

CITY OF SMITHVILLE

FEBRUARY 8, 2021

COUNCIL MEETING

Present: Councilmembers, Mike Kahanek, Janice Bruno, Bill Gordon, Joanna Morgan, Sharon Foerster, Rhonda Janak, and City Manager Robert Tamble. This meeting was a zoom Conference call.

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

Invocation: Robert Tamble gave the invocation.

Recognition/Awards/Proclamations/Announcements/Presentations: Mayor Morgan read a proclamation for “African American History Month”.

Citizen Comments: None

Discussion and Action on appointing Rhonda Janak to fill the Place 4 unexpired councilmember term until the May 1, 2021, Special Election. Councilman Gordon made a motion to approve the appointment. Councilwoman Foerster seconded and the motion passed unanimously.

Administering of Pre-Oath and Oath of Office to newly appointed Official: City Secretary Jennifer Lynch gave pre-oath and Mayor Morgan gave the oath to Rhonda Janak.

Citizen Comments: None

Approval of the minutes from January 11, 2021, Council Meeting and Public Hearing: 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 zone change from SF-1 to C3, 20. 93 Acres including Tract 1 20.767 Acres & 2093 ft² in a Thomas DeCrow Survey A27 Tract 4B, Acres 0.163, R871603 & R78145, Owner Pentric Incorporated, agent David M. Cox.
- b. on a front and side yard variance on all four lots located at 401 N. Main St., Smithville City Block 13, Lots 5,6,7 & 8, R19169, property owner Bracton & Mary Bledsoe.

Public Hearing:

- a. on a zone change from SF-1 to C3, 20. 93 Acres including Tract 1 20.767 Acres & 2093 ft² in a Thomas DeCrow Survey A27 Tract 4B, Acres 0.163, R871603 & R78145, Owner Pentric Incorporated, agent David M. Cox. No one signed up to speak for or against this item.
- b. on a front and side yard variance on all four lots located at 401 N. Main St., Smithville City Block 13, Lots 5,6,7 & 8, R19169, property owner Bracton & Mary Bledsoe. No one signed up to speak for or against this item.

Open Meeting:

Council Discussion and Action on:

- a. on a zone change from SF-1 to C3, 20.93 Acres including Tract 1 20.767 Acres & 2093 ft² in a Thomas DeCrow Survey A27 Tract 4B, Acres 0.163, R871603 & R78145, Owner Pentric Incorporated, agent David M. Cox. Councilman Gordon made a motion to approve the amendment. Councilwoman Foerster seconded and the motion passed unanimously.
- b. on a front and side yard variance on all four lots located at 401 N. Main St., Smithville City Block 13, Lots 5,6,7 & 8, R19169, property owner Bracton & Mary Bledsoe. This item was pulled by the owner due to an ordinance being passed in January that would allow front and side yards instead of being prohibited. There was no action taken.

Citizen Comments on: John Harris with Waste Connection spoke about his company.

Discussion and Action on entering into a contract with Waste Management, Inc. (WMI): The City's solid waste contract is up for renewal. The proposed 5-year contract allows for 2X per week household garbage service with bulk service once per month (limited to 4-yards) per residential customer. One major difference between this contract and the previous contract is the distribution of a 96-gallon poly cart (with lid) to every residential customer. There will be no charge to residential customers for the delivery of the cart. However, each customer must use the new cart as the trash will not be picked up if it is not contained in any container other than the poly cart. This will result in greater operational efficiency and ensure household trash is contained. There will be no increase to the \$33.17 that residential customers are currently paying for garbage service per month. Future contract increases will be based upon the percentage increase in the Consumer Price Index (CPI) and the Energy Information Administration of the US Department of Energy ("EIA/DOE") diesel fuel adjustment prior to the annual anniversary of the contract with a 5% cap. The new 5-year contract will go into effect on March 1, 2021, with the distribution of the new poly-carts within 30-days. In addition, a marketing/education campaign will be launched to ensure citizens understand the new requirements. We are one of the few municipalities in the Central Texas area that still offers 2X per week garbage service, bulk service, AND leaf/limb pick-up service. Councilwoman Bruno made a motion to approve the contract with Waste Management. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and action on entering into a Standard Utility Agreement (SUA) and Advance Funding Agreement (AFA) with TXDOT for the relocation of water and wastewater utilities in support of the SH95 expansion/improvement project: On September 26, 2019, the TXDOT APPROVED the City's request for \$3.8M in funding to relocate utilities in the Right-of-Way (ROW) as part of the SH95 expansion project. During the 86th Legislative session, SB-1512 amended Section 203.092 of the Texas Transportation Code to establish provisions for utilities relocation at the expense of the state. These provisions pertain to specific conditions for which the City of Smithville would qualify. Specifically:

- population of less than 5,000
- financial condition that prevents the municipality from being able to pay the cost of relocation
- at least five (5) disaster declarations made by the President of the US in the six-year period preceding the proposed date of the relocation

Per SB-1512, TXDOT will cover the expense to relocate any existing utilities within the ROW but will not pay for any utility upgrades (also known as "elective betterments") unless the upgrades are driven by safety and/or regulatory requirements (e.g., fire flow). It is the City's intent to upgrade

all water and sewer lines along the SH95 expansion in a manner that will support future growth. As such, the City will still be responsible for a portion of the cost for these upgrades (approximately \$50k). TXDOT has also agreed to manage the project under a Standard Utility and Advance Funding Agreement (AFA). Going forward, the City will be working closely with TXDOT to coordinate activities among the multiple utility entities involved (e.g., Time Warner, AT&T, CenterPoint Energy, etc.). Construction is tentatively scheduled for January 2022. Approval of the TXDOT SUA and AFA will allow allocation of funding for this project as well as the reimbursement of engineering expenses and staff time incurred by the City in support of the SH95. Councilwoman Foerster made a motion to approve entering into a Standard Utility Agreement (SUA) and Advance Funding Agreement (AFA) with TXDOT for the relocation of water and wastewater utilities in support of the SH95 expansion/improvement project. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution amending Resolution #2021-01-461 Calling the Special Election by adding filing period deadlines: Resolution #2021-01-461 must be amended to reflect the March 1, 2021 deadline for candidates to be placed on the Special Election ballot for Mayor and Place 4 Alderman. Councilwoman Bruno made a motion to approve the Resolution. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on authorizing the City Manager to grant COVID-19 sick time hours to newly-hired City employees: Request authorization to grant 40-hours sick time to newly hired full-time employees and 24-hours of sick time to newly hired part-time employees. Councilman Kahanek made a motion to approve the COVID-19 sick time hours. Councilwoman Janak seconded and the motion passed unanimously.

Citizen Comments: None

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

Adjourn: at 7:04 p.m.

Joanna Morgan, Mayor

Attest:

Jennifer Lynch, Asst. City Secretary