

# Item #4

## **VIETNAM VETERANS DAY PROCLAMATION**

**WHEREAS;** On January 12, 1962, United States Army pilots lifted more than 1,000 South Vietnamese service members over jungle and underbrush to capture a National Liberation Front stronghold near Saigon. Operation Chopper marked America's first combat mission against the Viet Cong and the beginning of one of our longest and most challenging wars. Through more than a decade of conflict that tested the fabric of our Nation, the service of our men and women in uniform stood true. Today, we honor the more than 3 million Americans who served, we pay tribute to those we have laid to rest, and we reaffirm our dedication to showing a generation of veterans the respect and support of a grateful Nation; and

**WHEREAS;** The Vietnam War is a story of service members of different backgrounds, colors, and creeds who came together to complete a daunting mission. It is a story of Americans from every corner of our Nation who left the warmth of family to serve the country they loved. It is a story of patriots who braved the line of fire, who cast themselves into harm's way to save a friend, who fought hour after hour, day after day to preserve the liberties we hold dear. From Ia Drang to Hue, they won every major battle of the war and upheld the highest traditions of our Armed Forces; and

**WHEREAS;** Eleven years of combat left their imprint on a generation. Thousands returned home bearing shrapnel and scars; still more were burdened by the invisible wounds of post-traumatic stress, of Agent Orange, of memories that would never fade. More than 58,000 laid down their lives in service to our Nation. Now and forever, their names are etched into two faces of black granite, a lasting memorial to those who bore conflict's greatest cost; and

**WHEREAS;** Our veterans answered our country's call and served with honor, and on March 29, 1973, the last of our troops left Vietnam. Yet, in one of the war's most profound tragedies, many of these men and women came home to be shunned or neglected -- to face treatment unbefitting their courage and a welcome unworthy of their example. We must never let this happen again. Today, we reaffirm one of our most fundamental obligations: to show all who have worn the uniform of the United States the respect and dignity they deserve, and to honor their sacrifice by serving them as well as they served us. Over half a century after those helicopters swept off the ground and into history, we pay tribute to the fallen, the missing, the wounded, the millions who served, and the millions more who awaited their return. Our Nation stands stronger for their service, and on Vietnam Veterans Day, we honor their proud legacy with our deepest gratitude.

**NOW, THEREFORE, I,** Sharon Foerster, Mayor of the City of Smithville, do hereby Proclaim March 29, 2023, as

## **VIETNAM VETERANS DAY**

in the City of Smithville, Texas. I urge all citizens to join me in recognizing the dedication and sacrifice of our Vietnam Veterans.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Smithville to be affixed this 13<sup>th</sup> day of March 2023.

ATTEST:

\_\_\_\_\_  
Sharon Foerster, Mayor

\_\_\_\_\_  
Jennifer Lynch, City Secretary

# Item #5

**CITY OF SMITHVILLE**  
**COUNCIL MEETING MINUTES**  
FEBRUARY 13, 2023

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Joanna Morgan, Cassie Barrientos, and City Manager Robert Tamble.

**Open Meeting:** Call to order: Mayor Foerster called the meeting to order at 6:00 p.m. Pastor Mike Murphy gave the Invocation Councilwoman Barrientos led the Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “African American History Month” Councilman Gordon read the proclamation.
- b) Presentation on the Smithville Workforce Training Center April Daniels gave an update on the SWTC.
- c) Presentation on Bird Houses and Other Public Projects Norman Jones gave a presentation on birdhouses and other projects.
- d) Ukraine Presentation from Davyd Akrachkov told his story about escaping Ukraine when the war broke out and what happened in his small town.

Item number 17 was moved up to the top of the agenda:

17. Discussion and Action on a Resolution Recognizing Chief Repka and His Dedication to the Job, Integrity, and Overall Leadership of the Smithville Police Department and his Team of Law Enforcement Officers: Councilmember Etheredge read a resolution recognizing Chief Repka and the Smithville PD for their dedication, integrity, and leadership. Councilwoman Bruno made a motion to approve the Resolution. Councilman Gordon seconded and the motion passed unanimously. David Repka then introduced Jadwin Hubbard and promoted him to Lieutenant of the Smithville Police Department.

Citizen Comments: None

Approval of the minutes from the January 9, 2023, City Council Meeting and Public Hearing. Councilman Etheredge made a motion to approve the minutes as presented. Councilwoman Barrientos seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on:

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges. Carolyn Noya said the P & Z recommended the following:
  - i. Variance for curb and gutters: **Recommend approval**
  - ii. Variance for street radius: **Recommend approval**
  - iii. Variance for speed limit: **Recommend approval**
  - iv. Variance for continuity: **Recommend approval**

- v. Variance for the street right of ways: **Recommend approval**
  - vi. Variance for sidewalks: **Recommend denial**
- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson: Carolyn Noya said the P&Z recommends approval.
  - c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia: Carolyn Noya said P&Z recommends approval.
  - d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott: Brian Riewe said P&Z recommends approval.
  - e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott: Brian Riewe said P&Z recommends approval.

**Public Hearing:**

Hear Citizen Comments: Alfred Beck was the only person signed up to speak in the Public Hearing and he said he was in favor of the new subdivision listed in item a.

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges:
  - vii. Variance for curb and gutters
  - viii. Variance for street radius
  - ix. Variance for speed limit
  - x. Variance for continuity
  - xi. Variance for the street right of ways
  - xii. Variance for sidewalks
- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson. No one signed up to speak for or against this item.

- c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia. No one signed up to speak for or against this item.
- d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott. No one signed up to speak for or against this item.
- e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott. No one signed up to speak for or against this item.

### **Open Meeting:**

#### Discussion and Action on

- a. On multiple variances requests at Garwood Park Subdivision, ABS A46 Lomas, L., 5.11 Acres Parcel ID 49198, 701 NE 9th Street, Property owner Machs and Cahoots LLC, Agent Chase Hodges.

- xiii. Variance for curb and gutters- The developer would like to use concrete gutter to divert water in lieu of curb and gutter systems stated in Chapter 10, Article 3, Section 5 of the Subdivision ordinance. Due to minimal slope characteristics on the existing property utilization of this style of concrete gutter to divert runoff to Garwood and Short Streets would allow for minimal impacts to the existing property. This gutter style provides ample drainage to manage and divert runoff as needed.

Councilwoman Barrientos made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Etheredge seconded and the motion passed unanimously.

- xiv. Variance for street radius- The developer would like to use a tighter street radius to make Towers Lane viable around the large Century Oak tree and minimally impact the existing building to be utilized onsite. Due to the characteristics of the land, this street location and radius provides for the best use of the land and showcases one of the preserved trees on property. This would be in lieu of stated ordinances as described in Chapter 10, Article 3, Section 1.7 of the Subdivision ordinance which requires local streets have a

minimum radius at the centerline of five hundred (500) feet. Existing structures and trees require a unique design to accommodate all deed restrictions and viable lot layouts.

Councilwoman Bruno made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilwoman Barrientos seconded and the motion passed unanimously.

- xv. Variance for speed limit- The developer would like to reduce the speed limit from 30 mph to 20 mph. Reducing the speed creates a safer street through the neighborhood and allows for the road radius around the century oak to be navigated. (re: Chapter 12 – Traffic and Vehicles, Article 12.04.002, "Establishment of Special Speed Limits).

Councilman Gordon made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Etheredge seconded and the motion passed unanimously.

- xvi. Variance for continuity- Chapter 10, Article 3, Section 1.8 of the Subdivision ordinance requires the system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions; and where other than adjacent connections are platted, must in general be reasonable projection of streets in the nearest subdivided tracts, and must be contained to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Developer is requesting a continuity variance to allow the locations of the site access and streets to provide for the best utilization of the property and allow for the use of existing storm sewer systems already in place.

Councilwoman Barrientos made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Gordon seconded and the motion passed unanimously.

- xvii. Variance for the street right of ways- Chapter 10, Article 3, Section 1.5 of the Subdivision ordinance requires local streets to be 60-feet wide. The developer is requesting a variance to reduce street width (ROW) from 60-feet to 50-feet.

Councilwoman Morgan made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Etheredge seconded and the motion passed unanimously.

- xviii. Variance for sidewalks- Chapter 10, Article 3, Section 6 of the Subdivision ordinance requires residential sidewalks on both sides of the street; shall not be less than four (4) feet in width, parallel to and not more than two (2) feet above or below the adjacent curb grade; and shall be located one (1) foot inside the dedicated street line and situated wholly within the dedicated street. Developer is requesting a variance to place sidewalks along "new" interior roadway but not along "existing" exterior roadways. The existing exterior roadways include Garwood, Short and Colorado streets.

Councilwoman Barrientos made a motion to deny the variance, the variance is contrary to the public interest, and there are not special conditions affecting the applicant's property; and even with the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance does not observe the spirit of the ordinance, and substantial justice will not be done. Councilman Etheredge seconded and the motion passed unanimously.

- b. On a variance request for minimum side yard setback at 408 Ramona Street, Parcel ID 8725404, Smithville Townsite, Block 13 Lot 3-A, Acres.258 (amended plat of lots 1, 2, 3, & 4 of Block 13), property owner Brenda Greene Mitchell, agent Mitchell Jameson.

Councilman Etheredge made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Gordon seconded and the motion passed unanimously.

- c. On a zone change from SF-1 (Single Family Dwelling District) to C-3 (Highway Commercial District) Parcel ID 113099, A27 Decrow, Thomas, Acres 7.044, property owner Smithville Investment LLC, Agent Sadique Maredia.

Councilwoman Morgan made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Gordon seconded and the motion passed unanimously.

- d. On a variance request to allow block width greater than 300' based on the determination of an unusual case and/or special conditions for the proposed Preliminary Plat the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jasco Construction Inc., Agent Glenn Synnott.

Councilwoman Morgan made a motion to approve the variance, the variance is not contrary to the public interest, and there are special conditions affecting the applicant's property; and because of the special conditions, literal enforcement of the ordinance would result in unnecessary hardship; and the variance observes the spirit of the ordinance, and substantial justice is done. Councilman Gordon seconded and the motion passed unanimously.

- e. On approval of a Preliminary Plat for the Smithville Industrial Park located at Property ID 70936, A27 Decrow, Thomas, Acres 68.094, property owner Jesco Construction Inc., Agent Glen Synnott.

Councilmen Etheredge made a motion to approve the preliminary plat. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Annual Rate Adjustment for Waste Management Garbage Services. Waste Management, Inc. (WMI) is requesting an 8% increase in the current residential and commercial garbage rates. Per Section 8.03 of the current contract, there is a 5% cap on annual rate adjustments. The current residential garbage rate that the City charges customers is \$38.50 / month. WMI currently charges the City \$29.35 / month per residential customer. The new monthly residential rate charged to the City (at 5%) will be \$30.81. The difference in the monthly rate between what the City charges and what the City pays help cover the cost for providing leaf and limb service. 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. Councilman Etheredge made a motion to approve a 5% increase. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Smithville Chamber of Commerce Budget for Hotel Occupancy Tax for the year 2023: Councilman Etheredge made a motion to approve the Hotel Occupancy Tax Budget. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the City Website: Andy Esquivel provided an update regarding the City website re-design project to include the status of message boards. Councilwoman Bruno made a motion to approve the contract with Civic Plus for the website re-design. Councilwoman Morgan seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Extending Water and Wastewater Service Outside the City Limits: Rachael "Maggie" Quitta is seeking Council approval to extend water and sewer service outside city limits for property located on the south side of Loop 230 (ABS A46 Lomas, L. 3.439 Acres ID 8723804). Per Chapter 13 – "Utilities", Article 13.500, Section 13.502 "Application for Extension" all costs associated with extending water and sewer service outside the City limit shall be the responsibility of the owner / developer. This will include the bore beneath Loop 230 and the water/sewer taps. Councilwoman Morgan made a motion to approve the extension of Water and Wastewater to Maggie Quitta's property. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Amendment to the 380 Agreement with SJ2 Development, LLC: Global supply chain and logistics issues have impacted the Grove Subdivision development schedule. As such, SJ2 Development, LLC desires to amend the 380 Economic Development

Agreement to modify the timeline for performance-based Economic Incentive Payments (EIP's) by one (1) year. Councilman Etheredge made a motion to approve the Amendment. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on New Hours of Operation at the Smithville Recycling Center: The City Staff recommends the Recycling Center hours of operation be revised to improve resource utilization and operational efficiency. The following schedule is proposed:

Monday – CLOSED  
Tuesday – CLOSED  
Wednesday – 6:00 am to 10:00 pm  
Thursday – 6:00 am to 10:00 pm  
Friday – 6:00 am to 10:00 pm  
Saturday – 6:00 am to 10:00 pm  
Sunday – 6:00 am to 10:00 pm

We are proposing that the Recycling Center be CLOSED on Monday and Tuesday. The Public Works Department will have an employee working Wednesday through Sunday from 7:30 am to 4:30 pm to keep the Recycling Center from being overwhelmed and all recycling material sorted and bailed. Closing the Recycling Center on Monday and Tuesday will allow adequate time to restock, clean, and maintain equipment / buildings. Councilman Etheredge made a motion to approve the new hours and the City Manager the discretion as to when to start the new hours. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Authorizing the Submission of the Grant Application for the "Truancy Prevention Through Mentorship at the Gardens" to the Office of the Governor: Councilwoman Barrientos made a motion to approve the Resolution. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: none

Discussion and Action on the Reallocation of America Rescue Plan Act (ARPA) Funds: Based upon community feedback and the success of last year's event, the majority of the City Council has indicated they would like to hold a 4<sup>th</sup> of July fireworks display and celebration. Originally, we budgeted \$30k in ARPA funding for Tourism which included the Festival of Lights, Theater at the Gazebo, Songs of Smithville, and the 4<sup>th</sup> of July. However, at the request of Council, Christmas lights were installed in the 300 Block of Main and on NW/NE 2<sup>nd</sup> Street(s). In addition, ALL Christmas lights across Main Street and on buildings were replaced with LED bulbs. This pretty much exhausted the \$30k ARPA Tourism budget but the new lights were met with great enthusiasm and appreciation by residents. Recent bids for upgrading the Rec Center AV system were in excess of \$90k and the decision was made not to pursue the upgrade at this time. This leaves a surplus of \$25k in ARPA funding. As such, I would like to request reallocation of \$25k in ARPA funding from the Rec Center AV system upgrade to the Tourism line item to help cover the cost of a 4<sup>th</sup> of July Fireworks display and community celebration. Note: The event has tentatively been scheduled for Sunday, July 2, 2023. The Smithville Chamber has indicated they

will partner with the City to help coordinate and market the event. Councilwoman Bruno made a motion to approve the reallocation of the funds. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Retiree Health Benefits: Developing a program / policy to provide health benefits for retirees was approved during the budget cycle. The Health Benefits for Retirees Policy / program will be limited to Employees (EE) with 20 or more years of service with the City of Smithville. The Plan will cover insurance premiums (medical and dental) based on the following service schedule:

- 20+ years of service – 50% of individual plan premium
- 25+ years of service – 75% of individual plan premium
- 30+ years of service – 100% of individual plan premium

Plan will remain in effect until one of the following:

- Employee accepts employment with another company that offers group health insurance coverage; OR
- Employee reaches Medicare age (65), they will no longer be eligible to remain on the City's retiree health plan.

The City of Smithville will provide eligible Retirees 65 years and older up to a \$250 / month allotment to secure Medicare Supplement plan(s). Estimated Cost of the Health Benefits for Retiree program is approximately \$6k per year / Retiree at 100%. If approved by City Council, the Health Insurance Benefit Plan for Retirees would go into effect March 1, 2023. Councilman Etheredge made a motion to approve the Retiree Benefit plan. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report. Councilwoman Morgan made a motion to accept the Financial Report. Councilman Etheredge seconded and the motion passed unanimously.

**Closed Meeting:** Went into Executive Session at 8:45 PM

Executive Session pursuant to the Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Code Annotated, in accordance with the authority contained in Section 551.071, Consultation with an Attorney on (a) seeking advice on pending or contemplated litigation or (b) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

**Open Meeting:** Came out of Executive Session at 9:14 PM

Discussion and Action as a result of the Executive Session: Mayor Foerster announced advised by legal counsel threatened litigation by Cedric Hill Jr. no action will be taken.

Adjourn 9:15 p.m.

\_\_\_\_\_  
Sharon Foerster, Mayor

Attest:

\_\_\_\_\_  
Jennifer Lynch, City Secretary

**CITY OF SMITHVILLE**  
**SPECIAL CALLED COUNCIL MEETING MINUTES**  
March 1, 2023

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Joanna Morgan, Cassie Barrientos, City Manager Robert Tamble, attorney Scott Tschirhart and Shannon Strong.

**Open Meeting:** Call to order: Mayor Foerster called the meeting to order at 5:30 p.m.

**Closed Meeting:** Went into Executive Session at 5:32 PM

Executive Session was pursuant to the Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Code Annotated, in accordance with the authority contained in Section 551.071, Consultation with an Attorney on (a) seeking advice on pending or contemplated litigation with Cedric Hill Jr. or (b) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551).

**Open Meeting:** Came out of Executive Session at 6:57 PM

The mayor said there is no action taken as a result of the executive session and adjourned the meeting.

Adjourn 6:58 p.m.

\_\_\_\_\_  
Sharon Foerster, Mayor

Attest:

\_\_\_\_\_  
Jennifer Lynch, City Secretary

**CITY OF SMITHVILLE**  
**SPECIAL CALLED COUNCIL MEETING MINUTES**  
March 9, 2023

Present: Mayor Sharon Foerster, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Joanna Morgan, Cassie Barrientos, City Manager Robert Tamble, and attorney Jason Rammel.

**Open Meeting:** Call to order: Mayor Foerster called the meeting to order at 5:30 p.m.

Executive Session Pursuant to Texas Government Code § 551.074(a)(1), the City Council shall convene in a closed session to evaluate the performance of the Mayor. Mayor Foerster quoted section 551.074 subsection (b) of the Government Code and waived her right to a closed meeting and elected to have the meeting be convened in an open meeting.

Mayor Foerster asked Robert Tamble how this Special Called Meeting came about. Robert replied that three Councilmembers (Etheredge, Morgan, and Bruno) asked him to call this meeting.

Councilman Etheredge made a statement below that he wanted to be recorded in the minutes:

“The purpose of tonight's meeting, for me personally, is to gather information related to multiple claims of inappropriate behavior and/or actions on the part of the mayor in recent months. In the case of certain of these claims to which I have been made aware, taken individually, a reasonable person could conclude that they do not rise to the level of seriousness to warrant tonight's venue. However, when considered in the aggregate, that same reasonable person could conclude they represent a serious situation. And in the case of certain claims, they alone would be considered serious by a reasonable person.

So, given the aggregation of claims, and the very serious nature of certain ones, I believe this session is fully warranted. These proceedings will go a long way towards satisfying me that I and this body have fulfilled our individual and collective duty to the citizens of Smithville, to ensure their elected officials are serving them with the high standards of integrity they expect and deserve.

I want to be clear that I do not have firsthand evidence substantiating any of the claims, so I am not asserting any of these to be fact at this time. But I have been personally approached multiple times by multiple citizens over the course of the past 2- 3 months, asserting these claims to be discussed tonight. These individuals are believed by me to be credible, upstanding members of the community, some in leadership positions, with no motives, known to me, for being dishonest in their assertions.

I want to thank the city manager, the city attorney, and my colleagues for their service. And I want to thank the mayor for her understanding of the process that I believe must be followed and for her cooperation.”

Councilwoman Morgan stated Mayor Foerster has grown in her position but has heard from many citizens actions that she has taken she feels are not consistent with the behavior and public conduct

that is expected of the Mayor. These are things Councilwoman Morgan has not personally witnessed but has heard from credible people.

Councilwoman Bruno had concerns about recent actions and past actions of the Mayor that has affected the morale of the Council, City Employees, and the Police Department. Bruno wanted this meeting to stay positive and solution-focused.

The Mayor asked those Councilmembers who requested the session specifics about the complaints they have received.

Councilwoman Barrientos asked the question: "is everything we are talking about hearsay with no formal complaint?" Councilman Etheredge replied, "this was not an assertion of fact but the meeting was called to ask questions."

The Council and Mayor had discussions back and forth. Councilman Gordon said he doesn't like to see a City or Council divided and we can't be effective going forward if we are divided. We need to be a unified team going forward.

The meeting was live-streamed and recorded on the Smithville YouTube channel and can be found at the following link: <https://www.youtube.com/watch?v=jzuoEDqcljU>

No action was taken and the meeting adjourned at 6:17 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary

# Item #6

# CITY OF SMITHVILLE

## PLANNING & ZONING APPLICATION

### APPLICATION TYPE

Zoning Change Request:

- ☐ Change in Zoning Class
- ☐ Change in Ordinance
- ☒ Variance
- ☐ Special Use Permit
- ☐ Minor Plat/Subdivision
- ☐ Other \_\_\_\_\_

Number of Requests:

- ☐ Single
- ☒ Multiple

### PROPERTY IDENTIFICATION

Street Address 205 NE 2nd St

\*\*\* Applicant must submit an accurate location map and site plan for application to be considered \*\*\*

Legal description

- ☐ Platted Land (please provide subdivision, block and lot information below)
- ☐ Unplatted Land (please submit the metes and bounds description from deed)

Subdivision Name: \_\_\_\_\_

Property Tax Code: 84198 Block Number: 34 Lot Number: 738

Property Owner (as listed on Deed): Janice So Taylor

Property Owner Mailing Address: \_\_\_\_\_

Owner's Phone No: \_\_\_\_\_ Owner's Email: \_\_\_\_\_

Agent's Name (if applicable): Dallas Taylor

Agent's Mailing Address: 603 Watlerson Rd Bastrop, LA 78602

Agent's Phone No: \_\_\_\_\_ Agent's Email: cd@comcast.net

## DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>
	MR <input type="checkbox"/>	C-1 <input type="checkbox"/>		MR <input type="checkbox"/>	C-1 <input type="checkbox"/>
	C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>		C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>
	MHS <input type="checkbox"/>	MF <input type="checkbox"/>		MHS <input type="checkbox"/>	MF <input type="checkbox"/>
	CF <input type="checkbox"/>	PD <input type="checkbox"/>		CF <input type="checkbox"/>	PD <input type="checkbox"/>
	PD-Z <input type="checkbox"/>	I <input type="checkbox"/>		PD-Z <input type="checkbox"/>	I <input type="checkbox"/>
	CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>		CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>

Describe variance requested:

Front yard setback, side yard setback, rear yard setback, open space, Lot coverage by building, Lot size is less than 15,000 sq. ft., off street parking

Describe special use requested:

Reason for Request:  
(explain why special exception is sought or why a variance has been requested).

Variance is being requested to change the usage of said property ~~from~~ Single Family to Multiple Family.

## PETITION

As Owner/Agent, I hereby petition the City of Smithville for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City. I understand and agree that the Petition fee is non-refundable and that I must attend the Planning & Zoning meeting and subsequent City Council meeting in order for my application to be considered for approval.

Signature: \_\_\_\_\_

Date: 10-24-22

### OFFICE USE ONLY:

Fee Amount: 675

Fee Payment: 675

P&Z Date: Dec 6 2022

Council Date: Jan 9 2023

Accepted By: J. Dunowski

Date Submitted: 10-24-2022



## Planning and Zoning Variance Criteria: Ordinance and Request for Variance

### Request for Variance

Please answer the following questions as detailed as possible so that the City Council has enough information to consider this request, include information on additional pages if necessary:

- \* Will granting this variance have any negative effect on the good order and functioning of the community and government affairs for the well-being of citizens?

No

- \* Explain the special condition affecting the property.

Building covers large portion of lot  $\frac{1}{3}$  doesn't meet set back requirements

- \* Explain the unnecessary hardship caused by the special condition.

Without Variances building use is Limited

- \* Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice is done. Will substantial justice be done if this variance is granted? Explain.

Yes to provide affordable housing

- \* For land being used or developed for a reason other than a homeowner building or improving the homeowner's residence, there is no unnecessary hardship unless:

- Yes (1) Without the requested variance, the Code of Ordinances of the City of Smithville does not permit any reasonable use of the land;
- No (2) The hardship complained of is not self-created; and
- No (3) The hardship complained of is not a financial hardship only.
- Yes (4) The cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; or
- (5) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
- (6) Compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
- (7) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (8) The city considers the structure to be a nonconforming structure

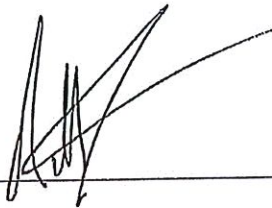
Explain how the unnecessary hardship meets all of the above criteria.

Without Variances the use is limited

☒ By checking this box, I affirm that granting this variance will not negatively affect land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the area, and the probable effect of such variance upon traffic conditions and upon the public health, safety, and general welfare in the vicinity.

Other Comments:

Signature: \_\_\_\_\_



Print Name: \_\_\_\_\_

Dallas Taylor

Date: 10-24-22

# EXHIBIT 'B'

5/8" IRON ROD FOUND

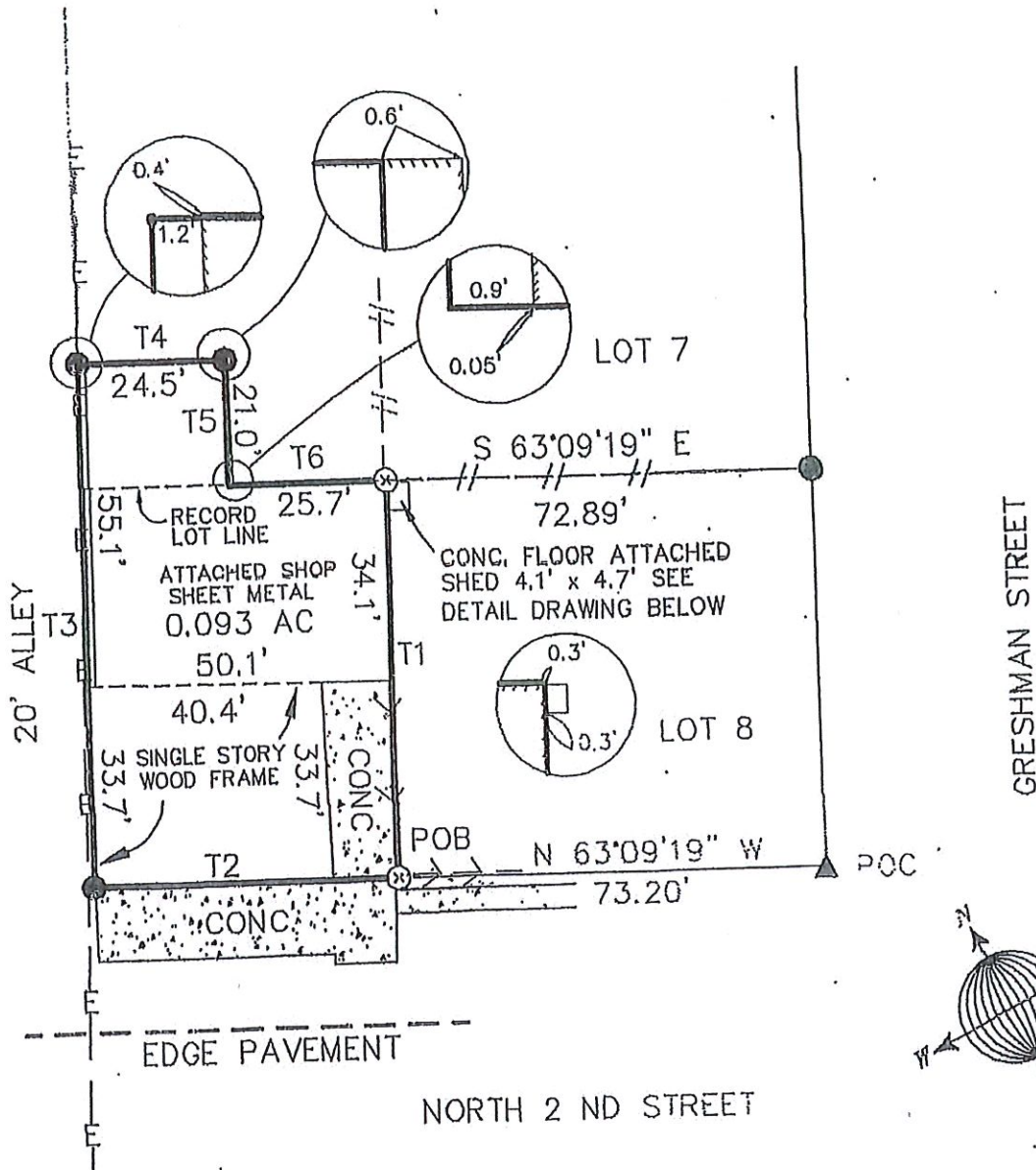
OVERHEAD ELECTRIC

POWER POLE

WOOD FENCE

CHAIN LINK FENCE

TAN	BEARING	LENGTH
T1	S 27°07'21" W	67.59'
T2	N 63°09'19" W	51.82'
T3	N 26°55'57" E	88.57'
T4	S 63°05'13" E	25.14'
T5	S 26°54'58" W	20.95'
T6	S 63°09'19" E	26.90'



## LEGAL DESCRIPTION

BEING 0.093 ACRES OF LAND OUT OF AND A PORTION OF LOTS 7 AND 8, BLOCK 34, CITY OF SMITHVILLE TEXAS.

THE PROPERTY SHOWN HEREON IS IN FLOOD ZONE "X", AS IDENTIFIED BY THE FEDERAL FLOOD INSURANCE RATE MAP # 48021C0275 C DATED AUGUST 19, 1991.

TO THE OWNER AND/OR LIENHOLDER AND

## Letter Of Intent

205 NE 2nd Street  
Smithville, Tx 78957

10/22/2022

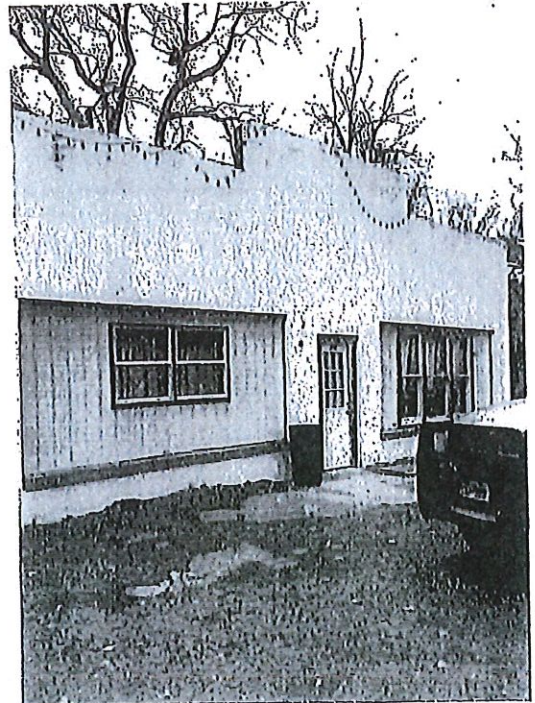
To City Of Smithville and Community:

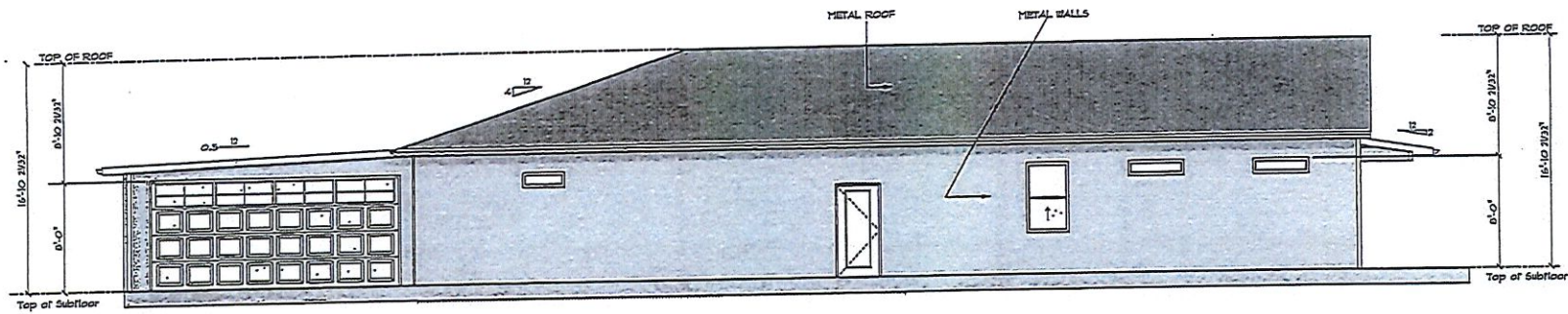
The intent of this letter to to ask for a change of usage in regards to 205 NE 2nd Street. The property's current usage is for SF 1(Single Family) and we are asking for a variance to change to a MF(Multi Family). Our intent is to add value to this area, by remodeling this real estate to a 3 plex. This space would allow us to have 2-one bedroom apartments , and 1 two bedroom apartment.

By approving this Variance request you will be helping to create more affordable housing in smithville. This approval would also raise tax revenue from this real estate for more Smithville improvements.

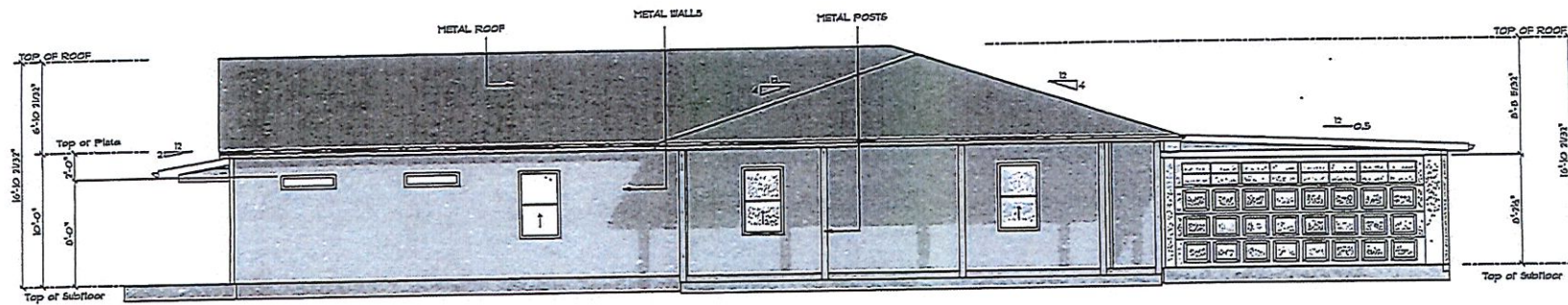
Thank you for your time,

Dallas Taylor



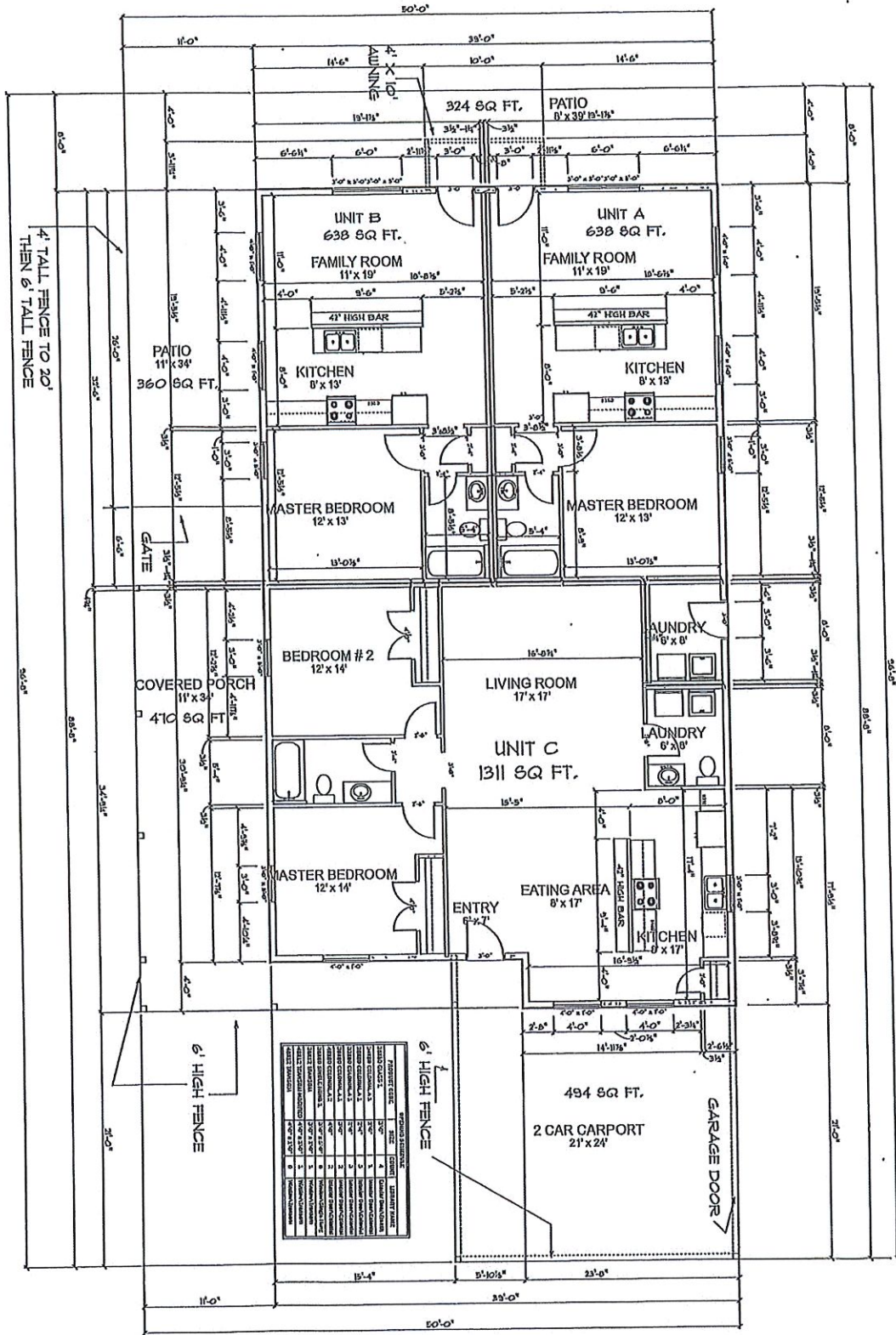


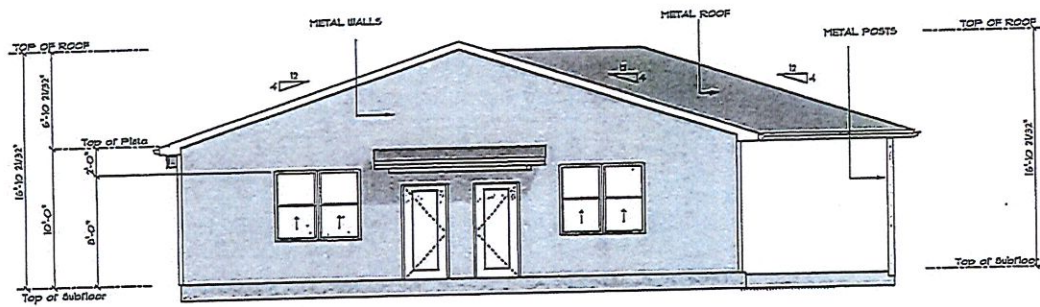
**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



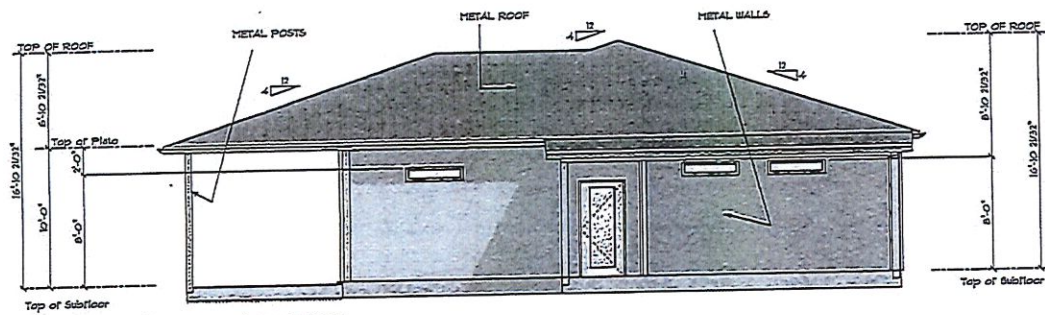
**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

DALLAS 2ND STREET  
SCALE: 1/4" = 1'-0"





**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

DALLAS TAYLOR 2ND STREET

PHONE  
FAX  
MOBILE

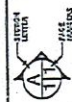
**SOFTPLAN**  
ARCHITECTURAL DESIGN SOFTWARE

PHONE  
FAX  
MOBILE

SCALE: 1/4" = 1'-0"

DRAWN BY:

DATE: Friday, September 18, 2022



APPROVED:

CHECKED BY:

PAGE:

1/1

FRONT AND REAR ELEVATIONS

MAYOR  
SHARON FOERSTER  
MAYOR PROTEM  
WILLIAM GORDON  
COUNCIL MEMBERS  
JANICE BRUNO  
CASSIE BARRIENTOS  
TOM ETHEREDGE  
JOANNA MORGAN  
CITY MANAGER  
ROBERT TAMBLE



317 MAIN STREET  
P.O. BOX 449  
SMITHVILLE, TEXAS  
78957  
(512) 237-3282  
FAX (512) 237-4549

01/18/2023

Dear Property Owner/Current Resident,

Your address is within 200' of one or more of the following proposed agenda items. This notice is to inform you that The City of Smithville Planning and Zoning Commission will hold a Public Hearing on February 07, 2023, at 6:00 p.m. in the Council Chambers located at 317 Main Street, Smithville, TX for:

**Discussion and action on multiple variance requests for front, side and rear setbacks, minimum lot size, maximum lot coverage, off street parking, and open space at 205 NW 2<sup>nd</sup> Street, parcel ID 84198, property owner Janice Taylor, agent Dallas Taylor.**

The Commission will hear all citizens' concerns for or against the multiple variance request. A recommendation will be given at the City Council meeting by the Planning and Zoning Commission. The City Council will hold a public hearing and Council meeting to discuss and seek action on March 13, 2023, at 6:00 p.m. Please check the city website for any updates about this meeting.

**Please follow us on our YouTube Page:**

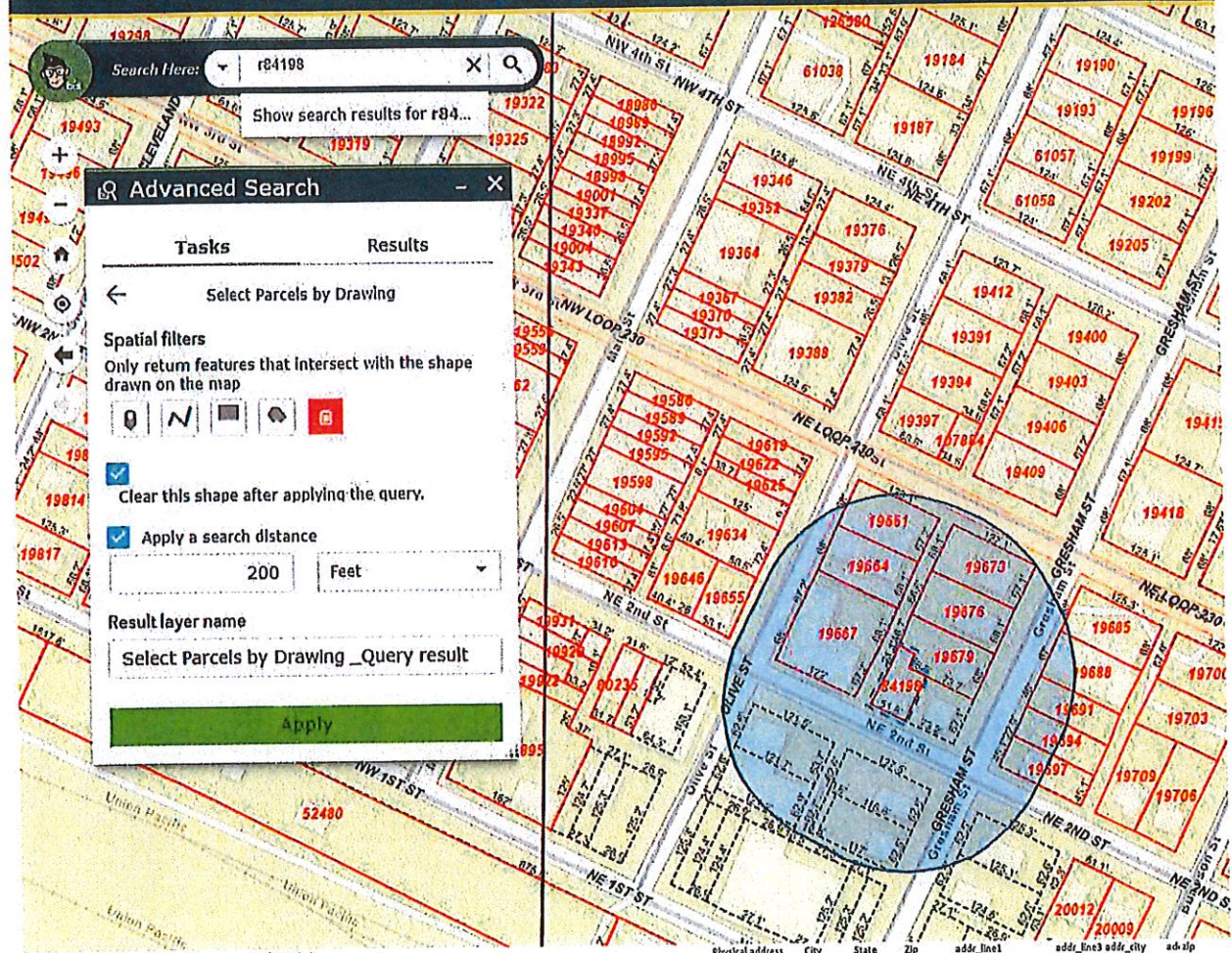
([www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKcH5w](https://www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKcH5w)). You can also go to the City's website and click the link on the Planning & Zoning page to access our YouTube page. We will go live at 6:00 p.m. so that you can view the live meeting. **If you have any questions or concerns, please reach out to Tracie Dzenowski at 512-237-3282 ext. 2101 and check the City's website for any updates about this meeting.**

Thank You,

*Tracie Dzenowski*

*Planning and Zoning Commission: Brian Riewe, Caroline Noya, Nancy Catherman, Garrett Gutierrez & Monica Poss.*

# Central Appraisal District



Prop ID	Name on file	Legal Description	Physical address	City	State	Zip	addr_line1	addr_line2	addr_city	adslip
19661	THE LA GRANGE PARTS HOUSE INC	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 1	200 HE LOOP 230	SMITHVILLE	TX	78957	210 E TRAVIS ST	LA GRANGE	TX	78945
19664	THE LA GRANGE PARTS HOUSE INC	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 2	200 OLIVE ST	SMITHVILLE	TX	78957	210 E TRAVIS ST	LA GRANGE	TX	78945
19667	MUTSCHNIK, MILDRED	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 3 & 4	200 OLIVE ST	SMITHVILLE	TX	78957	PO BOX 555	SMITHVILLE	TX	78957
19673	REDDELL, GINGERLEE	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 5	207 GRESHAM ST	SMITHVILLE	TX	78957	JASON DOI 207 GRESHAM ST	SMITHVILLE	TX	78957
19676	VASE, CORINNE	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 6	205 GRESHAM ST	SMITHVILLE	TX	78957	205 GRESHAM ST	SMITHVILLE	TX	78957
19679	HATCHCOCK, JIM G & MURKIN M	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 7 (FR)	203 GRESHAM ST	SMITHVILLE	TX	78957	203 GRESHAM ST	SMITHVILLE	TX	78957
19682	FREEMAN, ERIN	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 8 (FR)	201 GRESHAM ST	SMITHVILLE	TX	78957	201 GRESHAM ST	SMITHVILLE	TX	78957
19685	CARTS	SMITHVILLE TOWNSHIP, BLOCK 35, LOT 1	300 HE LOOP 230	SMITHVILLE	TX	78957	5111 EAST 1ST STREET	AUSTIN	TX	78701
19688	CARTS	SMITHVILLE TOWNSHIP, BLOCK 35, LOT 2	300 E 3RD ST	SMITHVILLE	TX	78957	5111 EAST 1ST STREET	AUSTIN	TX	78702
19691	KING, GARY & DEBORAH	SMITHVILLE TOWNSHIP, BLOCK 35, LOT 3 (2/3)	204 GRESHAM ST	SMITHVILLE	TX	78957	3315 FM 1204	SMITHVILLE	TX	78957
19694	HERRINGTON, DAVID L	SMITHVILLE TOWNSHIP, BLOCK 35, LOT 3 (S 1/3) & 4 (N 1/3)	202 GRESHAM ST	SMITHVILLE	TX	78957	500 MILLS ST	SMITHVILLE	TX	78957
19697	WALLACE, SUSAN J	SMITHVILLE TOWNSHIP, BLOCK 35, LOT 4 (FR)	200 GRESHAM ST	SMITHVILLE	TX	78957	200 GRESHAM ST	SMITHVILLE	TX	78957
19976	MARRS FUNERAL HOME	SMITHVILLE TOWNSHIP, BLOCK 44, LOT 11	104 OLIVE ST	SMITHVILLE	TX	78957	3103 SACKETT ST	HOUSTON	TX	77098
19979	MARRS FUNERAL HOME	SMITHVILLE TOWNSHIP, BLOCK 44, LOT 12	202 HE 2ND ST	SMITHVILLE	TX	78957	3103 SACKETT ST	HOUSTON	TX	77098
19982	HIS SIMMONS TRUST	SMITHVILLE TOWNSHIP, BLOCK 44, LOT 13, (1/4) 28X48, S/4 MP152403A/B, L/4 TEX0532107/04)	107 GRESHAM	SMITHVILLE	TX	78957	P O BOX 372	SMITHVILLE	TX	78957
19985	MARIAH, DORIS	SMITHVILLE TOWNSHIP, BLOCK 44, LOT 14 (FR)	105 GRESHAM ST	SMITHVILLE	TX	78957	C/O OVEN 105 GRESHAM ST	SMITHVILLE	TX	78957
20003	MCCORMACK, HEAGAN	SMITHVILLE TOWNSHIP, BLOCK 45, LOT 11	104 GRESHAM ST	SMITHVILLE	TX	78957	104 GRESHAM ST	SMITHVILLE	TX	78957
20006	WASH, JAMES R & PATRICIA	SMITHVILLE TOWNSHIP, BLOCK 45, LOT 12	106 GRESHAM ST	SMITHVILLE	TX	78957	106 GRESHAM ST	SMITHVILLE	TX	78957
49195	MARRS FUNERAL HOME	SMITHVILLE TOWNSHIP, BLOCK 44, LOT 14 (W 1/4)					3103 SACKETT ST	HOUSTON	TX	77098
78195	MARRS FUNERAL HOME	SMITHVILLE TOWNSHIP, BLOCK 44, ACRES 0.0188					3103 SACKETT ST	HOUSTON	TX	77098
84198	TAYLOR, JANICE JO	SMITHVILLE TOWNSHIP, BLOCK 34, LOT 7 (FR) & 8 (FR), ACRES 0.0030	205 HE 2ND ST	SMITHVILLE	TX	78957	205 HE 2ND ST	SMITHVILLE	TX	78957

# CITY OF SMITHVILLE

## PLANNING & ZONING APPLICATION

### APPLICATION TYPE

Zoning Change Request:

- ☐ Change in Zoning Class
- ☐ Change in Ordinance
- ☒ Variance
- ☐ Special Use Permit
- ☐ Minor Plat/Subdivision
- ☐ Other \_\_\_\_\_

Number of Requests:

- ☒ Single
- ☐ Multiple

### PROPERTY IDENTIFICATION

Street Address 301 Myrtle Lane

\*\*\* Applicant must submit an accurate location map and site plan for application to be considered \*\*\*

Legal description

- ☒ Platted Land (please provide subdivision, block and lot information below)
- ☐ Unplatted Land (please submit the metes and bounds description from deed)

Subdivision Name: McMahan Addition

Property Tax Code: 8717857 Block Number: 1 Lot Number: 1

Property Owner (as listed on Deed): George McMahan

Property Owner Mailing Address: 7703 LaSalle Ave, Lubbock, TX 79424

Owner's Phone No: \_\_\_\_\_ Owner's Email: \_\_\_\_\_

Agent's Name (if applicable): Ronnye Kettler - G2K Development Partners

Agent's Mailing Address: 33300 Egypt Lane, Suite D-200, Magnolia, TX

Agent's Phone No: \_\_\_\_\_ Agent's Email: \_\_\_\_\_

## DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>
	MR <input type="checkbox"/>	C-1 <input type="checkbox"/>		MR <input type="checkbox"/>	C-1 <input type="checkbox"/>
	C-2 <input type="checkbox"/>	C-3 <input checked="" type="checkbox"/>		C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>
	MHS <input type="checkbox"/>	MF <input type="checkbox"/>		MHS <input type="checkbox"/>	MF <input type="checkbox"/>
	CF <input type="checkbox"/>	PD <input type="checkbox"/>		CF <input type="checkbox"/>	PD <input type="checkbox"/>
	PD-Z <input type="checkbox"/>	I <input type="checkbox"/>		PD-Z <input type="checkbox"/>	I <input type="checkbox"/>
	CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>		CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>

Describe variance requested:

Requesting a variance to omit 6' masonry fence along eastern property line.

Describe special use requested:

Reason for Request:  
(explain why special exception is sought or why a variance has been requested)

The eastern property boundary adjoins undeveloped residential land owned by myself (George McMahon). The proposed Family Dollar does not represent a noise issue that necessitates a masonry wall. The future residential lots owned by me are deed restricted to provide a wood screen fence at the time of the residential construction.

## PETITION

As Owner/Agent, I hereby petition the City of Smithville for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City. I understand and agree that the Petition fee is non-refundable and that I must attend the Planning & Zoning meeting and subsequent City Council meeting in order for my application to be considered for approval.

Signature: George McMahon

Date: 12/9/2022

### OFFICE USE ONLY:

Fee Amount: 1075

Fee Payment: 1075

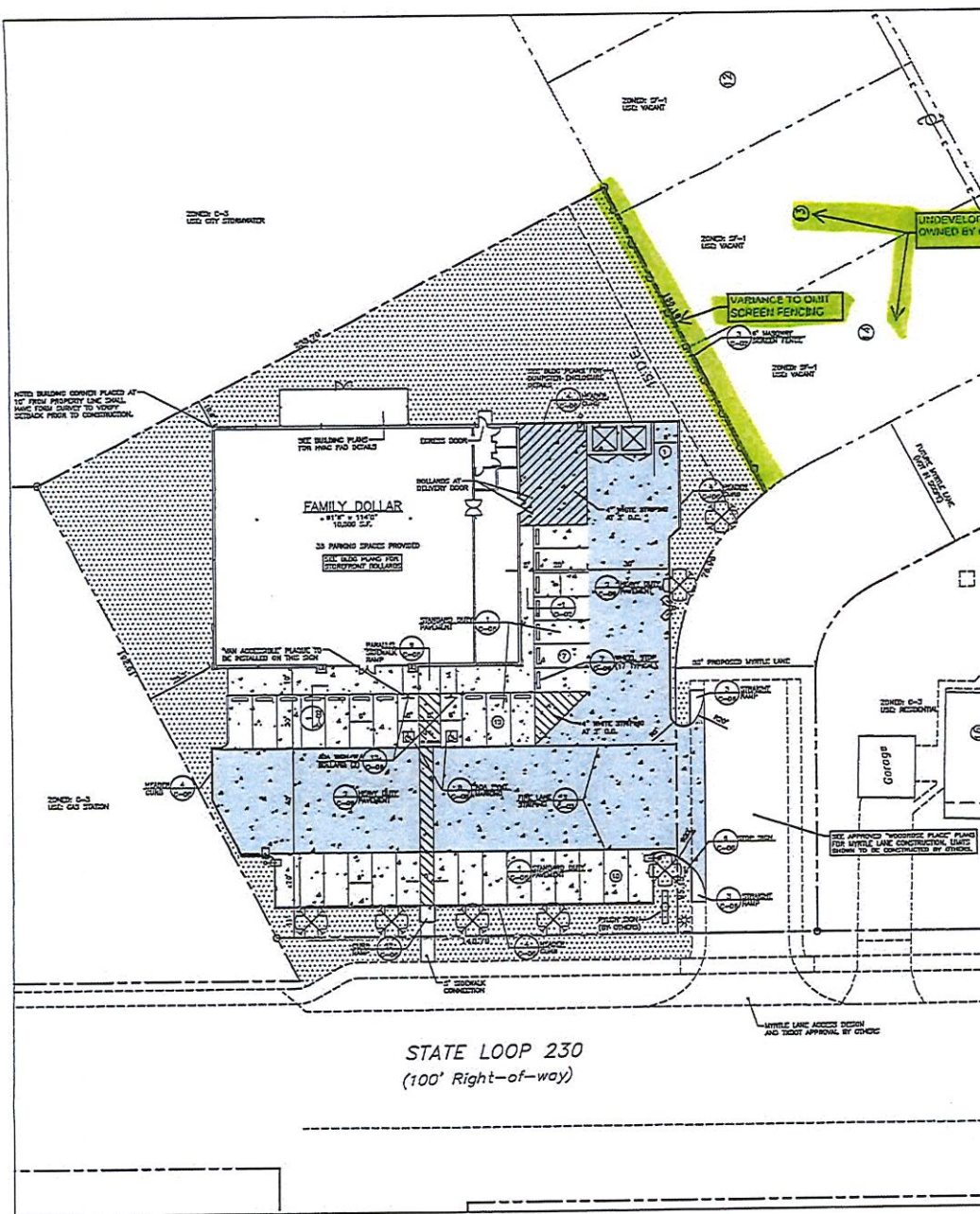
P&Z Date: Feb. 7, 2023

Council Date: March 13, 2023

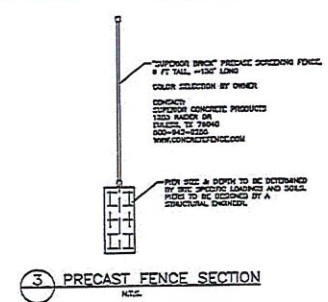
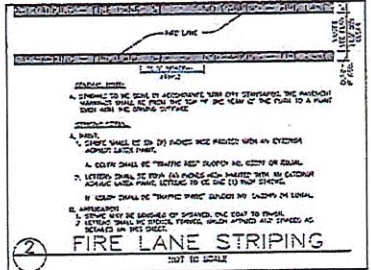
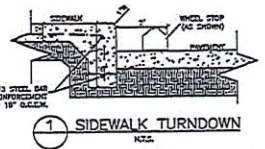
Accepted By: [Signature]

Date Submitted: 1-4-23

☒ Notice sent to property owners within 200 feet of proposed property



PARKING & PAVING LEGEND	
PROPERTY LINE	---
CONCRETE CURB	=====
PAVING CURB	=====
TRAFFIC SIGN	→
LANDSCAPE AREA (SEE LANDSCAPE PLAN)	~~~~~
CONCRETE PAVEMENT	=====
PAVING DUTY PAVEMENT	=====
REPAIR (5" x 6" PODIUM)	=====
WHITE STOP LINE (WGL) (24" WIDE)	=====
STOPPING	=====
TRANSFORMER (SEE SITE ELECTRICAL PLANS)	⊠



- PARKING AND PAVING NOTES**
- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY COMMISSIONERS COURT.
  - CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DALLAS COUNTY COMMISSIONERS COURT.
  - CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADES, TRAFFIC CONTROL DEVICES, AND TRAFFIC CONTROL PLAN TO CITY AND STATE FOR APPROVAL.
  - CONTRACTOR SHALL MAINTAIN THE NECESSARY WORK AREAS FROM PEDESTRIAN TRAFFIC AND TO MAINTAIN PEDESTRIAN PASSAGE AT ALL TIMES.
  - ALL PAVED AREAS SHALL BE MAINTAINED TO A MINIMUM CLEARANCE OF TWO FEET FROM THE CURB AND THE FACE OF THE CURB SHALL BE MAINTAINED TO A MINIMUM CLEARANCE OF TWO FEET FROM THE CURB.
  - CONTRACTOR SHALL MAINTAIN THE NECESSARY WORK AREAS FROM PEDESTRIAN TRAFFIC AND TO MAINTAIN PEDESTRIAN PASSAGE AT ALL TIMES.
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LANDSCAPING CALCULATIONS:	
REQUIRED:	1 MEDIUM TREE / 40' ROAD FRONTAGE (EXCLUDING DRIVEWAYS)
STATE LOOP 230	= 148' / 40' = 4 REQUIRED
MYRTLE LANE	= 124' / 40' = 3 REQUIRED
PROVIDED:	
STATE LOOP 230	= 4 PROVIDED
MYRTLE LANE	= 3 PROVIDED

SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	MIN. INSTALLED SIZE
⊗	LIVE OAK	QUERCUS PUMPA	0	2" CALIPER @ MIN. HEIGHT
⊗	CHINCH PISTACHIO	PISTACHIA CHINCH	7	2" CALIPER @ MIN. HEIGHT
⊗	3/4" x 1" BIRCH STONE PLANTER			
⊗	W/ FILTER FABRIC			
⊗	HYDRANGEA (HYDRANGEA)			

\*\* NOTE: CONTRACTOR SHALL PROVIDE ALTERNATE PRICE TO BID IN LIEU OF HYDRANGEA

**BERRY**  
ENGINEERS LLC  
33300 RGYPT LANE, SUITE D-200  
MAGNOLIA, TX 77354

**FAMILY DOLLAR**  
33300 RGYPT LANE, SUITE D-200  
MAGNOLIA, TX 77354

**FAMILY DOLLAR**  
STATE LOOP 230  
SMITHVILLE, TX

REVISIONS	
1	BULLETIN #1 (ISSUED)
2	
3	
4	
5	
6	
7	
8	
9	
10	

SHEET NAME:  
SITE LAYOUT & PAVING PLAN

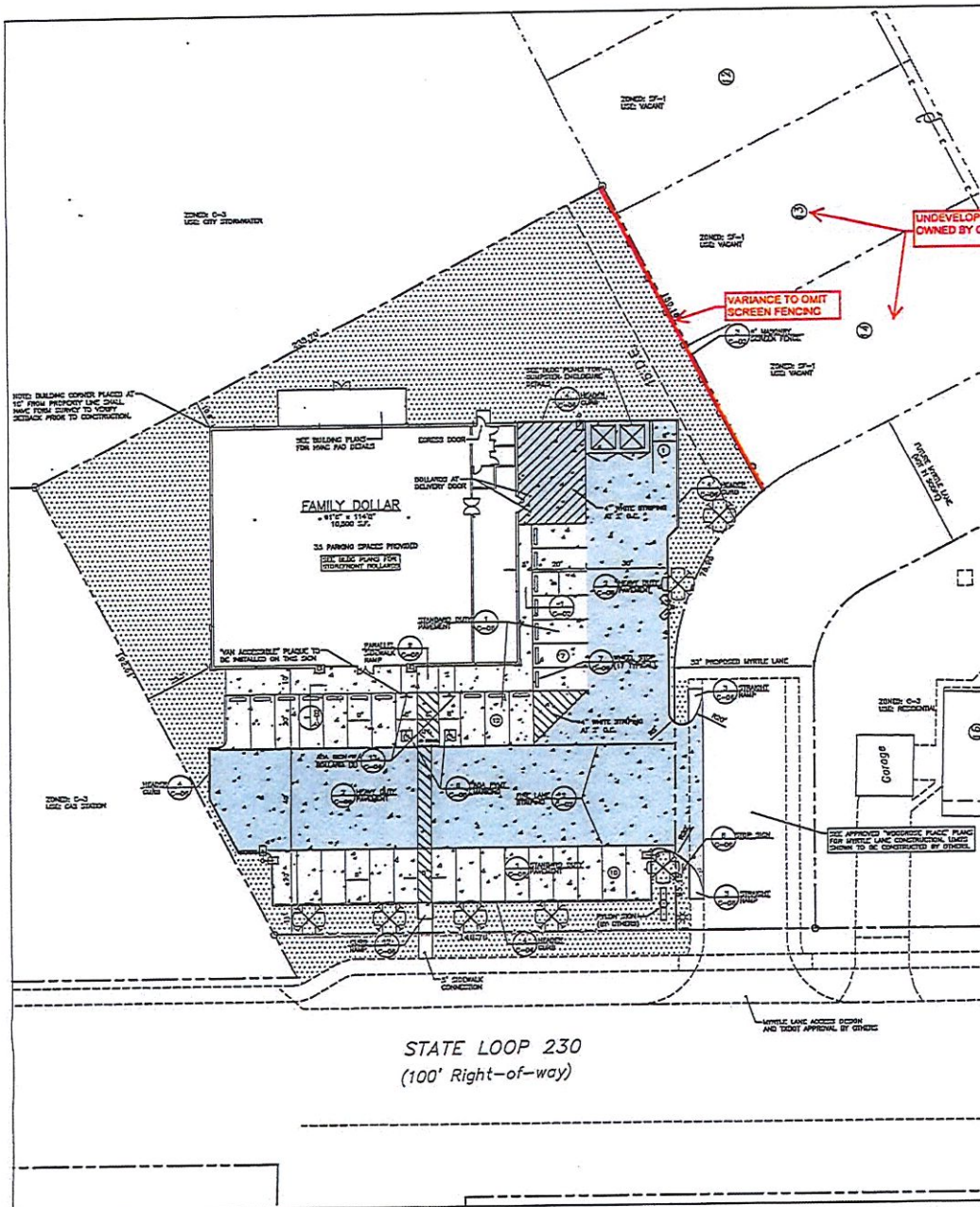
DATE: 09/13/2022

DRAWN BY: HSS

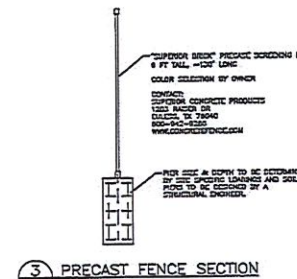
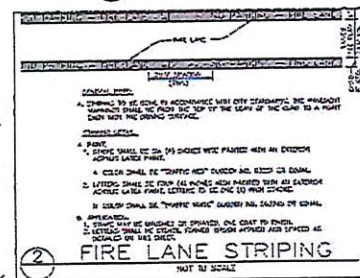
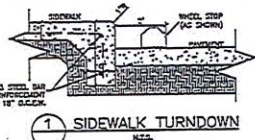
CHECKED BY: CMH

PROJECT NO.: 22041

SHEET NUMBER:  
**C-02**



PARKING & PAVING LEGEND	
PROPERTY LINE	---
CONCRETE CURB	=====
EXISTING CURB	-----
DIRECTIONAL ARROW, PAINTED WHITE	→
TRAFFIC SIGN	⬮
LANDSCAPE AREA (SEE LANDSCAPE PLAN)	~~~~~
CONCRETE PAVEMENT	▨
HEAVY DUTY PAVEMENT	▩
REPAIR (5" PAVEMENT)	▧
WHITE STOP LINE (5'x4" 2"x4" MARK)	—
STRIPING	---
TRANSFORMER (SEE SITE ELECTRICAL PLANS)	⊞



LANDSCAPING LEGEND				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	MIN. INSTALLED SIZE
⊙	LIVE OAK	QUERCUS FUSIFORMIS	0	3" CALIPER 8' MIN. HEIGHT
⊗	CHRISME PISTACHIO	PISTACHIA CHENEDENS	7	3" CALIPER 8' MIN. HEIGHT
⊕	3/4" TO 1" BLENK STONE PLANTER W/ FILTER FABRIC			
⊖	HYDROSEED (BERMUDA)			

\*\* NOTE: CONTRACTOR SHALL PROVIDE ALTERNATE PRICE TO \$500 IN LIEU OF HYDROSEEDING

- ### PARKING AND PAVING NOTES
- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL ORDINANCES IMPOSED BY LOCAL, STATE, COUNTY, AND STATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MAGNOLIA AND TRIST STATE ENGINEERING AND ARCHITECTS.
  - CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF PRACTICE AND SPECIFICATIONS FOR CONSTRUCTION" ISSUED BY THE U.S. DEPARTMENT OF TRANSPORTATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION.
  - CONTRACTOR SHALL PROVIDE ALL NECESSARY MARKINGS, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL MEASURES AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC AND SHALL BE PROVIDED AND MAINTAINED THROUGHOUT ALL CONSTRUCTION ACTIVITIES TO AND FROM ALL ROADWAYS. CONTRACTOR SHALL SUBMIT TRAFFIC CONTROL PLAN TO CITY AND STATE FOR APPROVAL.
  - THE CONTRACTOR SHALL TAKE NECESSARY MEASURES TO SEPARATE WORK AREAS FROM FOOTPATH TRAFFIC AND TO INSURE SAFE FOOTPATH PASSAGE AT ALL TIMES.
  - ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. A MINIMUM CLEARANCE OF TWO FEET SHALL BE MAINTAINED BETWEEN THE FACE OF CURB AND ANY PART OF A TRAFFIC SIGN OR LIGHT POLE. CONTRACTOR SHALL COORDINATE INSTALLATION OF ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES WITH OTHER CONSTRUCTORS ON SIDE OR ADJACENT LANE.
  - CONTRACTOR SHALL FURNISH AND INSTALL ALL PAVEMENT MARKINGS AS SHOWN. ALL PAVEMENT MARKINGS SHALL BE FIVE (5) INCHES WIDE UNLESS INDICATED OTHERWISE ON THE DRAWINGS. PAINT SHALL BE APPLIED IN TWO COATS FOR A MINIMUM DRY FILM THICKNESS OF 13 MIL.
  - CONTRACTOR SHALL SAW-CUT TO PROVIDE CHORD TRANSITIONS AT 90-DEGREE TO EXISTING EDGES OF PAVEMENT AND AT 45-DEGREE TO EXISTING EDGES OF PAVEMENT.
  - JOINTS OR SCREE MARKS ARE TO BE SHARP AND CLEAN WITHOUT SICKENING EDGES OF JOINTING TOOL.
  - CONTRACTOR SHALL SAW-CUT TO 90-DEGREE AT EXISTING EDGES AS NECESSARY TO OBTAIN SMOOTH TRANSITIONS. CONTRACTOR SHALL SAW-CUT AND TRANSITION TO NEAR EXISTING PAVEMENT AS NECESSARY AND AS DIRECTED BY INSPECTOR TO INSURE POSITIVE DRAINAGE. (TYPICAL IN ALL UNDERSIDES)
  - PAVING CONTRACTOR SHALL INSTALL WATER BREAKAWAY EDGES AT COLD JOINTS OR SAWCUT AS REQUIRED TO INSURE A SMOOTH, FULL-DEPTH JOINT FACE MINIMIZING FRICTION TO INSTALLING ADJACENT HOT ASPHALT.
  - ALL EXISTING AREAS TO BE PAVED SHALL BE REPAIRED PRIOR TO PAVING. CONTRACTOR SHALL BE RESPONSIBLE FOR COST OF PAVEMENT REPLACEMENT WHERE UTILITY LINES ARE DETECTED BEFORE PAVING. CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF PAVEMENT REPLACEMENT WHERE UTILITY LINES ARE DETECTED AFTER PAVING.
  - ASPHALT SURFACING COURSE SHALL BE Laid WITH THE DIRECTION OF TRAFFIC IN ALL DRIVE LANE WITHIN PARKING AREAS.
  - BASE AND ASPHALT THICKNESSES ARE MINIMUM REQUIRED. REFER TO SPECIFICATIONS FOR TYPE OF PAVING AND BASE TO BE USED.
  - ALL CONCRETE SHALL BE CURED A MINIMUM OF 7 DAYS UNLESS NOTED OTHERWISE. DO NOT POSE ANY CONCRETE BEFORE FINISH ARE COMPLETED AND APPROVED BY THE INSPECTOR.
  - ALL EXISTING CONCRETE AREAS NOT TO EXCEED A SURFACE OF 1/4" IN ALL DIMENSIONS SHALL NOT HAVE A CROSS-SLOPE GREATER THAN 1/4".
  - CONCRETE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL PAVEMENT UNLESS INDICATED OTHERWISE. REFER TO SPECIFICATIONS FOR DETAILED LOCATIONS AND SCHEDULES. CONTRACTOR SHALL SUBMIT SHEET CHASE FOR ADDITIONAL DETAILS ON STRIPING, SIGNS, ETC.

LANDSCAPING CALCULATIONS:	
STREET TREES:	
REQUIRED:	1 MEDIUM TREE / 40' ROAD FRONTAGE (EXCLUDING DRIVEWAYS)
STATE LOOP 230 = 148' / 40' = 4 REQUIRED	
MYRTLE LANE = 124' / 40' = 3 REQUIRED	
PROVIDED:	
STATE LOOP 230 = 4 PROVIDED	
MYRTLE LANE = 3 PROVIDED	



**BERRY ENGINEERS LLC**  
PROFESSIONAL ENGINEERS  
1201 PASTORAL DRIVE  
CLARKSTON, TX 75941  
TEL: 936.261.1000

**GJK PARTNERS**  
33100 EGYPT LANE, SUITE D-200  
MAGNOLIA, TX 77354

**FAMILY DOLLAR**  
STATE LOOP 230  
SMITHVILLE, TX

**REVISIONS**

NO.	DESCRIPTION	DATE
1	BULLETIN #1	12/01/22
2		
3		
4		
5		
6		
7		
8		
9		
10		

**SHEET NAME:**  
SITE LAYOUT & PAVING PLAN

**DATE:** 05/12/2022

**DRAWN BY:** HGS

**CHECKED BY:** CMH

**PROJECT NO.:** 22041

**SHEET NUMBER:**  
C-02



G2K Development Partners  
33300 Egypt Lane, Suite D-200  
Magnolia, Texas 77354

03/08/2023

Smithville City Council  
317 Main Street  
Smithville, TX 78957

**RE: Variance request for masonry wall on Family Dollar Project**

To the Honorable Mayor and Council Members,

In regard to the variance request recently submitted for the Family Dollar project on 301 Myrtle Lane, G2K would like to highlight the following:

1. G2K proposes to amend the variance request such that instead of eliminating the fence, G2K will erect a 6 foot tall wooden fence in lieu of the masonry wall.
2. The developer of the adjacent residential lots is required by deed restrictions to also erect a wooden fence. It is our opinion that the combination of two wooden fences would be comparable in sound attenuation to that of the masonry wall.
3. The nearby Dairy Queen does not in fact have a masonry wall as was mentioned in the P&Z meeting on 2/7/2023, rather has a wooden fence.
4. The retail operations will not be any louder than road noise coming from Loop 230.

If you have any questions or require additional information, please do not hesitate to contact us.

Regards,

A handwritten signature in blue ink, appearing to read 'R E K'.

Ronnye Kettler  
Partner  
G2K Development Partners  
832-330-6003

MAYOR  
SHARON FOERSTER  
MAYOR PROTEM  
WILLIAM GORDON  
COUNCIL MEMBERS  
JANICE BRUNO  
CASSIE BARRIENTOS  
TOM ETHEREDGE  
JOANNA MORGAN  
CITY MANAGER  
ROBERT TAMBLE



317 MAIN STREET  
P.O. BOX 449  
SMITHVILLE, TEXAS  
78957  
(512) 237-3282  
FAX (512) 237-4549

01/18/2023

Dear Property Owner/Current Resident,

Your address is within 200' of one or more of the following proposed agenda items. This notice is to inform you that The City of Smithville Planning and Zoning Commission will hold a Public Hearing on February 07, 2023, at 6:00 p.m. in the Council Chambers located at 317 Main Street, Smithville, TX for:

**Discussion and action on a variance request for the masonry wall or other equivalent noise attenuating barrier additional site design standard for the Highway Commercial District for 301 Myrtle Lane, property ID 8717857, property owner George McMahan, agent Ronnye Kettler.**

The Commission will hear all citizens' concerns for or against the variance request. A recommendation will be given at the City Council meeting by the Planning and Zoning Commission. The City Council will hold a public hearing and Council meeting to discuss and seek action on March 13, 2023, at 6:00 p.m. Please check the city website for any updates about this meeting.

**Please follow us on our YouTube Page:**

([www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKcH5w](https://www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKcH5w)). You can also go to the City's website and click the link on the Planning & Zoning page to access our YouTube page. We will go live at 6:00 p.m. so that you can view the live meeting. **If you have any questions or concerns, please reach out to Tracie Dzenowski at 512-237-3282 ext. 2101 and check the City's website for any updates about this meeting.**

Thank you,

**Tracie Dzenowski**

*Planning and Zoning Commission: Brian Riewe, Caroline Noya, Nancy Catherman, Garrett Gutierrez & Monica Poss.*



Item #1 1

## AGENDA INFORMATION SHEET

AGENDA ITEM NO. \_\_\_\_\_

**ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION (CENTERPOINT) TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM FOR 45 DAYS, AND AUTHORIZE THE CITY’S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES" (ACM)**

### ALLIANCE OF CENTERPOINT MUNICIPALITIES (“ACM”)

The City is a member of the Alliance of CenterPoint Municipalities (ACM). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division (CenterPoint or Company) and has been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

### “GRIP” RATE APPLICATIONS

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the “GRIP” statute (the “Gas Reliability Infrastructure Program”).

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover a return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility’s filings to ensure compliance with the GRIP statute and the Railroad Commission’s rules, and that it is within the Railroad Commission’s authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

### CENTERPOINT’S “GRIP” APPLICATION

On or about March 2, 2023, CenterPoint filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”). CenterPoint’s application when approved by the Railroad Commission will result in an increase in the monthly customer charges as shown below:

<b>Rate Schedule</b>	<b>Current Customer Charge</b>	<b>Proposed 2023 Interim Rate Adjustment</b>	<b>Adjusted Charge</b>	<b>Increase Per Bill</b>
R-2097-I-GRIP 2023; R-2097-U-GRIP 2023 Residential	\$27.03 per customer per month	\$3.72 per customer per month	\$30.75 per customer per month	\$3.72 per customer per month
GSS-2097-I-GRIP 2023; GSS-2097-U-GRIP 2023 General Service Small	\$41.42 per customer per month	\$7.51 per customer per month	\$48.93 per customer per month	\$7.51 per customer per month
GSLV-628-I-GRIP 2023; GSLV-628-U-GRIP 2023 General Service Large Volume	\$210.33 per customer per month	\$59.85 per customer per month	\$270.18 per customer per month	\$59.85 per customer per month

CenterPoint refers to its application as its “2023” interim adjustment. The increase in rates CenterPoint presents in its application is based on capital expenditures it made from January 1, 2022 through December 31, 2022.

#### **REVIEW AND ACTION RECOMMENDED**

Although the City’s ability to review and effectuate a change in CenterPoint’s requested increase is limited, the City should exercise due diligence with regard to rate increases by monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law.

To exercise its due diligence, it is necessary to suspend CenterPoint’s proposed effective date of May 1, 2023, for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint’s rate application are correctly done, and whether CenterPoint’s application otherwise conforms to the requirements of the GRIP statute.

Therefore, ACM’s Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint’s proposed effective date for 45 days. Assuming a proposed effective date of May 1, 2023, CenterPoint’s proposed effective date is suspended until June 15, 2023.

**The City must take action to suspend by no later than May 1, 2023.**

**RESOLUTION NO.2023-03-501**

**A RESOLUTION BY THE CITY OF SMITHVILLE, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION (CENTERPOINT), TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY'S PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES (ACM); REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS:** on or about March 2, 2023, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division (CenterPoint or Company) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charges as shown in the table below:

<b>Rate Schedule</b>	<b>Current Customer Charge</b>	<b>Proposed 2023 Interim Rate Adjustment</b>	<b>Adjusted Charge</b>	<b>Increase Per Bill</b>
R-2097-I-GRIP 2023; R-2097-U-GRIP 2023 Residential	\$27.03 per customer per month	\$3.72 per customer per month	\$30.75 per customer per month	\$3.72 per customer per month
GSS-2097-I-GRIP 2023; GSS-2097-U-GRIP 2023 General Service Small	\$41.42 per customer per month	\$7.51 per customer per month	\$48.93 per customer per month	\$7.51 per customer per month
GSLV-628-I-GRIP 2023; GSLV-628-U-GRIP 2023 General Service Large Volume	\$210.33 per customer per month	\$59.85 per customer per month	\$270.18 per customer per month	\$59.85 per customer per month

and

**WHEREAS:** the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

**WHEREAS:** the application to increase rates by CenterPoint is complex; and

**WHEREAS:** it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done, and whether CenterPoint's application otherwise conforms to the requirements of Texas Utilities Code § 104.301, commonly referred to as the GRIP statute; and

**WHEREAS:** the effective date proposed by CenterPoint is May 1, 2023, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 15, 2023.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SMITHVILLE, TEXAS THAT:**

**Section 1.** That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

**Section 2.** The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application, and to determine whether CenterPoint's application otherwise conforms to the requirements of the GRIP statute.

**Section 3.** The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities (ACM).

**Section 4.** The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

**Section 5.** CenterPoint is ordered to reimburse the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

**Section 6.** The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 7.** This resolution shall be effective immediately upon passage.

**PASSED AND APPROVED** this 13<sup>th</sup> day of March 2023.

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Sharon Foerster, Mayor

ATTEST:

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Jennifer Lynch, City Secretary