

CITY OF SMITHVILLE

APRIL 12, 2021

COUNCIL MEETING

Present: Councilmembers, Mike Kahanek, Janice Bruno, Bill Gordon, Joanna Morgan, Sharon Foerster, and City Manager Robert Tamble. Not Present Rhonda Janak.

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

Invocation: Pastor Brown gave the invocation.

Recognition/Awards/Proclamations/Announcements/Presentations: Mayor Morgan read a proclamation for “National Public Safety Telecommunications Week” and “ Sam Martin Day”.

Citizen Comments: None

Approval of the minutes from March 8, 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:

- a) on multiple variance requests including a 5-foot height regulation to increase building height from 35’ to 40’ and change from 2 ½ stories to a 3 story, two rear yard setbacks; one 15 foot rear yard variance for HWY 71, and a 10 foot rear yard setback variance to adjoining south property, L&R Business Park, Lot 1 Acres 0.5020, R90283, property owner Byrne Street, LLC, Agent Chase Hodges. Planning and Zoning Chair Brian Riewe said P&Z recommended approving all the variances
- b) on a preliminary plat of Chip’s Haven, R49198, Owner CHIP’S Haven LLC, Agent BEFCO Engineering. Planning and Zoning Chair Brian Riewe said P&Z recommended approving the preliminary plat.

**Public Hearing:**

Hear Citizens Comments:

- a) on multiple variance requests including a 5-foot height regulation to increase building height from 35’ to 40’ and change from 2 ½ stories to a 3 story, two rear yard setbacks; one 15 foot rear yard variance for HWY 71, and a 10 foot rear yard setback variance to adjoining south property, L&R Business Park, Lot 1 Acres 0.5020, R90283, property owner Byrne Street, LLC, Agent Chase Hodges. No one signed up to speak for or against this item.
- b) On a preliminary plat and zone change on lot 9 of Chip’s Haven, R49198, from SF-1 to CF Community Facilities, Owner CHIP’S Haven LLC, Agent BEFCO Engineering. Several citizens signed up to speak and all were against this plat. The people that signed up voice concerns about traffic, speeding down the street, congestion, the open space and gazebo being torn down, the asbestos that was found in the demolition, too many homes, drainage, taxes, and this subdivision not representing the look and feel of Smithville.

**Open Meeting:**

Discussion and Action:

- a) on multiple variance requests including:
  - 1) A 5-foot height regulation to increase building height from 35’ to 40’ and change from 2 ½ stories to a 3 story. Councilwoman Bruno made a motion to approve the variance. Councilman Kahanek seconded and the motion passed unanimously.
  - 2) Rear yard setbacks; one 15 foot rear yard variance for HWY 71. Councilwoman Bruno made a motion to approve the variance because it met the criteria. Councilwoman Foerster seconded and the motion passed unanimously.

- 3) A 10 foot rear yard setback variance to adjoining south property, L&R Business Park, Lot 1 Acres 0.5020, R90283, property owner Byrne Street, LLC, Agent Chase Hodges. Councilwoman Bruno made a motion to approve the variance because it met the criteria. Councilwoman Foerster seconded and the motion passed unanimously.
- b) on a preliminary plat of Chip's Haven, R49198, Owner CHIP'S Haven LLC, Agent BEFCO Engineering. Councilman Gordon made a motion to deny the plat based on Chapter 10 Subdivision Regulations Article 3 Section 4, lot widths not to exceed 300 feet or less than 200 feet except in unusual cases and it would be contrary to the public interest. Councilwoman Bruno seconded and added to the motion section 3 to provide orderly development, light, air, and overall health, safety, and general welfare of the community and the motions passed unanimously.

Citizen Comments on: None

Discussion and Action on a Resolution Responding to the Application of CenterPoint Energy Resources Corp., South Texas Division, to Increase Rates Under the Gas Reliability Infrastructure Program (GRIP) Suspending the Effective Date of this Rate Application for Forty-Five Days. CenterPoint Energy is asking the Texas Railroad Commission for a Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment (IRA) to their base rate(s). Under Texas law (re: Gas Utilities Regulatory Act), we do not have the ability to oppose the rate increase. However, we can postpone the effective date of the proposed increase for 45-days. The rate will be increased by \$2.33/month for residential service and \$4.78/month for small commercial service. The adjusted monthly charge (base rate) will be \$24.92 and \$37.05 respectively. This represents an average increase between 10-15%. The rate increase will help recover \$4.6M of incremental spending for capital infrastructure improvements in its South Texas Division during the 2021 calendar year. The proposed IRA will become effective on May 3, 2021, unless the City chooses to suspend the IRA effective date until June 17, 2021. Councilman Gordon made a motion to approve the Resolution extend the rate for 45 days. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Annual Audit for the 2019-2020 Fiscal Year Budget. Singleton, Clark & Company, PC completed the annual audit of the City of Smithville's 2019-20 financial statements during March. The results of the audit indicate that assets exceeded liabilities and by \$15,592,733 at the close of the past fiscal year. The total net position of the city increased by \$2,725,809. The City's governmental fund reported a combined fund balance of \$2,256,932, an increase of \$441,394 in comparison with the prior year. In 2018, the City issued certificates of obligation for \$2.975 million for water, wastewater, street, and drainage improvements. The City's total debt decreased by \$617,130 during the fiscal year. The reason for the overall decrease was the City making its scheduled principal payments on time. The debt at the end of the fiscal year was \$8,944,693. This includes bonded debt from the issuance of certificates of obligation, Qualified Energy Conservation Bonds (QEBC), and leased capital equipment. Overall, the City received a "clean" financial audit. Jack Clark (of Singleton, Clark & Company) will be presenting the results of the audit. Councilwoman Foerster made a motion to accept the audit. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on entering into a contract with Singleton, Clark & Company, PC for the 2020/2021 Fiscal Year Audit: Councilman Gordon made a motion to approve entering into a contract with Singleton Clark. Councilwoman Foerster seconded the motion passed unanimously.

Citizen Comments: None

Discussion and Action on renewing an agreement between the City of Smithville and PHI Air Medical to provide air ambulance service to the citizens of Smithville: The City of Smithville is considering renewing its contract agreement with PHI Air Medical to provide "no-cost" emergency medical air transport of citizens with life-threatening injuries/illnesses that reside within the Smithville City Limits. The proposed annual fee of \$13,552 is based on providing coverage to approximately 1,694 households (as identified by the most current list of residential utility customers). The plan will cover all Smithville citizens while they are in PHI Service Area (i.e., Bastrop County) for \$8.00 per household. Citizens can upgrade to a full national household membership for \$45 per year that will provide coverage outside of the Bastrop County service area. On average, the cost for medical air transport in large metropolitan areas is \$10-15k per flight. However, the average cost for citizens in Bastrop County for medical air transport is \$45-50k. The \$13,552 annual fee will be offset by revenue from building and film permits. The one-year contract will be valid through April 30, 2022. Councilman Gordon made a motion to

approve the contract renewal with PHI Air Medical. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution amending the Commercial Garbage rates: With the renewal of the Waste Management Inc. contract during the February 8, 2021 Council meeting, action must be taken to formally adopt the new commercial garbage rates. Commercial rates for a front-load dumpster(s) will increase an average of 15-18%. There will be no increase to the \$33.17 residential customers are currently paying for garbage service per month. Councilwoman Foerster made a motion to approve the resolution. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on the approval of a \$200,000 line of credit for the Smithville Chamber rebuild with a 5-yr, 3.25% fixed-rate (annual payment 40,000 plus interest.): Additional funds are needed to complete the Chamber Offices, Visitor Center, and Railroad Museum. To date, the City has spent approximately \$195k with construction 65% complete. Fire detection, security/video surveillance systems, railing, landscaping, and interior fit-up and furnishings remain. Robert Tamble (City Manager), Joanna Morgan(Mayor), William Gordon (Mayor Pro-Tem) Cynthia White(Finance Director), or Jennifer Lynch (City Secretary)all designated signers on the City accounts will sign off on the loan request. Councilwoman Bruno made a motion to approve the loan. Councilman Gordon second and the motion passed unanimously.

Citizen Comments

Discussion and Action on awarding Engineering services contract for the reparation of the City's 2021-2022 Texas Community Development Block Grant (TxCDBG) application and subsequent engineering contract if funded: Engineering Services Request for Qualifications (RFQ) for 2021/2022 Texas Department of Agriculture (TDA) Community Development Block Grant (CDBG) program were received on 4/5/21 and reviewed by the City of Smithville on 4/7/21. Experience, work performance, and capacity to perform were criteria used by the City staff to evaluate/differentiate each engineering consultant's qualifications. Four (4) Engineering services consultants submitted their qualifications. BEFCO Engineering, Inc. from La Grange, TX received the highest score with a total of 99 points. As such, the evaluation team decided to recommend BEFCO Engineering, Inc. to the City Council for consideration/selection as the Engineering services firm to design and manage the TDA-CDBG water/wastewater project. Councilwoman Foerster made a motion to award BEFCO Engineering. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on awarding the administrative service contract for preparation of the City's 2021-2022 Texas Community Development Block Grant (TxCDBG) application and subsequent administration contract if funded: Request for Proposals (RFP) for grant application and administration services for 2021/2022 Texas Department of Agriculture (TDA) Community Development Block Grant (CDBG) program was received on 3/12/21. The City is considering applying for \$350k in grant funding in support of city-wide water/wastewater improvement projects. If awarded, the required match is 15% of the total award or \$52,500. The 15% match would not hit the City's budget until the next fiscal year. Proposals for grant management were reviewed on 4/2/21. Experience, work performance, capacity to perform, and cost were the criteria used by the City staff to evaluate/differentiate each consultant's qualifications. Langford Community Management Services from Austin, TX was the only grant management service provider to submit a proposal. Councilman Gordon made a motion to award Langford. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on a Resolution authorizing the submission of an application for the 2021-2022 TxCDBG Community Development Fund competition: Approving this resolution will authorize the City Manager to act on behalf of the City of Smithville giving signature authority for all matters involving the submittal of 2021-2022 TxCDBG application and that the City will commit a 15% match (\$52,500) from the Utility Fund as a cash contribution toward the activities of this infrastructure improvement project. Councilwoman Bruno made a motion to approve the resolution. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on an Amending the General Provisions Ordinance, Chapter 1, City of Smithville Code of Ordinances, Adding Section 1.2000 City Seal: Amending this ordinance will allow the new City Seal to be adopted. The seal must be adopted by ordinance because it serves as an official symbol of the city as provided by statute. Councilwoman Foerster made a motion to approve the ordinance. Councilman Kahanek seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on an Ordinance amending the Municipal Court Ordinance, Chapter 7, City of Smithville Code of Ordinances, Section 7.105 Procedure (B) Seal: Amending this ordinance will allow the new Municipal Court Seal to be adopted. The seal must be adopted by ordinance because it serves as an official symbol of the Municipal Court as provided by statute. Councilwoman Bruno made a motion to approve the ordinance. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

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

*Adjourn:* at 9:35 p.m.

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Joanna Morgan, Mayor

Attest:

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Jennifer Lynch, City Secretary