

CITY OF SMITHVILLE

June 11, 2018

COUNCIL MEETING

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

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

*Invocation:* Cindy Leeton gave the invocation.

*Pledge of Allegiance:* Councilwoman Morgan led the pledge.

*Recognition/Awards/Proclamations/Announcements/Presentations:* A proclamation was given by the Mayor in recognition of "Healthy Summer Meals", "Flag day", and "Kindness City". April Daniels gave a presentation on the new billboard that will be placed on Hwy 71.

*Approval of the minutes from May 14, 2018, Council Meeting and Public Hearing:* Councilman Gordon moved to approve the minutes as written for May 14, 2018, Council Meeting and Public Hearing Councilwoman Barrientos Seconded and the motion passed unanimously.

Hear recommendation from Planning and Zoning on:

- a) a 30% coverage variance and rear yard setback variance at 702 Garwood A46 Lomas, L., Acres 0.19622, Owner-Horace and Joan Russell – Nancy Catherman said the P&Z commission recommended approving this variance.
- b) a front yard and side yard setback variance at 402 4<sup>th</sup> Ave., Mt. Pleasant Addition, Block 15, Lots 1 & 2, Owner-Guy Barnes: Nancy Catherman said the P&Z commission recommended approving this variance.
- c) a side yard setback variance and a noise barrier wall variance at 400 Royston, Smithville Townsite Addition, Block 10, Lots 3 & 4, Owner-Michael & Cynthia Davis: Nancy Catherman said the P&Z commission recommended approving this variance.
- d) a minor re-plat at 1402 NE 7<sup>th</sup> Street, Riverdale Addition, Lot 126 Acres 2.000, Owner-Jeannie Ralph – Nancy Catherman said the P&Z commission recommended approving this minor re-plat.

**Public Hearing:**

Hear Citizen's comments on:

- a) a 30% coverage variance and rear yard setback variance at 702 Garwood A46 Lomas, L., Acres 0.19622, Owner-Horace and Joan Russell: No one signed up to speak for or against this project.
- b) a front yard and side yard setback variance at 402 4<sup>th</sup> Ave., Mt. Pleasant Addition, Block 15, Lots 1 & 2, Owner-Guy Barnes: No one signed up to speak for or against this project.
- c) a side yard setback variance and a noise barrier wall variance at 400 Royston, Smithville Townsite Addition, Block 10, Lots 3 & 4, Owner-Michael & Cynthia Davis: No one signed up to speak for or against this project.
- d) a minor re-plat at 1402 NE 7<sup>th</sup> Street, Riverdale Addition, Lot 126 Acres 2.000, Owner-Jeannie Ralph: No one signed up to speak for or against this project.

**Open Meeting:**

- a) a 30% coverage variance and rear yard setback variance at 702 Garwood A46 Lomas, L., Acres 0.19622, Owner-Horace and Joan Russell:
  - 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: This request for shade coverage over part of an existing patio and an awning between an existing workshop and the alley over an existing concrete pad. Impervious cover is not increased, but the ordinance specifies roof coverage in considering the 30% coverage, so a variance is required.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and: Noise from the increased traffic on the Colorado Rd overpass is also a detriment to the enjoyment of the outdoor space. Trees that were shading the patio have died, so shade coverage is needed to make this area usable.
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: 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.

Councilwoman Morgan made a motion to approve both the 30% coverage( 245' over) variance and the rear yard setback variance. Councilman Rooks seconded and the motion passed unanimously.

b) a front yard and side yard setback variance at 402 4<sup>th</sup> Ave., Mt. Pleasant Addition, Block 15, Lots 1 & 2, Owner-Guy Barnes:

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 house restoration addressed by this variance requires the variance so that the rebuilt portion of the house will be in line with the existing portion which is not ordinance complaint but is grandfathered due to the construction predating the ordinance.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and: Without rebuilding the section for which the variance is requested, the house would not have a bathroom.
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: 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 Gordon made a motion to approve the front and side yard setbacks. Councilwoman Barrientos seconded and the motion passed unanimously.

c) a side yard setback variance and a noise barrier wall variance at 400 Royston, Smithville Townsite Addition, Block 10, Lots 3 & 4, Owner-Michael & Cynthia 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 proposed construction of three additional bays on this commercial property will bring the structure to within just over 1 foot from the property line. The original portion of the structure is grandfathered from a requirement to comply with privacy fence/noise barrier between the commercial property and the single adjacent residential property. The space between the building and the alley is now used for parking. If a fence is required, this space would be unusable.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and: The owner maintains, and the affected resident agrees, that the proposed addition will offer more sound protection and privacy than would a wooden fence. Allowing the addition to serve the

purpose of a barrier reserves the parking for the commercial establishment and satisfies the right of the affected resident.

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: There is no impact on public health or safety. The welfare of the adjacent resident is satisfactorily addressed.
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.

Councilwoman Barrientos made a motion to approve both the side yard variance and the noise barrier wall variance. Councilman Gordon seconded and the motion passed unanimously.

d) a minor re-plat at 1402 NE 7<sup>th</sup> Street, Riverdale Addition, Lot 126 Acres 2.000, Owner- Jeannie Ralph: Councilwoman Barrientos made a motion to approve the minor re-plat. Councilwoman Morgan seconded the motion and the motion passed unanimously.

Discussion and Action on approval of the working model for the mural art project: Clover Cochran made a presentation to the Council regarding the proposed mural on the DEAP building for the NEA grant mural. Councilman Gordon made a motion to approve the working model for the mural art project. Councilwoman Morgan seconded and the motion passed unanimously.

Discussion and Action on a Resolution authorizing the submission of a grant application with the United States Department of Agriculture (USDA) Rural Development (RD)-Water and Waste Disposal Direct Loan/Grant Program, for a Pre-Development Planning Grant (PPG); adopting the USDA-RD processing forms; authorizing the Mayor to act on behalf of the city in all matters related to the PPD Application and pledging the City will comply with USDA-RD Program Requirements: The USDA provided the City of Smithville with a "Letter of Conditions," which means that they intend to follow through with the grant request for funds for the PER/ER on the SH95 Utilities Upgrade and Relocation project. The total cost is \$30,000. The City will be required to pay 25% (\$7,500). Councilwoman Morgan made a motion to approve the submission of a grant application with the United States Department of Agriculture (USDA) Rural Development (RD)-Water and Waste Disposal Direct Loan/Grant Program, for a Pre-Development Planning Grant (PPG); adopting the USDA-RD processing forms; authorizing the Mayor to act on behalf of the city in all matters related to the PPD Application and pledging the City will comply with USDA-RD Program Requirements. Councilman Rooks seconded and the motion passed unanimously.

Discussion and Action on awarding the Administration/Management Services contract for preparation of a FEMA Hazard Mitigation Grant (HMG) per DR-4332 (Hurricane Harvey) to be used for the construction of a new stormwater drainage system and the reconstruction of existing 2nd Street to mitigate up to a 10-year storm event.: A request for Administration / Management Services was published in the Smithville Times and Bastrop Advertiser as required by the FEMA Hazard Mitigation Grant Program. Langford Community Management Services (LCMS) was the only qualified management consulting firm who submitted a proposal. The cost of preparing/submitting the HMGP application is \$1,000. The fee for administrative grant management services (subsequent to grant funding) will be negotiated at the time of contract with FEMA. However, the cost will not exceed 5% of the total grant amount. If awarded, the HMGP grant will be used for the design and construction of a new (upgraded) drainage system to help alleviate repetitive flooding of multiple businesses and residences in the downtown area. Specifically, on and around NW 2nd Street from Gresham to Hwy 95. Councilwoman Morgan made a motion to award Langford Community Management the Administration/Management Services contract. Councilwoman Barrientos seconded and the motion passed unanimously.

Discussion and Action on awarding the Engineering Services contract for preparation of a FEMA Hazard Mitigation Grant (HMG) per DR-4332 (Hurricane Harvey) to be used for the construction of a new stormwater drainage system and the reconstruction of existing 2nd Street to mitigate up to a 10-year storm event: A request for Engineering Services was published in the Smithville Times and Bastrop Advertiser as required by the FEMA Hazard Mitigation Grant Program.

Proposals for engineering services were received and reviewed by City staff on 6/7/18. Experience, work performance, and capacity to perform were criteria used by the City staff to evaluate/differentiate each engineering consultant's qualifications. BEFCO Engineering, Inc. and KSA were the two (2) engineering services consultants who submitted proposals. BEFCO Engineering, Inc received the highest rating. The cost for engineering services is typically 10-12% of the total project cost. Councilwoman Morgan made a motion to award BEFCO Engineering, Inc. the Engineering Services contract. Councilman Gordon seconded and the motion passed unanimously.

*Discussion and Action on the Financial Report:* Councilman Rooks made a motion to approve the Financial Report. Councilwoman Barrientos seconded the motion and the motion passed unanimously.

*Adjourn:* at 7:07 p.m.

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Scott Saunders Jr., Mayor

Attest:

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Jennifer Lynch, Asst. City Secretary