

CITY OF SMITHVILLE

DECEMBER 14, 2020

COUNCIL MEETING

Present: Mayor Scott Saunders Jr, Councilmembers, Mike Kahanek, Janice Bruno, Bill Gordon, Joanna Morgan, Sharon Foerster, and City Manager Robert Tamble. This meeting was a zoom Conference call for everyone but the Council and staff.

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

Invocation: Robert Tamble gave the invocation.

Recognition/Awards/Proclamations/Announcements/Presentations: Mayor Saunders and Councilmembers signed their pledge for the “It’s Time Texas Challenge”.

Approval of the minutes from November 9, 2020, Council Meeting and Public Hearing and November 16, 2020, Special Called Council Meeting: Councilwoman Bruno moved to approve the minutes. Councilman Gordon seconded and the motion passed unanimously.

Hear recommendation from Planning and Zoning on:

- a. On a 10 ft side yard setback variance at 300 4th Avenue, Mount Pleasant Block 8 Lot 1, R17249, Owner Aaron Kimball: Brian Riewe said the P&Z recommended denying the variance.
- b. On a minor re-plat at 216 & 218 Washington St., Townsite Block 70 Lots 19 & 20, (R20266 & R20262) Owner- Ramon Oscar Gonzales, agent Cynthia Gonzales: Brian Riewe said the P&Z recommended approving the Minor re-plat.
- c. On a minor re-plat at 301 San Jacinto, Smithville City Block 89 lot 1 & ½ of 2 (R20790) Owner- Michael and Danielle Davis: Brian Riewe said the P&Z recommended approving the variance and re-plat.

**Public Hearing:**

- a. On a 10 ft side yard setback variance at 300 4th Avenue, Mount Pleasant Block 8 Lot 1, R17249, Owner Aaron Kimball: No one signed up to speak for or against this item.
- b. On a minor re-plat at 216 & 218 Washington St., Townsite Block 70 Lots 19 & 20, (R20266 & R20262) Owner- Ramon Oscar Gonzales, agent Cynthia Gonzales: No one signed up to speak for or against this item.
- c. On a minor re-plat at 301 San Jacinto, Smithville City Block 89 lot 1 & ½ of 2 (R20790) Owner- Michael and Danielle Davis: No one signed up to speak for or against this item.
- d. On a Petition to Annex 20.767 acres situated in the Thomas DeCrow Survey, A-27, in Bastrop County Texas and 2,093 square feet within a proposed ingress/egress easement tract situated in the Thomas DeCrow Survey, A-27, Tract 4B, Acres 0.163

in Bastrop County Texas Owner Dan Vogler-Pentric, Inc.: No one signed up to speak for or against this item.

### **Open Meeting:**

Council Discussion and Action on:

- a. On a 10 ft side yard setback variance at 300 4th Avenue, Mount Pleasant Block 8 Lot 1, R17249, Owner Aaron Kimball: Mr. Kimball would like a 5-ft side yard setback instead of the 15-ft requirement for an SF-2 corner lot. Three (3) citizens submitted letters to the P&Z against approving the variance. Mr. Kimball responded and assured he understands the neighbor's concerns. Councilwoman Foerster made a motion to approve the Variance. Councilman Gordon seconded the motion and the vote was:  
For: Foerster, Gordon, Bruno, and Kahanek  
Against: Morgan
- b. On a minor re-plat at 216 & 218 Washington St., Townsite Block 70 Lots 19 & 20, (R20266 & R20262) Owner- Ramon Oscar Gonzales, agent Cynthia Gonzales:Mr. Gonzales would like to consolidate two parcels into one. Councilman Gordon made a motion to approve the re-plat. Councilwoman Morgan seconded and the motion passed unanimously.
- c. On a minor re-plat at 301 San Jacinto, Smithville City Block 89 lot 1 & ½ of 2 (R20790) Owner- Michael and Danielle Davis: Mr. and Mrs. Davis would like to split 1-1/2 lots into two (2) separate lots so they can build two new homes. This will require a minimum lot size variance to allow the two homes to be built. The property is currently zoned SF-2 and the minimum lot size requirement is 6500 ft<sup>2</sup>. Mr. and Mrs. Davis are seeking a variance of approximately 250 ft<sup>2</sup>. Councilwoman Bruno made a motion to approve the variance and re-plat. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments on:

Discussion and Action on a 380 Economic Development Agreement between Dan Vogler/CEO-Pentric, Inc. (Smithville Solar One, LLC) and the City of Smithville: Chapter 380 of the Texas Local Government Code authorizes municipalities to offer incentives designed to promote economic development such as commercial and retail projects. The terms of this 380 Agreement require Pentric and Smithville Solar One, LLC to voluntarily annex a 20.93-acre tract of land into the city limits. The land will be used to construct a phased solar energy development with the intent to sell solar electricity to the City of Smithville pursuant to the terms included in the Solar Power Purchase Agreement (PPA) previously executed on 12/9/2019. In return, the City of Smithville will provide services (e.g., fire, police, garbage, water, and sewer) and offer approximately \$30k of performance-based incentives in the form of property tax reimbursements over the next 5-years. The cost of the incentives will be offset by the savings generated from the PPA. Councilman Gordon made a motion to approve the 380 Economic Development Agreement. Councilman Kahanek seconded and the motion passed unanimously.

Discussion and Action on a Service Plan Agreement with Dan Vogler/CEO-Pentric, Inc. and the City of Smithville on 20.767 acres situated in the Thomas DeCrow Survey, A-27, and 2,093 square feet within a proposed ingress/egress easement tract situated in the Thomas DeCrow Survey, A-27, Tract 4B, Acres 0.163 in Bastrop County Texas: Pursuant to Texas Local Government Cod 43.0672, the City shall identify and provide mutually-agreed municipal services within 60-days of annexation. Mr. Dan Vogler (property owner) has agreed to the terms and conditions of the Service

Plan Agreement. Approving the service agreement is a pre-requisite for annexation. Councilwoman Morgan made a motion to approve the Service Agreement. Councilman Gordon seconded and the motion passed unanimously.

Discussion and Action to Adopt an Ordinance to Annex 20.767 acres situated in the Thomas DeCrow Survey, A-27, and 2,093 square feet within a proposed ingress/egress easement tract situated in the Thomas DeCrow Survey, A-27, Tract 4B, Acres 0.163 in Bastrop County Texas Owner- Dan Vogler/CEO-Pentric, Inc.: Approving this ordinance will authorize annexation of the property into the city limits. Councilwoman Bruno made a motion to approve the Ordinance to Annex. Councilman Kahanek seconded and the motion passed unanimously.

Discussion and Action on a Resolution to support The Willows Apartments rehabilitation of affordable rental housing and financial support in the amount of \$250.00: A developer (ARX Advantage) is seeking funding (IRS tax credits) from the Texas Department of Housing and Community Affairs (TDHSC) to rehabilitate/refurbish the Willows Apartments. The developer needs a resolution of support and a \$250 waiver or reduction of fees from the City. Approval of this resolution will help the developer attain a higher application score. If TDHCA funds are awarded, the Willows Apartments will undergo a much-needed construction upgrade. Councilman Kahanek made a motion to approve the Resolution. Councilman Gordon seconded and the motion passed unanimously.

Discussion and Action on a License Agreement for an Encroachment onto City Property at 202 Main Street for an awning, owner-Marcela Foutel: Marcela Foutel would like to replace the awning at 202 Main that encroaches approximately 8-feet onto City property. The existing encroachment (awning) was conveyed with the sale of the property. However, the City has no record of entering into a license agreement with the previous owner. Councilwoman Bruno made a motion to approve the License Agreement. Councilman Gordon seconded and the motion passed unanimously.

Hear recommendation from Historic Preservation and Design Standards Advisory Committee (HPDS) on a Certificate of Appropriateness (COA) request for Marcela Foutel at 202 Main Street, Smithville, TX: Sarah O'Brien (HPDS Chairwoman) said the HPDS Committee recommends approving the Certificate of Appropriateness.

Discussion and Action on a Certificate of Appropriateness (COA) request for Marcela Foutel at 202 Main Street, Smithville, TX: The HPDS recommended approving the COA request for the awning at 202 Main Street with the condition that the structure meets ADA compliance (i.e., not interfere with the clear path of the sidewalk) and the support posts must be made from historic materials (i.e., not anodized aluminum). Councilwoman Morgan made a motion to approve the COA. Councilman Gordon seconded and the motion passed unanimously.

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

*Adjourn:* at 7:02 p.m.

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Mayor

Attest:

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Jennifer Lynch, Asst. City Secretary