

CITY OF SMITHVILLE

May 13, 2019

COUNCIL MEETING

Present: Mayor Scott Saunders Jr., Councilmembers, Bill Gordon, Joanna Morgan, Bennie Rooks, Rhonda Janak, Cassie Barrientos, Jason Hewitt, Sharon Foerster and City Manager Robert Tamble..

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

Invocation: Samella Williams gave the invocation.

Pledge of Allegiance: Councilman Rooks led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations: Character Trait Presentation "Integrity" – Cristain Razo Carter (4th grader). Appraisal District Values and Activities - BCAD Chief Appraiser Faun Cullens and Interim Chief Appraiser Richard Petree addressed the Council. Police Officer Memorial Day & National Police Week Proclamation was read.

Approval of the minutes from the April 8, 2019 Council Meeting: Councilman Gordon moved to approve of the minutes. Councilwoman Barrientos seconded and the motion passed unanimously.

Discussion and Action on a Resolution Canvassing the May 4, 2019 Municipal Election: Councilwoman Morgan made a motion to approve the Resolution Canvassing the election electing Alderman Place 1 Sharon Seidel Foerster, Alderman Place 2 Jason Hewitt, and Alderman Place 3 Bill Gordon. Councilman Gordon seconded and the motion passed unanimously.

Administering of Pre-Oaths and Oath of Office to Elected Officials: Mayor Saunders issued the per-oaths and Oaths of office to the new alderman.

Issuing of Certificates of Election: Mayor Saunders issued the Certificates of Election to the new alderman.

Discussion and Action on Election of Mayor Pro-tem: Councilwoman Barrientos made a motion to nominate Councilwoman Morgan as the Mayor Pro-tem. Councilman Gordon Second and the vote was:

For: Gordon, Barrientos, Foerster, and Hewitt

Abstain: Morgan

Hear recommendation from Planning and Zoning on a variance to allow a billboard at 1509 Dorothy Nichols Lane, Riverdale Addition, Lot 10 FR acres 1.335, Owner-29 Development: Brian Riewe said the P&Z recommends granting the billboard variance and entering into an agreement with the billboard company.

Public Hearing:

Hear citizen comments on a variance to allow a billboard at 1509 Dorothy Nichols Lane, Riverdale Addition, Lot 10 FR acres 1.335, Owner-29 Development: April Daniels spoke in favor of the billboard and said it would be good for economic development

Open Meeting:

Discussion and Action on a variance to allow a billboard at 1509 Dorothy Nichols Lane, Riverdale Addition, Lot 10 FR acres 1.335, Owner-29 Development: Mr. Tom Hudson (Subway Owner) is requesting a variance to allow placement of a 14'x48' digital billboard on his property in front of Subway. Digital billboards are computer-controlled electronic displays that rotate ads and/or messages in a slide show fashion every 6 to 8 seconds. There are seven advertising "flips" that can be programmed. Through a proposed development agreement with the City (reference Item 15), Mr. Hudson is offering one (1) flip to advertise city-sponsored events and/or emergency messages at no cost. In addition, during emergency situations, the billboard can be used to communicate Amber Alerts, Silver Alerts, severe weather advisories, precautionary notices, warnings, and/or other instructions to Smithville residents and the

general public. The digital billboard will automatically adjust to ambient light conditions and ensures the brightness of each display does not exceed .3 foot-candles over ambient light levels measured at a distance of 250 feet. Currently, billboards are prohibited within the City limits per Chapter 3, Article 3.2, Signs, Section 3.201 of the City's Code of Ordinances, "No billboard as hereinafter defined shall be erected within the corporate limits of the City of Smithville, Texas. A Billboard is herein defined as any sign (supported by a post or posts) of a size exceeding ten (10) feet by twenty (20) feet." The proposed location for the digital billboard is 110' from the NW property line where the existing Subway sign is now. The property is zoned Highway Commercial (C3). A TXDOT sign permit has been issued but will be void unless the Council elects to approve the variance request. Councilwoman Morgan made a motion to approve the variance for a billboard sign and it meets the variance criteria. Councilwoman Barrientos seconded and the motion passed unanimously.

Discussion and Action on entering into a Development Agreement with ACME Partnership, LP for the placement of a Digital Billboard: The proposed development agreement between the City of Smithville and Acme Partnership LP would allow the City access to the digital billboard system to communicate events occurring within our jurisdiction and issue local public health or public safety alerts during times of emergency. The level of emergency will be based on the severity of the circumstance or situation that has occurred, about to occur, or that is occurring. Our General Counsel has reviewed and approved the development agreement document. The City will be responsible for creating the content of any City message to be communicated. If approved, the agreement shall remain in effect for five (5) years with an automatic 5-year renewal contingent upon both Parties meeting the performance requirements of the agreement. Councilwoman Barrientos made a motion to approve the agreement. Councilwoman Morgan seconded and the motion passed unanimously.

Discussion and Action on entering into a contract with Singleton, Clark & Company, PC for the 2018/2019 Fiscal Year Audit: Approval of this agenda item will allow the City to utilize Singleton, Clark & Company for our annual audit services. Councilwoman Barrientos made a motion to approve entering into a contract with Singleton, Clark & Company. Councilwoman Foerster seconded and the motion passed unanimously.

Discussion and Action on an amendment to the Code of Ordinance, Article 8.500 Abandoned Property: Repealing Conflicting Ordinances, Providing a Severability Clause; and Providing an Effective Date: This ordinance is being amended to reflect current statutory references per Chapter 683, Texas Transportation Code and add abandoned property (other than motor vehicles) such as aircraft, watercraft, and outboard motors to the items excluded. In addition, typos were corrected and language added to make the ordinance easier to understand. Councilwoman Morgan made a motion to approve the amendment. Councilman Gordon seconded and the motion passed unanimously.

Discussion and Action on an amendment to the Code of Ordinance, Article 8.700 Pertaining to Junked Vehicles; Repealing Conflicting Ordinances, Providing a Severability Clause; and Providing an Effective Date: This ordinance is being amended to reflect current statutory references per Chapter 683, Texas Transportation Code. Junked vehicles that are visible at any time of the year from a public place or public right of way are detrimental to the safety and welfare of the general public, tend to reduce the value of private property, invite vandalism, create fire hazards, are an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city and state by producing urban blight which is adverse to the maintenance and continuing development of the city. Councilman Gordon made a motion to approve the amendment. Councilwoman Barrientos seconded and the motion passed unanimously.

Discussion and Action on the relocation of the Chamber of Commerce Office/RR Museum: The Chamber Board and Railroad Museum Board would like approval to relocate / rebuild the Chamber office and Railroad Museum approximately 150 feet (east) from its current location to the open space between the Gazebo and the Gingerbread Man. April Daniels gave an update regarding the project. Councilwoman Morgan made a motion to approve the relocation of the Chamber of Commerce. Councilman Gordon seconded and the motion passed unanimously.

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

Adjourn: at 7:10 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary