

# CITY OF SMITHVILLE

August 8, 2016

## COUNCIL MEETING

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

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

*Invocation:* City Manager Tamble gave the invocation.

*Pledge of Allegiance:* Councilman Gordon led the pledge.

*Recognition/Awards/Proclamations/Announcements/Presentations:* No Awards, Proclamations or Announcements.

*Approval of the minutes from the July 11, 2016 Council Meeting and the July 12, 2016 Council Workshop:* Councilman Gordon moved to approve the minutes as written for both the Council Meeting and Workshop. Councilman Rooks seconded and the motion passed unanimously.

*Hear recommendations from Planning and Zoning on a Height Variance not to exceed 47 feet from surface of the floor on the first level on building located at Smithville Townsite Blk. 33, Lot 5-6, 7 FR, owner Sidney Millspaugh:* Nancy Catherman gave a recommendation to approve the height variance not to exceed 47 feet from surface of the floor on the first level on building.

### **Public Hearing:**

*Hear citizens comments on a Height Variance not to exceed 47 feet from surface of the floor on the first level on building located at Smithville Townsite Blk. 33, Lot 5-6, 7 FR, owner Sidney Millspaugh:* Don Green signed up to speak about the height variance he wanted to make sure the slab would hold the building, the noise would stay down, alley would not be blocked, wanted locale contractors if possible, make sure the side walk would be covered and wanted to know a timeline when this project would be complete. Over all Don Green said he was for the new building being built.

### **Open Meeting:**

*Discussion and Action on a Height Variance not to exceed 47 feet from surface of the floor on the first level on building located at Smithville Townsite Blk. 33, Lot 5-6, 7 FR, owner Sidney Millspaugh.* Mayor Saunders made an announcement that the owner is not Sid Millspaugh but it is Project 210 Maney Series, a series of Millspaugh Holdings LLC. Mr. Millspaugh is asking for a height variance at 210 Main (formerly Family Dollar) so that he can construct a building with a façade that replicates the old Maney Opera House. Parking and retail will be located on the bottom floor with residential living space above. Councilman Rooks made a motion to approve the Height Variance Councilwoman Janak seconded the motion and the motion pass unanimously.

*Discussion and Action on a Quitclaim Deed for the alley located between Lot 6 and Lot 7 in Block 1 of the Mt. Pleasant Addition – Ricky Stockton (400 Live Oak) and Cody Dawson (303 Live Oak) would like the City to approve a quitclaim deed to abandon the 20' alley between their*

properties. The alley is not developed and approval will place the property on the tax roll. Councilman Rooks made a motion approve the quick claim deed. Councilman Gordon seconded the motion and the motion passed unanimously.

*Discussion and Action on a Resolution Authorizing the Submission of a Texas Community Development Block Grant (TxCDBG) Program Application to the Texas Department of Agriculture for the Community Enhancement Fund: and Authorizing the City Manager to Act as the City's Executive Officer and Authorized Representative in all Matters Pertaining to the City's Participation in the Texas Community Development Block Grant Program:* The City is applying for a TXCDBG Community Enhancement Fund (CEF) grant for new kitchen / restroom facilities, playground equipment, and a covered pavilion (with a lighted basketball court) at MLK Park. The grant award amount is for \$500k with a 5% (\$25k) match. Offered through an annual application cycle, the purpose of the CEF is to achieve the goals of the TXCDBG Program by providing funds to enhance a local community's needs to improve: Public Health; Community Centers; Workforce Development/Education; Public Safety; and/or Renewable Energy (as part of a public facility). A covered pavilion at MLK Park would provide an outdoor venue for citizens to utilize for family reunions, picnics, and/or special events. The facility could then be reserved / rented to provide an additional revenue source for general park maintenance and upkeep. Rental rates (at a minimum) would be \$200 for the pavilion and \$150 for the kitchen area. The CEF grant requires partnerships with community organizations to help cover the grant match. Monetary contributions and/or in-kind services will qualify. The Smithville Community Gardens and the Smithville Volunteer Fire Department have agreed to donate \$5k toward the \$25k match as well as providing in-kind services (e.g., help with landscaping and maintenance) for a period of not less than 10-years. We are still looking for additional community sponsors. Councilwoman Janak made a motion authorizing the Submission of a Texas Community Development Block Grant (TxCDBG) Program Application to the Texas Department of Agriculture for the Community Enhancement Fund and Authorizing the City Manager to Act as the City's Executive Officer and Authorized Representative in all Matters Pertaining to the City's Participation in the Texas Community Development Block Grant Program. Councilman Gordon seconded the motion and the motion passed unanimously.

*Discussion and Action on a Resolution Adopting a Language Access Plan as required for participation with the Texas Department of Housing and Community Affairs (TDHCA) Home Program to be updated from time to time:* The Language Access Plan assures the TDHCA that the City is taking the appropriate steps to educate and inform non-English speaking residents of Smithville about the HOME grant program. Public notices pertaining to the HOME grant are published in both Spanish and English. In addition, the City employs several bi-lingual personnel who can communicate HOME grant information to non-English speaking members of our community. Councilman Streuer made a motion to adopt a Language Access Plan. Councilwoman Janak seconded the motion and the motion passed unanimously.

*Discussion and Action on a Resolution Appointing the City Manager as the Chief Executive Officer and Authorized Representative to Act in all Matters in the connection with the FEMA Mitigation Project and Committing the City to provide Local Matching Funds to secure and complete the FEMA Mitigation Grant:* Approving this resolution will allow the City of Smithville to apply for additional funding to help mitigate city-wide drainage issues associated with the 2016 Tax Day Flood (DR-4269). The FEMA mitigation grant requires a 75/25 match. The funds will be used to install drain lines to help alleviate flooding on Gentry and Hardeman (RVICS area) and purchase a 6" suction pump to remove / divert water from flood-prone areas. The preliminary estimate is \$300k (\$75k match). Note: FEMA award scoring criteria takes into

consideration the mitigation project's benefit/cost analysis, obtaining environmental clearance, Tribal Nation approval, results of artifact/antiquities search, and prior grant award status. Scores are then compared to other municipality's scores with the highest scores receiving priority for award distribution. Councilman Gordon made a motion to appoint the City Manager as the Chief Executive Officer and Authorized Representative to Act in all Matters in the connection with the FEMA Mitigation Project and Committing the City to provide Local Matching Funds to secure and complete the FEMA Mitigation Grant. Councilman Streuer seconded the motion and the motion passed unanimously.

*Discussion and Action on a Resolution authorizing the City Manager to enter into an Economic Development Program Agreement with Omega Bronze:* On June 30, 2011, Stephen Zabel (Omega Bronze) entered into a lease agreement with the City of Smithville for 0.505 acre lot and a 45'x75' metal building at \$1000 / month. The building and lot are located on a 2.50 acre parcel (#R77209) that the City of Smithville currently owns. The five (5) year lease term began on January 1, 2012 and will end December 31, 2016. Earlier this year, Mr. Zabel contacted Robert Tamble about the possibility of purchasing the foundry property located on 902 SOUTHEAST 2ND STREET to allow for expansion. Stephen is currently leasing the property (and foundry building) from the City. The Fair Market Value (FMV) of the property (with the 45'x75' metal building) is \$90k. Should you approve the resolution to allow the City to enter into a 380 Agreement with Omega Bronze, we can sell the property. The lease term will be accelerated and a closing date set for September 23, 2016. Selling the property will allow opportunity for expansion, provide new jobs, and add money to the tax roll. Councilwoman Janak made a motion to authorizing the City Manager to enter into an Economic Development Program Agreement with Omega Bronze. Councilman Rook seconded the motion and the motion passed unanimously.

*Discussion and Action on amendments to the City Code:*

a) *Chapter 3-Building Regulations, Article 3.1300: Other Codes:* Due to an inadvertent clerical error, the City never adopted the 2006 Property Maintenance Code. This documents the statutory requirement for residents having electric, water, and sewer in order for their homestead to be considered habitable. Per City ordinance, it is illegal to live in a house without working electricity, running water, or sewer. Councilman Rooks made a motion to amend the City Code Chapter 3-Building Regulations, Article 3.1300. Councilman Streuer seconded the motion and the motion passed unanimously.

b) *Chapter 2-Animal Control, Article 2.300: Licensing; Section 2.306 Penalty:* Current ordinance does not address fine for non-registered animals. The fine for not registering animals will be set at the September Council meeting as part of the budget approval/adoption process. Councilman Streuer made a motion to amend the City Code Chapter 2-Animal Control, Article 2.300: Licensing; Section 2.306 Penalty. Councilwoman Janak seconded the motion and the motion passed unanimously.

*Discussion and Action on a Proposal to set the Ad Valorem Tax Rate at the September 12, 2016 Council Meeting:* The City will be setting a PROPOSED AD VALOREM TAX RATE of 0.565987 cents --- an INCREASE of 0.01255 cents from our current rate of 0.553438. The effective tax rate was significantly lower this year due to the increase in assessed property values. The City of Smithville 2016 assessed property tax value is \$207M....up from \$198M in 2015. This will bring in \$48k of revenue to the General Fund without raising taxes and \$73k if the decision is made to raise taxes at the rollback rate. Councilman Gordon made a motion to approve the Proposal to

set the Ad Valorem Tax Rate at the September 12, 2016 Council Meeting. Councilwoman Janak seconded the motion and the motion passed unanimously.

*Approval of the Financial Report:* Councilman Gordon made a motion to approve the report. Councilman Rooks seconded and the motion passed unanimously

*Adjourn:* Councilman Rooks made a motion to adjourn Councilman Gordon seconded and the motion passed unanimously. The meeting adjourned at 6:55 p.m.

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Scott Saunders Jr., Mayor

Attest:

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Jennifer Lynch, Asst. City Secretary