

CITY OF SMITHVILLE

SEPTEMBER 9, 2019

COUNCIL MEETING

Present: Mayor Scott Saunders Jr, Councilmembers, Bill Gordon, Joanna Morgan, 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: Robert Tamble gave the invocation.

Pledge of Allegiance: Councilman Hewitt led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations: 5th Grader Payton Kosineski read her essay on Character Trait word "Honesty". Mayor Saunders read a proclamation on "Emergency Preparedness Month" and "Constitution Week".

Approval of the minutes from the August 12, 2019 Council Meeting and Public Hearing, the August 28, 2019 Tax Rate Public Hearing and Budget Workshop, and the September 4, 2018 Tax Rate Public Hearing and Budget Workshop: Councilman Gordon moved to approve all of the minutes. Councilwoman Barrientos seconded and the motion passed unanimously.

Hear recommendation from Planning and Zoning on:

- a. Amending the conditions in Ordinance No. 2018-551, to allow for restaurant use and execute the Restrictive Covenant Agreement at 407 Ramona: Brian Riewe spoke and said the P&Z has no recommendation for this item.
- b. a variance to not have a portion of the noise attenuating barrier wall located at 407 Ramona Street, Smithville Townsite, Block 12, Lot 1,2,5 & 6, owner Quance Development LLC: Brian Riewe spoke and said the P&Z has no recommendation for this item
- c. a minor re-plat at Riverdale Estates, Lot 5 & 6 (FRS), Acers 0.5543 (R#81411) Owner-Michael & Tressa Mann: Brian Riewe spoke and said the P&Z recommends approving the minor re-plat.

Public Hearing:

- a. Amending the conditions in Ordinance No. 2018-551, to allow for restaurant use and execute the Restrictive Covenant Agreement at 407 Ramona: Teri Quance spoke and said she wanted to retract the request for an ordinance change. Sherry Cedar signed up to speak against the item but didn't have anything to say since Quance was retracting the request.
- b. a variance to not have a portion of the noise attenuating barrier wall located at 407 Ramona Street, Smithville Townsite, Block 12, Lot 1,2,5 & 6, owner Quance Development LLC: Quance spoke and said 240' would not be blocked in the front.
- c. a minor re-plat at Riverdale Estates, Lot 5 & 6 (FRS), Acers 0.5543 (R#81411) Owner-Michael & Tressa Mann: No one signed up to speak for or against this item.
- d. Hear Citizen comments on the 2019/2020 Fiscal Year Budget: No one signed up to speak on this item.

Open Meeting:

- a) Amending the conditions in Ordinance No. 2018-551, to allow for restaurant use and execute the Restrictive Covenant Agreement at 407 Ramona: No action because Teri Quance pulled this item.

- b) a variance to not have a portion of the noise attenuating barrier wall located at 407 Ramona Street, Smithville Townsite, Block 12, Lot 1,2,5 & 6, owner Quance Development LLC: Quance gave new plat plan and front yard will be unblocked and the fence will be 240' from back property line forward. Councilwoman Morgan made a motion to approve the new site plan. Councilwoman Barrientos seconded and the motion passed unanimously.
- c) a minor re-plat at Riverdale Estates, Lot 5 & 6 (FRS), Acers 0.5543 (R#81411) Owner-Michael & Tressa Mann: Councilwoman Morgan made a motion to approve the minor re-plat. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments on: None

Discussion and Action on a Lease between Union Pacific Railroad Company and the City for the Covering Use of Railroad Property: Union Pacific is requiring the City to renew its land lease agreement for use of the Gazebo Area, Railroad Park, and the Bark Park. The lease stipulates the terms and conditions for which the City must abide. One such condition, states that any real property located on the parcel must be removed in the event Union Pacific needs/wants to expand the tracks. There are no security deposits or rental fees associated with the new lease as all provisions of the prior lease apply. The lease will renew each year unless the Lessor or Lessee provides 30-days written notice in advance to terminate the agreement. Councilwoman Foerster made a motion to approve the lease of the property. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments on: Beverly Robinson

Discussion and Action on an Emergency Facilities & Land Use Agreement between the Texas A&M Forest Service and the City for Lease of Property at the Smithville Crawford Municipal Airport: Approving the Emergency Facilities & Land Use Agreement will allow the Texas A&M Forest Service to stage firefighting equipment and personnel at the Smithville Crawford Municipal Airport as a means to expedite emergency response in the event of an area forest fire or wildfire. The LUA will be in effect until August 31, 2020. Councilman Gordon and Councilwoman Morgan allowed Beverly Robinson to speak. Councilman Hewitt made a motion to approve the agreement. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments on: None

Discussion and Action on an Ordinance amending the Code of Ordinances to add Article 8.900 Pertaining to Camping in Public Places; Repealing Conflicting Ordinances; Providing a Severability Clause; and Providing an Effective Date: Approving this ordinance will prohibit non-permitted camping in public spaces. Tents, bed-rolls, sleeping bags, and/or cardboard boxes cannot be used for the purpose of constructing a temporary shelter. Councilwoman Morgan made a motion to approve the ordinance. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments on: None

Discussion and Action on a Resolution authorizing the City Manager to act on behalf of the City in all matters related to the grant application and subsequent contracts with the grant with the United States Department of Agriculture (USDA)-Rural Utilities Service (RUS), Water and Waste Disposal Direct loan/grant program, and further stating the City will comply with Rural Utilities Services/Rural Development (RD) Water and Waste Disposal direct loan/grant program requirements. : CAMPO/TXDOT funding will pay for the \$7.8M SH95 expansion but will NOT pay for the estimated \$2.7M cost for utilities relocation. We are in the process of applying for a USDA loan/grant for utility relocation. The maximum potential grant award through this program would be 75% of the loan value for the entire project. This activity is in parallel to seeking funding under SB-1512 which amended Section 203.092 of the Texas Transportation Code to establish provisions for utilities relocation at the expense of the state. Approving this resolution will allow the City Manager to act on behalf of the City in all matters related to the USDA loan/grant application. Councilman Hewitt made a motion to approve the resolution. Councilman Gordon seconded and the motion passed unanimously.

Discussion and Action on a Resolution appointing the City Manager as the Chief Executive Officer and Authorizing representative to Act in all matters in connection with the FEMA Hazard Mitigation Grant (HMGP) Project and Committing the City to provide Matching Funds to Secure and Complete the FEMA Hazard Mitigation Grant: The City of Smithville's \$1.8M FEMA Hazard Mitigation Grant Program (HMGP DR-4332) request for drainage improvements along NW 2nd from Gresham to SH95 was DENIED. Approving this resolution will allow the City to continue to seek grant funding for this project. It is a long shot but there is a new FEMA funding opportunity opening soon for DR-4416 – October 2018 flooding event in Travis County. This project could potentially be awarded even though the City of Smithville was not directly impacted by the event. Councilwoman Barrientos made a motion to approve the resolution. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments on: Tilda Stovall

Discussion and Action on amending Chapter 12 Traffic and Vehicle Ordinance, Section 12.200 Traffic and Vehicles, Article 12.200 Control Devices, Section 12.204 Stop Signs - Residents living along Faulkner Road and Caldwell Lane are requesting installation of 3-way stop signs to help control speeding on Faulkner. A traffic survey conducted by the Smithville PD determined the proximity of stop signs at NE 8th Street and Faulkner Road would prohibit installation of a 3-way stop at the intersection of Caldwell Lane and Faulkner. The recommendation from the Smithville PD will be to add a stop sign on Caldwell Lane and construct a "DIP" approximately 100' south on Faulkner Road to help slow down the traffic. Note: Speed bumps are not allowed on public thoroughfares. Cassie made a motion to approve Tilda Stovall to speak Gordon seconded. Councilwoman Barrientos made a motion to take no action on this item Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comment on: None

Discussion and Action on an appointment to the General Assembly CAPCOG (Capital Area Council of Governments) Board: Councilmember Bill Gordon is currently serving on the CAPCOG Board and would like to continue as Smithville's representative. Councilwoman Barrientos made a motion to appoint Bill Gordon. Councilwoman Foerster seconded and the vote was:
For: Foerster, Barrientos, Hewitt, Morgan
Abstained: Gordon

Citizen Comments were allowed in the Public Hearing.

Discussion and Action on an Ordinance adopting the 2019/2020 Fiscal Year Budget: Our FY19/20 forecasted revenues and expenditures are currently BALANCED at \$12,128,639. This is \$403,571 greater than our FY18/19 budget of \$11,725,068 and represents a 3.4% INCREASE in projected spending. Councilwoman Morgan made a motion to approve the 2019-2020 Fiscal Year budget. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments on:

Discussion and Action on an Ordinance adopting the 2019/2020 Fiscal Year Tax Rate: Recommend setting 2019/2020 AD VALOREM TAX RATE of \$0.56902 cents per \$100 valuation -- - NO INCREASE. The assessed property values increased by 11% this year which will bring in an additional \$138k of revenue to the General Fund to help pay for drainage improvements and street repairs. The impact to homeowners is an additional \$57 per year based on an average home value in Smithville of \$162k. Councilwoman Foerster made a motion to approve the 2019/2020 tax rate. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments on:

Discussion and Action on a Resolution adjusting the rates on city services for Outside City Limit Customers and other fees and service rates as listed - Approving this resolution will set the "new" rates and fees as listed.

- a) Warehouse Dump Rates: Councilman Hewitt made a motion to approve the rates. Councilwoman Barrientos seconded and the motion passed unanimously.

- b) Chapter 6 Health & Sanitation, Article 6.300 Comprehensive Garbage Regulations, Section 6.302 Rates and Charges Outside City Limits: Councilwoman Foerster made a motion to approve the rates. Councilwoman Barrientos Seconded and the motion passed unanimously.
- c) Electric Service-Chapter 3, Article 13.600, Sec 13.602 Electric Rates Residential Outside City Limits: Councilwoman Morgan made a motion to approve the rates change. Councilwoman Barrientos seconded and the motion passed unanimously.
- d) Water Services- Chapter 13 Article 13.300 Sec. 13.301 Water Rates Residential and Commercial Outside City Limits. Councilwoman Barrientos made a motion to approve the rate change. Councilman Gordon seconded and the motion passed unanimously.
- e) Wastewater Services- Chapter 13, Article 13.400 Sec. 13.402 Rates Outside City Limits: Councilwoman Morgan made a motion to approve the rate change. Councilman Gordon seconded and the motion passed unanimously.
- f) Planning and Zoning Application Fee- Chapter 14 Zoning, Article 5 Procedures- Fees: Councilwoman Foerster made a motion to approve the rate changes. Councilwoman Barrientos seconded and the motion passed unanimously.
- g) Chapter 4 Business Regulations, Article 4.300 Peddlers, Section 4.302 License Application: Councilwoman Barrientos made a motion to approve the rate change. Councilwoman Morgan seconded and the motion passed unanimously.
- h) Chapter 3 Building Regulations, Article 3.100 Building Code, Section 3.102 Fees: Councilman Gordon made a motion to approve the rate change. Councilwoman Foerster seconded and the motion passed unanimously.

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 7:28 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary