

CITY OF SMITHVILLE

MAY 10, 2021

COUNCIL MEETING

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

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

Invocation: Councilwoman Bruno gave the invocation.

Recognition/Awards/Proclamations/Announcements/Presentations: Mayor Morgan read a proclamation for “National Historic Preservation Month”, “Memorial Day & National Police Week”, and “Motorcycle Safety and Awareness Month”. Mayor Morgan recognized Rhonda Janak and Mike Kahanek for their interim services.

Citizen Comments: None

Approval of the minutes from April 12, 2021, Council Meeting and Public Hearing: Councilman Gordon moved to approve the minutes. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Canvassing the May 1, 2021 Municipal General Election: The resolution states Sharon Foerster was duly elected Councilmember Place 1; Tom Etheredge was duly elected Councilmember Place 2, and Bill Gordon was duly elected Councilmember Place 3. Councilwoman Bruno made a motion to approve the resolution. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on A Resolution Canvassing May 1, 2021, Special-Called Election: The resolution states Stan Gerdes was duly elected Councilmember Place 4, and Joanna Morgan was duly elected Mayor Councilwoman. Bruno made a motion to approve the resolution. Councilman Gordon seconded and the motion passed unanimously.

Administering of Pre-Oaths and Oath of Office to Elected Officials: City Secretary Jennifer Lynch administered the Pre-Oath and Oaths of office to the elected officials.

Issuing of Certificates of Election: Certificates were handed out no action was taken.

Citizen Comments: None

Discussion and Action on Election of Mayor Pro-tem: Councilwoman Foerster made a motion to appoint Bill Gordon as Mayor Pro-Tem. Councilwoman Bruno seconded and the vote was:
For: Gerdes, Etheredge, Foerster, Bruno
Abstain: Gordon

Hear from the developer/Engineer on the resubmission of a preliminary plat of ABS A46 Lomas, L., 5.111 ACRES also known as Chip's Haven, LLC subdivision, R49198, Owner CHIP'S Haven LLC, Agent BEFCO Engineering: This item was pulled by the developer.

The following is a statement made by the City Manager:

City Manager Address to Citizens During 5/10/21 Council Meeting

Good evening Mayor, Councilmembers, and Citizens. I wanted to take this opportunity to say a few words about the last Council meeting. In particular, the Chip's Haven, LLC preliminary plat agenda item. Unfortunately, the very tenor and tone of the meeting was hostile. It's OK to disagree but don't make it personal. We are better than that.

During the public comments portion of the last Council meeting, it was stated that the members of the Planning & Zoning Commission did not receive any training. Despite COVID-19, a 6-page orientation was provided to the newly appointed members just as it has been done for the past several years. Here is a copy of that training.

There were also concerns expressed by citizens regarding the potential exposure to asbestos during the Chip's Haven, LLC demolition and that the Asbestos Containing Material was improperly handled and/or disposed. ALL asbestos sampling, monitoring, removal, and disposal was performed by licensed asbestos abatement contractor certified by the state in accordance with the Texas Department of State Health Services (TDSHS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. Air monitoring was performed both upwind and downwind of the abatement area and there were no sampling results exceeded safe regulatory limits. All asbestos containing material was sent to an EPA registered landfill in Houston certified to accept asbestos debris via approved manifest. Copies of the monitoring reports and manifests are available via Open Records Request.

During the last Council meeting, there were citizens that stated the city did not provide proper notification. Allow me to set the record straight. **Thirty-three (33) notices were mailed to property owners within 200' of the Chip's Haven, LLC property.....twenty-six (26) days before the P&Z meeting.** Since the last Council meeting, the individuals who stated they did not receive the P&Z notice while making their public comments have since remembered / admitted they did. Here is a copy of the notice including the list of residents within 200 ft of the property.

Notice of the P&Z meeting and the Chip's Haven, LLC preliminary plat agenda item was sent to the Smithville Times on 3/4/2021 and published 3/18/2021.....**nineteen (19) days before the meeting.**

Finally, notice of the April 6th P&Z meeting was included in the message section of the March utility bill. P&Z meetings have been held on the same day (1st Tuesday of the month) for over a decade.

Having said this, there are opportunities for improvement:

- 1) All future P&Z notices will be sent via certified mail to property owners within 200'. The notices will include the requestor's application information.
- 2) During the public comment portion of future P&Z or Council meetings, the entity involved or referenced on the agenda (e.g., developer, property owner seeking a variance, etc.) will speak first. Afterward, citizens who have signed up to speak in favor of, or in opposition to, the agenda item may do so.
- 3) P&Z meeting notices, agenda, and background information (e.g., application) will be published on City FB Page and City Website.

Thank you.

Get Involved.....Stay Informed.....Make a Difference.

Hear recommendation from Planning and Zoning:

- a) Special Use Permit for a Guest House at 306 Cleveland Street, Smithville Townsite, Block 21, Lot 1 & 2 (FR), Acres 0.2310, R19301, Owner Gonzalo Barrientos. Planning and Zoning Chair Brian Riewe said P&Z recommended approving the Special Use Permit.
- b) Zone change on Lot 9 of Chip's Haven subdivision, R49198, from SF-1 to CF Community Facilities, Owner CHIP'S Haven LLC, Agent BEFCO Engineering. This item was pulled by the developer.

Public Hearing:

Hear Citizens Comments:

- a) Special Use Permit for a Guest House at 306 Cleveland Street, Smithville Townsite, Block 21, Lot 1 & 2 (FR), Acres 0.2310, R19301, Owner Gonzalo Barrientos. No one signed up to speak for or against this item.
- b) Zone change on Lot 9 of Chip's Haven subdivision, R49198, from SF-1 to CF Community Facilities, Owner CHIP'S Haven LLC, Agent BEFCO Engineering. This item was pulled by the developer.
- c) A petition to annexing property described as 7.115-acre tract out of the Lewis Lomas survey, A-46 in Bastrop County and all of that certain 7.122-acre tract described as lots 1 thru 26 and 33 thru 72, and part of Quail Hollow Street of Quail Run Townhome Subdivision as recorded in plat cabinet No1, pages 191-A and 191-B, Bastrop County plat records. A 20' easement of the Lewis Lomas Survey, A-46 part of that certain 7.122-acre tract described as all of lots number 31 and 32, Block A of Quail Run Townhome subdivision as recorded in plat cabinet No. 1, pages 191-A and 191-B. Owner SJ2 Development, LLC. Spencer Mann, Mary Lueders, and Mike McKenna spoke about the subdivision and did not want the subdivision to use their road into the retirement community(Oak Meadows). They were concerned with the traffic the subdivision would create on Oak Meadows.

Open Meeting:

Discussion and Action:

- a) On a Special Use Permit for a Guest House at 306 Cleveland Street, Smithville Townsite, Block 21, Lot 1 & 2 (FR), Acres 0.2310, R19301, Owner Gonzalo Barrientos: Councilwoman Bruno made a motion to approve the Special Use Permit. Councilman Gordon seconded and the motion passed unanimously.
- b) On a zone-change on Lot 9 of Chip's Haven subdivision, R49198, from SF-1 to CF Community Facilities, Owner CHIP'S Haven, LLC. Agent BEFCO Engineering. This item was pulled no action was taken.

Citizen Comments on: None

Discussion and Action on an Ordinance to Annex property described as 7.115-acre tract out of the Lewis Lomas survey, A-46 in Bastrop County and all of that certain 7.122-acre tract described as lots 1 thru 26 and 33 thru 72, and part of Quail Hollow Street of Quail Run Townhome Subdivision as recorded in plat cabinet No1, pages 191-A and 191-B, Bastrop County plat records. A 20' easement of the Lewis Lomas Survey, A-46 part of that certain 7.122-acre tract described as all of lots number 31 and 32, Block A of Quail Run Townhome subdivision as recorded in plat cabinet No. 1, pages 191-A and 191-B. Owner SJ2 Development, LLC: Robert asked to move this item up and act on it before the Service Agreement and 380 Agreement. Councilman Gordon made a motion to approve the Ordinance. Councilwoman Bruno seconded and the vote was:

For: Gordon, Bruno, Gerdes, Etheredge

Abstain: Foerster

Citizen Comments:

Discussion and Action on a Service Plan Agreement between the City of Smithville and SJ2 Development, LLC in regards to the annexation of 7.115 acres: Pursuant to Texas Local Government Cod 43.0672, the City shall identify and provide mutually agreed municipal services within 60-days of annexation. Clinton Seidel (CEO of SJ2 Development, LLC.) has agreed to the terms and conditions of the Service Agreement. Approving the Service Agreement is a prerequisite for annexation. Councilwoman Bruno made a motion to approve the Service Plan. Councilman Gordon seconded and the vote was:

For: Gordon, Bruno, Gerdes, Etheredge

Abstain: Foerster

Discussion and Action on a 380 Agreement between the City of Smithville and SJ2 Development, LLC in regards to the annexation of 7.115 acres: Chapter 380 of the Texas Local Government Code authorize municipalities to offer incentives designed to promote economic development. The terms of this 380 Agreement require SJ2 Development, LLC, to voluntarily annex a 7.115-acre tract of land into the city limits. The land will be used to construct a twenty-nine (29) home single-family residential subdivision. In return, the City of Smithville will provide services (e.g., fire, police, garbage, water, and sewer) and offer approximately \$150k of performance-based incentives in the form of property tax reimbursements, installation of electric infrastructure, and reduced tap fees over the next 5-years. The cost of the incentives will be offset by increased property tax and utility services revenue (water, sewer, electric, garbage, etc.). Councilman Etheredge made a motion to approve the 380 Agreement with a condition to meet with the neighbors before submitting a plat to get feedback from the neighbors. Councilman Gordon seconded and the vote was:

For: Gordon, Bruno, Gerdes, Etheredge

Abstain: Foerster

Citizen Comments: None

Discussion and Action on the appointment to the Planning and Zoning (P&Z) Commission to replace Tom Etheredge: Tom Etheredge was appointed to the P&Z Commission last November. Mr. Etheredge won the Place 2 alderman seat in the City of Smithville general election and can no longer serve on the P&Z commission. As such, it is recommended that Mr. Edward Lick be appointed to replace Councilmember Etheredge as a member of the P&Z Commission. Councilman Gordon made a motion to appoint Ed Lick to P&Z Commission. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Supporting City of Smithville's Application to The Texas Department of Transportation's (TXDOT) 2021 Transportation Alternatives Set-Aside (TA) Call For Projects: Approving this resolution will allow the City to enter into an agreement with TXDOT

for the construction of \$850k in sidewalks along the south side of Loop 230. Should the project be selected for funding, there is no match required due to Transportation Development Credits for which the City is eligible. Councilwoman Bruno made a motion to approve the resolution. Councilwoman Foerster seconded 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 7:26 p.m.

Joanna Morgan, Mayor

Attest:

Jennifer Lynch, Asst. City Secretary