

CITY OF SMITHVILLE
December 11, 2017
COUNCIL MEETING

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

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

Invocation: Johnny Ray Thomas gave the invocation.

Pledge of Allegiance: Councilman Rooks led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations: Caydence Kimball read her essay on the Character Trait word "Perseverance". Mayor Saunders read a proclamation for "It's Time Texas". Mayor recognized Noon Lions Club for receiving disaster recovery funds from Smithville, MO. to help Smithville, TX. Robert made an announcement that the new app See Click Fix would launch December 12, 2017 to allow the citizens to turn in their own work orders on this app.

Approval of the minutes from the November 13, 2017 Council Meeting and Public Hearing and the December 7, 2017 Workshop: Councilwoman Janak moved to approve the minutes as written. Councilman Gordon seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning (Nancy Catherman) on:

- a) a lot coverage variance and rear yard setback variance for 201 Bishop Burluson Addition, Block 35 Lot 8, owner John William Young - agent Tom McClure: Nancy Catherman said P& Z recommended approving the coverage variance and the rear yard setback.
- b) a lot coverage variance for 702 Burluson, Burluson Addition, Block 4A, Lot 3, owner Joelon R/E LLC, agent Marilyn Hill: Nancy Catherman said P&Z recommended approving the coverage variance.
- c) a zone change from Single Family District (SF-1) to Planned Development District (PDD) being 97.170 acres in the Edward Burluson Survey A-16 property ID# 72231, Owner Hurta Land, Inc. Nancy Catherman said P&Z recommended approving the zone change with a vote of 4 for and 1 against.

Public Hearing:

Hear citizen's comments on:

- a) a lot coverage variance and rear yard setback variance for 201 Bishop Burluson Addition, Block 35 Lot 8, owner John William Young - agent Tom McClure: No one signed up to speak for or against this item.
- b) a lot coverage variance for 702 Burluson, Burluson Addition, Block 4A, Lot 3, owner Joelon R/E LLC, agent Marilyn Hill: No one signed up to speak for or against this item.
- c) a zone change from Single Family District (SF-1) to Planned Development District (PDD) being 97.170 acres in the Edward Burluson Survey A-16 property ID# 72231, Owner Hurta Land, Inc: Freddy Bertsch signed up to speak against this project. He thinks that developing this land will cause flooding for the American Legion. He said they have never had to purchase flood insurance but now are considering it. Guy Farmer said he had no issue with the plan and thinks the Smithville needs more housing but he thinks the City is moving too fast and not following our guidelines. Robert Tamble said he had a letter from the City Attorney stating that the City is doing everything accordingly.

Hear citizen comments on a proposed ordinance amendment on Chapter 2 Animal Control, Article 2.809, Location of Space Allotted, for horses within the city limits: Stephanie Distefano' spoke in favor of allowing horses in town she thinks it will be vital and good for Smithville. Dawon Coleman spoke in favor of the horses; he grew up here in Smithville around horses and thinks this would be a positive outlook on horses. Maggie Leary spoke in favor of the horses and though it is so cool to see horses in town. Ted LeVieux' spoke in favor of the horses and thinks people will remember Smithville because of the horses.

Open Meeting:

Discussion and Action on:

- a) A lot coverage variance and rear yard setback variance for 201 Bishop Burluson Addition, Block 35 Lot 8, owner John William Young agent Tom McClure: Councilman Janak made a motion to approve the coverage variance of 579 sq. ft. and the rear yard setback. Councilman Gordon seconded the motion and the motion passed unanimously.
- b) A lot coverage variance for 702 Burluson, Burluson Addition, Block 4A, Lot 3, owner Joelon R/E LLC, agent Marilyn Hill: Councilman Streuer made a motion to approve the coverage variance of 461 sq. ft. and grant this to the soon to be new owner Marilyn Hill. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and action on adopting an ordinance to re-zone 97.170 acres located within the City limits of Smithville, Texas from SF-1 to the Hurta River Estates Planned Development District: Brook Hurta and Tim with BEFCO were at the meeting to speak about the project. Brook said that the project will not flood the American Legion if anything floods the American Legion it would be the river coming up. Councilwoman Janak asked Tim if the engineering study showed zero impact on the American Legion and he said yes it showed zero impact on the Legion. Councilwoman Janak also asked if they knew if they changed anything major they would have to come back to P&Z and Council, they said yes they knew that. Councilman Gordon made a motion to adopt an ordinance to re-zone 97.170 acres located within the City limits of Smithville, Texas from SF-1 to the Hurta River Estates Planned Development District. Councilman Rooks Seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution supporting the city entering into an Economic Development Program Agreement (380 Agreement) with Hurta Land, Inc.: The purpose of the 380 Agreement is to promote economic development within the City. The agreement lists terms, conditions, incentives, and obligations of both parties as it pertains to the planned development of the Hurta Property. Councilman Rooks said he spoke with his CPA and he said this looked good and would be good for the City. Mayor Saunders read a statement from Councilwoman Morgan saying that she agrees with this agreement and it is fair to both parties. Councilwoman Janak made a motion to approve a Resolution supporting the city entering into an Economic Development Program Agreement (380 Agreement) with Hurta Land, Inc. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on an Ordinance Amending Chapter 2 Animal Control, Article 2.809 Location of Space Allotted, by creating and revising Section (a) (2) Horses: Councilwoman Janak made a motion to approve the Ordinance Amending Chapter 2 Animal Control, Article 2.809 Location of Space Allotted, by creating and revising Section (a) (2) Horses. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on an Ordinance Closing, Vacating and Abandoning an alley in the Mount Pleasant Addition, Block 9, Lots 1-10, to Nicholas Johnson and Cody Davis: Councilman Streuer made a motion to approve an Ordinance Closing, Vacating and Abandoning an alley in the Mount Pleasant Addition, Block 9, Lots 1-10, to Nicholas Johnson and Cody Davis. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on an Ordinance amending Article 1.100, Section 1.109 General Penalty for Violations of Code, (b) Citations: Approving this ordinance will allow the City's Code Enforcement Officer and Building Inspector to issue citations for violation of City code. Councilman Streuer made a motion to approve the Ordinance amending Article 1.100, Section 1.109 General Penalty for Violations of Code, (b) Citations. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution Suspending the Effective Date for Ninety Days in Connection with the Rate Increase Filing made by CenterPoint Energy Resources Corporation,

finding that the Meeting Complies with the Open Meetings Act; Making other Findings and Provisions Related to the Subject, and Declaring an Effective Date : Over the past several years, CenterPoint has filed multiple Gas Reliability Infrastructure Program (GRIP) increases that have raised consumer gas rates. A gas utility may only make 5 GRIP increases between general rate cases. After the fifth GRIP filing, the utility must file a general rate case. For CenterPoint-South Texas Division, the general rate case was filed with the Railroad Commission just before Thanksgiving. The City has three options: 1) Do nothing, and CenterPoint's proposed change in rates will go into effect on the 35th day after CenterPoint submits its application to the city; 2) Within 35 days from the date CenterPoint files its application, "suspend" CenterPoint's proposed effective date for its change in rates for 90 days, this giving the cities 125 days to review CenterPoint's application and make a final decision on it; almost always the utility's propose the earliest possible effective date, which is 35 days after it files its application; or 3) Within 35 days from the date CenterPoint files its application, deny CenterPoint's proposed change in rates; a denial of the application will mean that CenterPoint will file an appeal to the Railroad Commission. The City of Smithville is a member of the Alliance of CenterPoint Municipalities (ACM). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") and has been represented by the law firm of Herrera & Boyle, PLLC to assist in reviewing applications to change rates submitted by CenterPoint. The alliance met on several occasions to discuss the matter and came to the conclusion that the best approach is to "suspend" the effective date for 90-days. Councilwoman Janak made a motion to approve a Resolution Suspending the Effective Date for Ninety Days in Connection with the Rate Increase Filing made by CenterPoint Energy Resources Corporation, finding that the Meeting Complies with the Open Meetings Act; Making other Findings and Provisions Related to the Subject, and Declaring an Effective Date. Councilman Streuer seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution Designating Authorized Signatories for Contractual Documents and Documents for Requesting Funds Pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract: Councilwoman Janak made a motion to approve the Resolution. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution Authorizing the Submission of a Texas Home Investment Partnerships Program Application to the Texas Department of Housing and Community Affairs for Participation in the Home Program Reservation System; 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 Home Program Reservation System: Councilwoman Janak made a motion to approve the Resolution. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution Supporting Bastrop County's Grant Application to CAPCOG for Improvements to the Household Hazardous Waste Facility in Smithville :The City of Smithville is providing in-kind support services to the Bastrop County Household Hazardous Waste Facility by writing the CAPCOG Solid Waste Grant Program application on the County's behalf. This grant request is for improvements to the facility, including canopy and slab expansion. The request will also include funding to update the County's "Talking Trash" Guide and the KBCB Interactive Matrix that supports it. The bid for the slab is \$28,800 and the bid for the canopy is \$17,891. The KBCB work is expected to be about \$1,500. The total grant request will therefore be \$48,191. Councilman Gordon made a motion to approve the Resolution. Councilman Streuer seconded the motion and the motion passed unanimously

Discussion and Action on a Resolution for a Grant Application to CAPCOG for Improvements to the Recycle Center in Smithville: The City of Smithville will be seeking funds through the CAPCOG Solid Waste program to replace the metal building for the plastic and cardboard

collection area at the Recycling Center. Councilman Rooks made a motion to approve the Resolution. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution in Support of a TXDOT Application for Grant Funding for SH95 Improvements in Smithville: Councilman Gordon made a motion to approve the Resolution. Councilwoman Janak seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution amending rates of service by setting an inspection/permit fee for the stalling of horses on a city lot: Councilman Streuer made a motion to approve the Resolution. Councilman Gordon seconded the motion and the motion passed unanimously.

Discussion and Action on a Resolution Casting the City's vote for the person or persons to the Board of Directors of the Bastrop Central Appraisal District for a two-year term: Nominations for the BCAD Board of Directors are due. The City of Smithville has 52 votes to cast out of a total of 5000 votes. Councilwoman Janak made a motion to cast 26 vote for Bill Hector and 26 votes for Dennis Snyder. Councilman Streuer seconded the motion and the motion passed unanimously.

Discussion and Action on appointment of a member to the Smithville Housing Authority Board: Request appointment of Janis Bruno to replace Susan Thomas to serve 2-year term as a member of the Smithville Housing Authority Board. Councilman Streuer made a motion to appoint Janice Bruno to the Smithville Housing Board. Councilwoman Janak seconded the motion and the motion passed unanimously.

Approval of the Financial Report: Councilman Streuer made a motion to approve the report. Councilwoman Janak seconded and the motion passed unanimously.

The meeting adjourned at 8:04 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary