should not get in the way. Jeri Winslett feels strong about this project and thinks it will enhance sales tax, safety, and history of the town. Winslett is not bothered by the height and says Millspaugh is willing to listen to the community. She also thinks this building will be better than the empty lots that are there right now. Vickie Green spoke in favor of the project she likes that the 4th floor will be setback and have green space. Green likes that people could live here and walk around downtown at night. This will increase sales tax, hotel tax and property tax and will provide much needed housing. Caroline McClimon spoke against the project and said she supports growth but thinks Millspaugh has the cart before the horse. McClimon thinks Millspaugh needs to follow our current ordinance and to grant a variance he would need to have a hardship. McClimon said she has had numerous people come to her house concerned about this project and traffic. Rob Remlinger spoke against the project and said that 47' is too high and that Millspaugh should work within our ordinance. Remlinger said our town looks good the way it is and we can wait for the next guy to come along and build to our ordinance regulations without a variance. Victoria Allen spoke against the project she is concerned with traffic, water, and infrastructure. Millspaugh spoke about his project and said Smithville needs housing and hotels. Millspaugh said every project has to make money to support itself and he said the materials he is using are more expensive but are a better product and will last longer. Millspaugh said he has visited with many people and thinks it is good to hear more feedback. Millspaugh said he would like to withdraw the application for 101 Mains height variance, and 100 Main minor re-plat. Millspaugh left the minor re-plat for 101 Main to be voted on. Millspaugh was going to go back to the drawing board for both buildings.

c) A review of application for Historic Marker/Designation for Mary Nichols Art Center at 301 Burleson Street: There were no citizens signed up to speak for or against the Historical/Designation Marker.

Open Meeting:

a) A minor re-plat to combine lots, at 100 Main Street, Smithville Townsite Addition, Block 43 Lots 1, 2, 3, 4, 5, 6 & 11, owned by Project 100 Main Series, a series of Millspaugh Holdings LLC: This item was pulled by Millspaugh

b) (1) A minor re-plat to combine lots, at 101 Main Street, Smithville Townsite Addition, Block 42, Lot 101, Acres 0.084, Lot 104, Acres 0.084 (amended plat of lots 7,8,9 & 10), owned by Project 101 Main Series, a series of Millspaugh Holdings, LLC: Councilman Gordon made a motion to approve the minor re-plat at 101 Main. Councilwoman Morgan seconded the motion and the motion passed unanimously.

(2) A height variance not to exceed 47 feet at 101 Main Street owned by Project 101 Main Series, a series of Millspaugh Holdings, LLC: This item was pulled by Millspaugh

c) A review of application for Historic Marker/Designation for Mary Nichols Art Center at 301 Burleson Street: Councilwoman Morgan made a motion to approve the Historic marker/Designation for Mary Nichols Art Center. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on the 2014/2015 Fiscal Year Audit: Singleton, Clark & Company, PC completed the annual audit of the City of Smithville's 2015-16 financial statements. Mr. Clark

the City Auditor gave the results of the audit indicating the assets of the City exceeded its liabilities at the close of the fiscal year by \$10,193,831. Clark said the total net position of the city increased by \$505,783. The City's governmental funds reported a combined fund balance of \$1,518,205, an increase of \$328,916 in comparison with the prior year. The City's proprietary funds reported a combined fund balance of \$5,581,062, an increase of \$88,483 in comparison with the prior year. The audit reported no findings or questioned costs be reported in accordance with Government Auditing Standards. Councilwoman Morgan made a motion to approve the 2014/2015 Fiscal Year Audit. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on appointments to the Seton Smithville Hospital Board: The following appointments (2-year term) are:

- a) Ann Fulcher – Reappointment
- b) Dareld Morris III – Reappointment
- c) Joyce Klutts – Reappointment

Councilwoman Morgan made a motion to reappoint Ann Fulcher, Dareld Morris, and Joyce Klutts for another two year term on the Seton Smithville Hospital Board. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on the approval of bids for the 7th Street Drainage Improvements Project received from FEMA: Sealed bids for the 7th Street Detention Pond project were opened on April 7, 2017. Five (5) contractors submitted base bids ranging from \$762k to \$1.6M. Tim Sanders from BEFCO Engineering presented the bid tabulation and recommendation to the Council for consideration. Tim let the council know that 304 Construction was the lowest bid even with the add-ons. The add-ons are a chain-link fence with wooden slats to go around the pond and a chopper pump. Tim also said that 304 Construction didn't meet two of the requirements which were no financial statement, and didn't have 10 jobs that were at least ½ million dollar projects. Councilwoman Janak had an issue with them not having a financial statement then how will they get a bond? Councilman Streuer made a motion to waive the two requirements that 304 Construction didn't meet and accept 304 Construction's bid option F with all the add-ons. Councilwoman Morgan seconded the motion and the vote was:

For: Morgan, Streuer and Gordon

Against: Janak

Discussion and Action on a Resolution adjusting the rate for the use of the city warehouse dumpster for a 16-Foot Lowboy Trailer with and without sideboards: Requesting rate adjustment for dumping construction debris using 16-ft trailer at the City Warehouse. Councilman Janak made a motion to approve the rate change. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action in accordance with Chapter 4, Business Regulations, Article 4.200 Taxicabs, Section 4.203 Declaration of Public Convenience and Necessity as to the provision of a License to Steve Simmons to operate a taxi cab (SMUBER): Due to an error in the wording on last month's agenda, the Council took action on a misquoted section of the ordinance to approve an application for a taxicab license. In actuality, there was no application submitted. So, the Council had to re-approve or ratify the action confirming there is a need for a taxi service in Smithville. Councilwoman Janak made a motion to approve Chapter 4, Business Regulations, Article 4.200 Taxicabs, Section 4.203 Declaration of Public Convenience and Necessity as to the provision of a License to Steve Simmons to operate a taxi cab (SMUBER). Councilman Streuer Seconded the motion and the motion passed unanimously.

Discussion and Action on CenterPoint Energy 2017 Annual GRIP Adjustment: CenterPoint Energy is asking the Texas Railroad Commission for a Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment (IRA) to their base rate(s). Under Texas law (re: Gas Utilities Regulatory Act). The rate will be increased by \$2.04/month for residential service and \$4.13/month for small commercial service. The adjusted monthly charge (base rate) will be \$23.24 and \$38.87 respectively. This represents an average increase of 10-12%. The rate increase will help recover \$30.1M of incremental spending for capital infrastructure improvements in its South Texas Division during 2016. The proposed IRA will become effective on May 29, 2017 unless the City chooses to suspend the IRA effective date until July 13, 2017.

Councilwoman Morgan made a motion to suspend the IRA effective date until July 13, 2017. Councilman Gordon 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 7:39 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary