

Item # 4

Proclamation
Recognizes our Courageous and Freedom Fighting Friends in
Voznesensk, Ukraine

WHEREAS, the City of Smithville recognizes the brave men and women of Ukraine who have given their lives to defend their freedom and Sovereign Country since February 24, 2022, invasion of Russia; and

WHEREAS, in 2021, a dedicated mission group from Smithville, Texas visited the small farming town of Voznesensk, Ukraine to proclaim the Gospel of Jesus Christ, to conduct medical screenings and to work with over one hundred children and their families; and

WHEREAS, in July of 2021, Mayor Yevheni Velichko and Mayor Pro Tem Vika Baltser of Voznesensk, Ukraine presented a small gift of appreciation to present to our Smithville Mayor Joanna Morgan in gratitude for working with their local churches and schools in Voznesensk; and

WHEREAS, since the Russian invasion on March 22, 2022, the brave town of Voznesensk, Ukraine was able to deliver a crushing blow to the Russians' plans. The village first blew up their bridge and then drove the invading army back, up to 100km, to the east; and

WHEREAS, the 32-year-old Mayor, Yevheni Velichko outside of the town hall was quoted: "It is hard to explain how we did it. It is thanks to the fighting spirit of our local people and to the Ukrainian army." "This is such a strategic location. We are not only defending the town, but all the territory behind it. And we do not have the heavy weapons our enemy has," he said; and

WHEREAS, on so many frontlines in Ukraine, British-supplied anti-tank missiles proved crucial in turning the tide against Russian armour in Voznesensk, leaving the town littered with up to thirty tanks, armoured cars, and even a helicopter. "It's only thanks to these weapons that we were able to beat our enemy here. And we say thank you to our partners for their support. But we need more. The enemy's convoys will keep coming," said Mayor Velichko; and

WHEREAS, "It was a colossal effort by the whole town," said Alexander, a local Ukraine shopkeeper who filmed himself on the frontlines with an AK47, screaming "Come on my little beauties!" as another volunteer fired a rocket-propelled grenade toward Russian positions. "We used hunting rifles, people threw bricks and jars. Old women loaded heavy sandbags. "The Russians did not know where to look or where the next attack would come from. I have never seen the community come together like that," he said, standing by the twisted wreckage of the bridge, which Ukrainian forces destroyed within hours of the first Russian attack; and

WHEREAS, Voznesensk's strategic significance became clear soon after Russian forces failed to capture an even larger bridge, further to the south, across Ukraine's second-largest river, the Southern Buh; and

WHEREAS, the City of Smithville recognizes the courageous and unwavering citizens of Voznesensk, and should Smithville ever be threatened with similar perils, we would fight to the death for our community and our freedoms in the United States of America; and

NOW, THEREFORE, I, Joanna Morgan Mayor of the City of Smithville, do hereby proclaim March 22, 2022, as "Voznesensk, Ukraine Heroes Day" and encourage every citizen of Smithville to honor the bravery and determination of our freedom fighting Ukrainian friends.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused the Seal
of the City of Smithville to be affixed this
11th day of April 2022.

ATTEST:

Joanna Morgan, Mayor

City Secretary, Jennifer Lynch

Proclamation
National Public Safety Telecommunicators Week
April 10-16, 2022

Whereas, emergencies can occur at any time that requires police, fire or emergency medical services; and,

Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Smithville emergency communications center; and,

Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

Whereas, Public Safety Telecommunicators of the City of Smithville has contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas, each dispatcher has exhibited compassion, understanding and, professionalism during the performance of their job in the past year;

Therefore, Be It Resolved that the City Council of Smithville, Texas declares the week of April 10th through 16th, 2022 to be National Public Safety Telecommunicators Week in Smithville, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

National Public Safety Telecommunicators Week
April 10-16, 2022

Passed and approved this 11th day of April 2022

IN WITNESS WHEREOF,
I have hereunto set my hand
and caused the Seal of the
City of Smithville to be
affixed this 11th day of April
2022.

Joanna Morgan, Mayor

ATTEST:

City Secretary, Jennifer Lynch

Item # 5

CITY OF SMITHVILLE
COUNCIL MEETING AND PUBLIC HEARING MINUTES
MARCH 14, 2022

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

Open Meeting: Call to order: Mayor Morgan called the meeting to order at 6:00 p.m.
Invocation and Pledge by Bill Gordon.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “Vietnam Veterans Day” – Read by Mayor Morgan.
- b) Recognition of the United Methodist Men for 25-years of volunteer services at the Smithville Recycling Center. Ronnie Lanier said a few words about the history of the United Methodist Men recycling. Mayor Morgan presented them with a plaque of appreciation.

Citizen Comments: None

Approval of the minutes from February 14, 2022 Council Meeting and Public Hearing, the February 23, 2022 Special-Called Council Meeting and Workshop, and the March 9, 2022 Sound Demo Workshop. Councilman Gordon moved to approve all of the minutes. Councilman Etheredge seconded and the motion passed unanimously.

Hear recommendation from Planning and Zoning on:

- a) An Ordinance amending the zoning for the area generally known as 1716 Colorado Drive, Smithville, TX 78957, from Planned Development District (PDD) to Highway Commercial (C3); directing the amendment of the Zoning Map; repealing conflicting ordinances; providing a Severability Clause; and providing an effective date. Brian Riewe (P&Z Chairman) said P&Z recommends approving the ordinance.
- b) A final plat of M5 Subdivision, R16800, Legal description A46 Lomas, L., Acers 10.650, Lots 9, 10 & 11 FR'S, (Resub of outlot 7 River Dale EST.), property owner 230 Properties LLC, Agent Wayne Meuth. Brian Riewe (P&Z Chairman) said P&Z recommends approving the final plat.

Public Hearing:

Hear citizen's comments on:

- a) An Ordinance amending the zoning for the area generally known as 1716 Colorado Drive, Smithville, TX 78957, from Planned Development District (PDD) to Highway Commercial (C3); directing the amendment of the Zoning Map; repealing

conflicting ordinances; providing a Severability Clause; and providing an effective date. No one signed up to speak for or against this item.

- b) A final plat of M5 Subdivision, R16800, Legal description A46 Lomas, L., Acers 10.650, Lots 9, 10 & 11 FR'S, (Resub of outlot 7 River Dale EST.), property owner 230 Properties LLC, Agent Wayne Meuth. No one signed up to speak for or against this item.

Open Meeting:

Council Discussion and Action on:

- a) An Ordinance amending the zoning for the area generally known as 1716 Colorado Drive, Smithville, TX 78957, from Planned Development District (PDD) to Highway Commercial (C3); directing the amendment of the Zoning Map; repealing conflicting ordinances; providing a Severability Clause; and providing an effective date: This is an administrative action the City of Smithville is taking as the former Developer (Capella Capital Partners) of the 42-acre tract failed to meet the agreed development schedule as required by PDD Ordinance #2017-537. As such, the 42-acre tract is being re-zoned to the previous C3 zoning classification. Councilwoman Bruno made a motion to approve the ordinance. Councilman Gordon seconded and the motion passed unanimously.
- b) A final plat of M5 Subdivision, R16800, Legal description A46 Lomas, L., Acers 10.650, Lots 9, 10 & 11 FR'S, (Resub of outlot 7 River Dale EST.), property owner 230 Properties LLC, Agent Wayne Meuth: The M5 Subdivision meets all applicable requirements for submittal under Chapter 10 – Subdivision Ordinance, Article 2, Sections 3.0 to 12.0. Pending Council approval, the final plat must be recorded in the Office of the County Clerk of Bastrop County within 30-days. Councilwoman Foerster made a motion to approve the final plat. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance Granting to CenterPoint Energy Resources Corp., Db a CenterPoint Energy Texas Gas Operations, The Right, Privilege, and Franchise to Construct, Install, Extend, Remove, Replace, Abandon, Operate and Maintain its Facilities Within the Public Rights-Of-Way of the City of Smithville, Texas for the Transportation, Delivery, Sale, and Distribution of Natural Gas; Containing Other Provisions Relating to the Foregoing Subject:- CenterPoint Energy would like to standardize the management and payment of the 265 franchises that it manages and maintains. The standard franchise fees with most of the cities that have not surrendered Original Jurisdiction (OJ) range from 2%-4%. In an effort to reduce costs associated with litigating rate cases, the company offers a 5% franchise fee to cities who agree to surrender exclusive OJ to the Railroad Commission of Texas who ultimately has appellate jurisdiction over natural gas rates. By doing so, the City in no way gives up its right to participate in any ratemaking proceeding at the Railroad Commission affecting the City's gas rates and to recover from the

Company any reasonable expenses incurred by the City in its participation in such a ratemaking proceeding as provided for in the law. The term is 30-years. The franchise agreement must be approved "as is" subject to the terms and conditions specified in the franchise provided by CenterPoint Energy. For the City's willingness to surrender OJ, the Company would agree to increase the current franchise fee from 2% to 5%. Below are the major terms of the proposed agreement:

- 30-year primary term;
- Evergreen clause w/5-year automatic renewal;
- Surrender of Original Jurisdiction (OJ) to Texas Railroad Commission;
- 5% gross receipt tax rate and .07 cents per McF transportation fee.

Councilman Etheredge made a motion to approve the ordinance. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Amending the Sound Ordinance/Permit (re. Chapter 8 Offenses and Nuisances, Article 8.04 Nuisances, Division 2. Noise): After receiving community input (during multiple stakeholder meetings, council workshops, and public forums), benchmarking other municipalities, and conducting an outdoor sound demo at Gazebo Park, the following recommendations have been incorporated into the ordinance for your consideration and approval: Eliminate the requirement for outdoor Sound Permit, re-define acceptable sound levels at Generator's property line, Re-define Day-Time/ Night-Time Hours. Councilwoman Bruno made a motion to approve the ordinance. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the appointment / re-appointment of members to the Smithville Library Board: There are nine (9) Library Board members appointed by the Council, each serving three-year terms. Every year (targeting February), the Library Director will request the City Council fill three seats - either by re-appointment or new appointment. Denis McGinness and Krystel Gutierrez are remaining Board members, this being their third year. The proposed Board members represent a community of library users and supporters, and are well-versed in library operations, services, and programs. Judy Bergeron will present the following recommendations to the Library Board:

- a. Krystel Gutierrez – Current Member (Place 1)
- b. Danne Absher – New Appointment - (Place 2)
- c. Denis McGinness – Current Member (Place 3)
- d. Elana Schroeder - Re-appointment – (Place 4)
- e. Diana Villalobos – New Appointment – (Place 5)
- f. Will Holcomb – New Appointment – (Place 6)
- g. Nicholas Braddock – New Appointment - (Place 7)
- h. Vacant (Teen) – TBD (Place 8)
- i. Mike Morgan – New Appointment - (Place 9)

Councilman Etheredge made a motion to approve the recommendations as presented by Judy Bergeron. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

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

Adjourn 6:51 p.m.

Joanna Morgan, Mayor

Attest:

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 701 NE 9th St., Smithville, TX 78957

*** 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: ABS A46 Lomas, L. 5.11 Acres

Property Tax Code: 49198 Block Number: - Lot Number: -

Property Owner
(as listed on Deed): Machs N Cahoots, LLC

Property Owner
Mailing Address: PO Box 197, Smithville, TX 78957

Owner's Phone No: _____ Owner's Email: _____

Agent's Name
(if applicable): Chase Hodges

Agent's Mailing
Address: 217 Main St., Smithville, TX 78957

Agent's Phone No: [REDACTED] Agent's Email: [REDACTED]

DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input checked="" type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input checked="" 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:

Confirmation and approval that the definition of a "Block Width" cannot be met pertaining to our site. Therefore, classifying this property as an Unusual Case.
[Block definition per City of Smithville Ordinances, Ch. 10, Art. 3 Min. Design Std., Sect. 4]

Describe special use requested:

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

The request for this variance is to obtain official approval the layout of this parcel will cannot meet the block width requirement of a max. of 300-feet or a min. of 240-feet. Due to the boundaries of the property and multiple attempts to improve the parcels layout to meet the width, it has been found that the block dimension cannot be satisfied. By definition, according to our understanding of the "block" definition, this would classify this parcel as an unusual case and therefore not require that the layout or subdividing of this parcel meet the block definition requirements. This variance approval would allow for a layout of the land that most optimizes the space, meets current deed restrictions and preserves the tree scape currently on the location.

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: _____

Chase Hooley

Date: 3/7/2022

OFFICE USE ONLY:

Fee Amount: 675⁰⁰

Fee Payment: 675⁰⁰

P&Z Date: April 5th 2022

Council Date: April 11, 2022

Accepted By: *[Signature]*

Date Submitted: 3-7-2022

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



Planning and Zoning Variance Criteria: Ordinance and Request for Variance

Ordinance Related to Variances

5.1.1. Considerations by the City Council

- A. The City Council may authorize a variance from these regulations if and only if the City Council determines all of the following:
- (1) the variance will not be contrary to the public interest;
 - (2) there are special conditions affecting the property;
 - (3) because of the special conditions literal enforcement of the ordinance would result in unnecessary hardship;
 - (4) the spirit of the ordinance will be observed; and
 - (5) substantial justice is done.
- B. 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:
- (1) Without the variance, the Smithville Code of Ordinances does not permit any reasonable use of the land;
 - (2) The hardship complained of is not self-created; and
 - (3) The hardship complained of is not a financial hardship only.
 - (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.
- C. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.
- D. In making the findings herein below required, the City Council shall take into account the nature of the proposed use of the 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.
- E. 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 be done.
- F. The findings of the City Council made in granting a variance, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted.

317 MAIN STREET
P.O. BOX 449
SMITHVILLE, TEXAS 78957



TEL: (512) 237-3282
FAX: (512) 237-4549
WWW.CI.SMITHVILLE.TX.US

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. The granting of this variance will create new residential lots for community growth and improve the existing infrastructure to support the community.

Explain the special condition affecting the property.

Due to the properties existing boundaries meeting the definition of a "block", specifically the block width, is not achievable. By not being able to meet the definition of the block with the property cannot be subdivided and therefore would be considered an unusual case.

Explain the unnecessary hardship caused by the special condition.

Without the approval of this variance and confirming that the block width cannot be met, and classifying the property as an unusual case the property cannot be subdivided in a manner where the properties development is viable for multiple residential lots.

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.

Substantial justice will be done by granting this variance. We believe the granting of this variance allows the ownership to subdivide this property in a way that improve the public health, safety and the overall welfare of the community.

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:

- (1) Without the requested variance, the Code of Ordinances of the City of Smithville does not permit any reasonable use of the land;
- (2) The hardship complained of is not self-created; and
- (3) The hardship complained of is not a financial hardship only.
- (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 the approval of this variance this properties potential development cannot meet the ordinance block width definition per Ch. 10, Article 3 Min. Design Std., Section 4. If not approved this would not permit a reasonable use of the land for the purposes of subdividing into multiple residential lots. The preexisting deed restrictions require all lots to be Residential SF-1 zoning.

☒ 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:

Please note, this request is not intending to change an ordinance or ask for an adjustemnt to an ordinance but merely confirm that the definitino of a block width cannot be met due to multiple circumstances and if this block definition cannot be met the parcel falls in the an unusal case classification as per the definition.

Signature: Chase Hodges Print Name: Chase Hodges Date: 3/8/22

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 Preliminary Plat

Number of
Requests:

- ☒ Single
☐ Multiple

PROPERTY IDENTIFICATION

Street Address 701 NE 9th St., Smithville, TX 78957

*** 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: ABS A46 Lomas, L. 5.111 Acres

Property Tax Code: 49198 Block Number: _____ Lot Number: _____

Property Owner
(as listed on Deed):

Machs N Cahoots, LLC

Property Owner
Mailing Address:

PO Box 197, Smithville, TX 78957



Owner's Phone No: _____ Owner's Email: _____

Agent's Name
(if applicable):

Chase Hodges

Agent's Mailing
Address:

217 Main St., Smithville, TX 78957

Agent's Phone No:  Agent's Email: 

DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input checked="" type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input checked="" 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:

Describe special use requested:

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

We are requesting the review and approval of a preliminary plat of a 5.112 acre property, formally the location of the Towers Nursing Home and Smithville Clinic. This property lies between the following streets: 9th, Short, Garwood and Colorado.

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: Chase Hodges

Date: March 07, 2022

OFFICE USE ONLY:

Fee Amount: 675⁰⁰

Fee Payment: 675⁰⁰ CK# 2174

P&Z Date: April 5, 2022

Council Date: May April 11, 2022

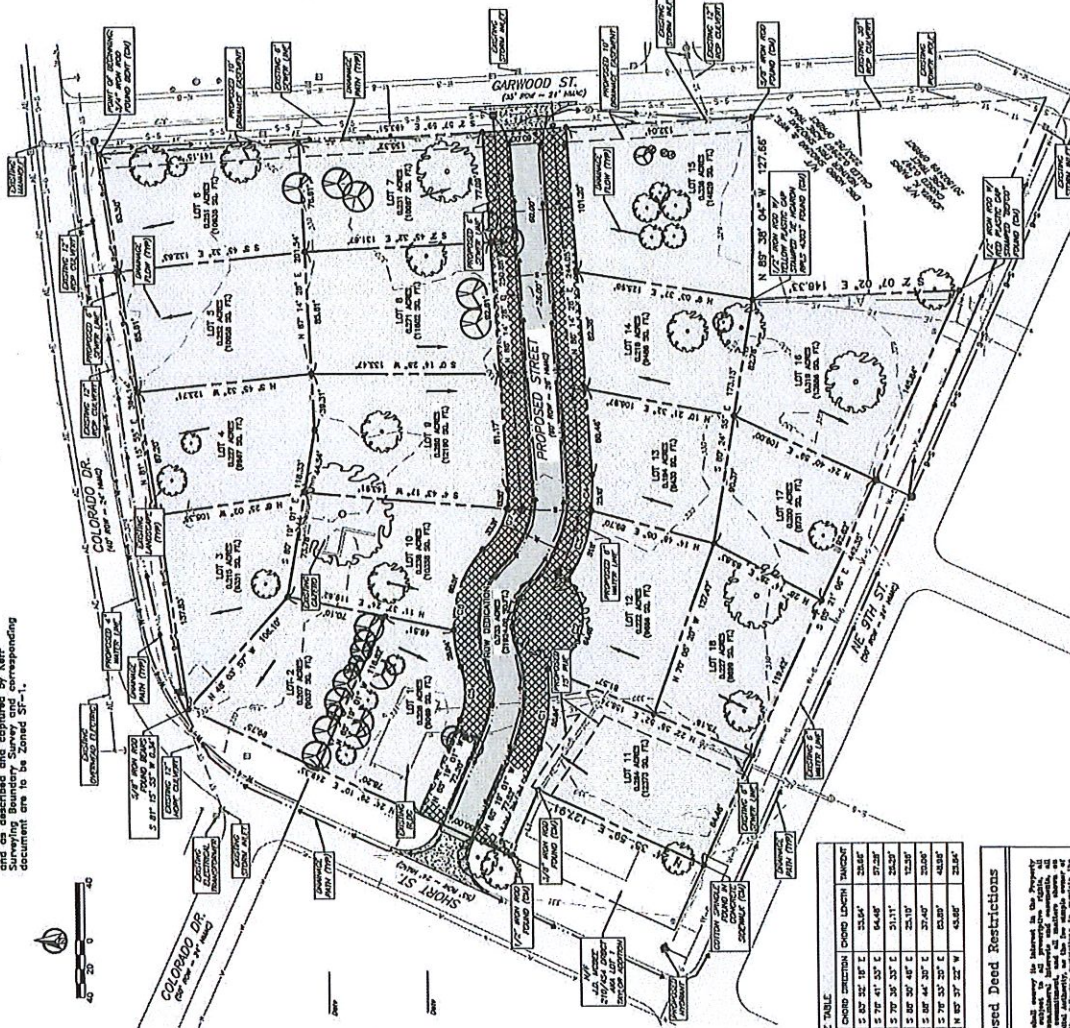
Accepted By: [Signature]

Date Submitted: 3-7-2022

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

Proposed Land Use: Residential Use

ZONING: SF-1
All (18) Proposed lots as shown on this plan and as described and captured by Kerr Surveying Boundary Survey and corresponding document are to be Zoned SF-1.



CURVE TABLE					
CURVE #	LENGTH	ROUSE	DATA	DRIVE DIRECTION	DRIVE LOCATION
C1	50.15'	116.05'	27° 44' 18"	S 63° 52' 18" E	23.84'
C2	75.80'	38.21'	111° 38' 33"	S 79° 45' 33" E	64.68'
C3	51.30'	100.70'	27° 11' 40"	S 70° 10' 33" E	51.11'
C4	23.15'	60.85'	2° 58' 28"	S 88° 50' 48" E	12.36'
C5	38.20'	31.64'	4° 42' 37"	S 88° 44' 30" E	37.65'
C6	88.15'	12.34'	82° 10' 15"	S 70° 53' 20" E	48.90'
C7	104.15'	10.15'	82° 10' 15"	S 70° 53' 20" E	53.89'
C8	104.15'	10.15'	82° 10' 15"	S 70° 53' 20" E	43.86'
C9	104.15'	10.15'	82° 10' 15"	S 70° 53' 20" E	23.84'

Preliminarily Proposed Deed Restrictions

- C. The Property and the improvements thereon are owned by the Plaintiff and are not subject to any mortgage, lien, or other encumbrance. The Plaintiff is the sole owner and has the right to sell, lease, or otherwise dispose of the Property and the improvements thereon.

General Notes:

1. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
2. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
3. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
4. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
5. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
6. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
7. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
8. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
9. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.
10. The following persons were arrested in the city of New York on the 10th day of January, 1934, and are being held in the City Prison, New York, for the purpose of being deported to the United States of America.

PRELIMINARY PLAN
(NOT FOR RECORD)

*Garwood Park Subdivision
Lots 1-18 &
R.O.W Dedication*

Being a called S. 112 Acre Tract
Lewis & Clark League Survey, A-4
Smithville, Bastrop County, Texas
March 1970

Engineering

**PO Box 5195
Tomball, TX 77467
505-274-9695
THRU 5:00PM**

Quant:
Math & Science, LLC
PO Box 1407
Smithville, TX 78677

Science:
Key Science, LLC
Box N, Tech. Ave.
Logan, TX 75023
678-266-1700

PHYSICS:
PHYSICS EDUCATION
PHYSICS


PRELIMINARY PLAN
(NOT FOR RECORD)

Garwood Park Subdivision
Lots 1-18 &
R.O.W Dedication

Being called S.1/2 Acres
of Lewis Leams League Survey, A-46
Subdiv. Record County, Texas

Approved June 1, 1967

Foramaster
W Engineering
1000 N. Loop West
Box 111, Fort Worth, Texas 76101
Terry Fawcett



Survey
Made by
L.L. Lyle
P.O. Box 907
Abernathy, Texas 79007

Survey
Made by
James H. Calk
Box 100, Green Hills
Abernathy, Texas 79007

Witness
JAMES H. CALK
JAMES H. CALK

MAYOR
JOANNA MORGAN

MAYOR PROTEM
WILLIAM GORDON
COUNCIL MEMBERS
JANICE BRUNO
STAN GERDES
SHARON FOERSTER
TOM ETHEREDGE

CITY MANAGER
ROBERT TAMBLE



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

03/09/2022

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 April 05, 2022, at 6:00 p.m. in the Council Chambers located at 317 Main Street, Smithville, TX for:

Discussion and Action on a on a subdivision block width variance request. Per ordinance, the block width cannot exceed 300 feet maximum or a minimum of 240 feet for Property ID 49198, 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges..

Discussion and Action on a Preliminary Plat for 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property ID 49198, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges.

The Commission will hear all citizens' concerns for or against the agenda items listed above. The Planning and Zoning Commission will give the City Council a recommendation to approve or deny the request(s) that will go before City Council on April 11, 2022, at 6:00 p.m.

Please follow us on our YouTube Page: (www.youtube.com/channel/UCN7rJz0wVKS4zWV9EvKcH5w).

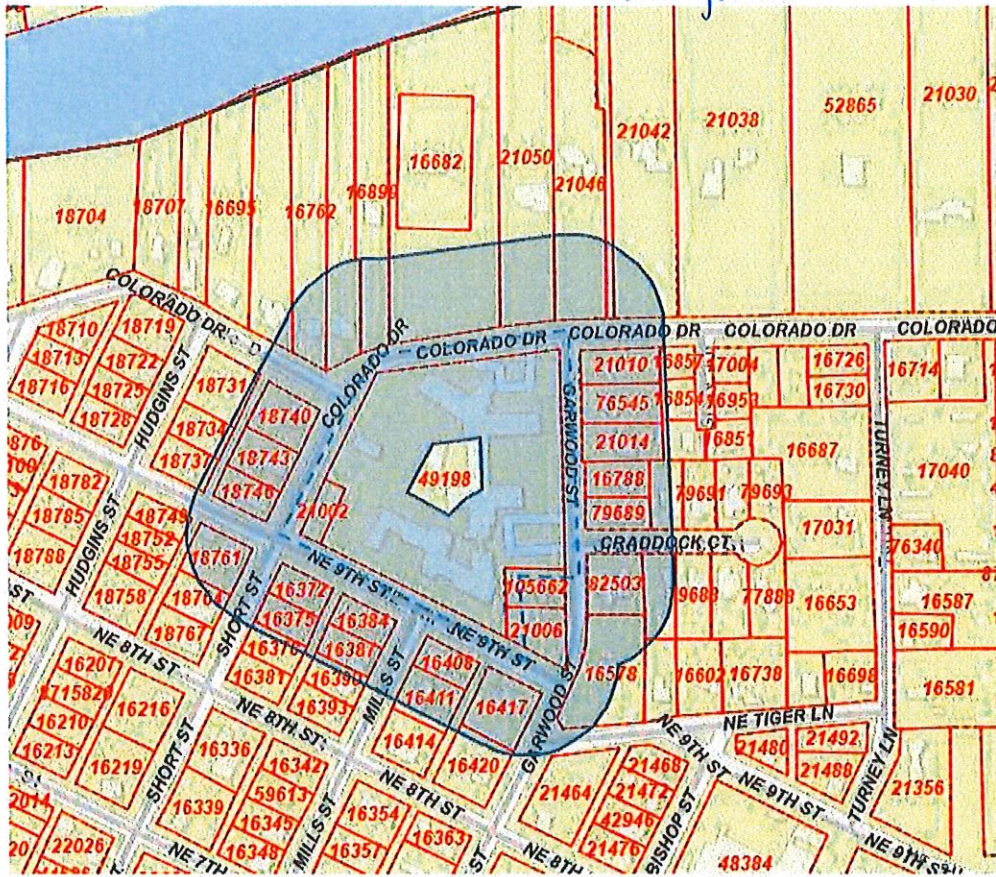
You can also go to the City's website and click the link on the Planning & Zoning page to access our YouTube page. We will go live at 6:00 p.m. so that you can view the live meeting. **If you have any questions or concerns, please reach out to Tracie Dzenowski at 512-237-3282 ext. 2101 and check the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

Thank You,

Tracie Dzenowski
City of Smithville
512-237-3282 ext 2101

Planning and Zoning Commission: Brian Riewe, Nancy Catherman, Edward Lick, Dianna Ewen, and Caroline Noya.

200' neighbors of 49198



Prop ID	Owner on File	Legal Description	Physical Address	Physical Zip	Physical S	Physical State	Mailing Address of Property Owner	Mailing City	Mailing State	Mailing Zi
105662	SHIOZAKI, ERIC HORIO & HEATHER ERIN	Taylor Addition, BLOCK 5, lot 5 & 6 FR	903 GARWOOD ST	SMITHVILLE TX	78957		1241 DEWING LN	WALLUT CREEK	CA	94595
16372	KUBENIA, PATRICIA L & HENRY D H	BURLESON, BLOCK 9A, LOT 1	806 SHORT ST	SMITHVILLE TX	78957		P O BOX 1058	SMITHVILLE	TX	78957
16375	KOOHELE, KRISTEN ANNE	BURLESON, BLOCK 9A, LOT 2	804 SHORT ST	SMITHVILLE TX	78957		804 SHORT ST	SMITHVILLE	TX	78957
16378	HERIAHDEZ, HECTOR RAUL & BONNIE DACARISE	BURLESON, BLOCK 9A, LOT 3	802 SHORT ST	SMITHVILLE TX	78957		802 SHORT ST	SMITHVILLE	TX	78957
16381	TODD, MOLEY & PAUL JR JAH & WILLIAM RODOLFO	BURLESON, BLOCK 9A, LOT 5	807 MILLS ST	SMITHVILLE TX	78957		300 RAMONA	SMITHVILLE	TX	78957
16387	KUSHNER, MARY BETH	BURLESON, BLOCK 9A, LOT 6	805 MILLS ST	SMITHVILLE TX	78957		805 MILLS ST	SMITHVILLE	TX	78957
16480	STANLEY HITT FOLLY LLC C/O SUSAN DEGRAFFENREID	BURLESON, BLOCK 9A, LOT 7	803 MILLS ST	SMITHVILLE TX	78957		4008 SINCLAIR AVE	AUSTIN	TX	78756
16480	HOBBS, PATRICIA	BURLESON, BLOCK 10A, LOT 1	801 HE 9TH ST	SMITHVILLE TX	78957		801 HE 9TH ST	SMITHVILLE	TX	78957
16411	ARRIBAS, JAMES E & CYNTHIA C	BURLESON, BLOCK 10A, LOT 2 & 3 (1 1/2)	801 MILLS ST	SMITHVILLE TX	78957		801 MILLS ST	SMITHVILLE	TX	78957
16417	NAJAR, ROOFOO & JULIE	BURLESON, BLOCK 10A, LOT 5 & 6	807 GARWOOD ST	SMITHVILLE TX	78957		702 WASHINGTON ST	SMITHVILLE	TX	78957
16410	HOSKINS, EUGENE & CAROL F	BURLESON, BLOCK 10A, LOT 7 & 8	801 GARWOOD ST	SMITHVILLE TX	78957		P O BOX 747	SMITHVILLE	TX	78957
16578	BURKETT, JACQUE	A4610MAS, L, ACRES 0.788	900 GARWOOD ST	SMITHVILLE TX	78957		900 GARWOOD ST	SMITHVILLE	TX	78957
16758	HARRIS, ANJI SHELDES & KEITH	A4610MAS, L, ACRES 1.000	503 COLORADO DR	SMITHVILLE TX	78957		503 COLORADO DR	SMITHVILLE	TX	78957
16762	SHIELDS, WILLIAM HENRY, III	A4610MAS, L, ACRES 1.000	505 COLORADO DR	SMITHVILLE TX	78957		2300 MEADOW CREEK DR	CARROLLTON	TX	75006
16768	HILLMAN, DANNA M	CRADDOCK COURT, LOT 1	906 GARWOOD ST	SMITHVILLE TX	78957		906 GARWOOD ST	SMITHVILLE	TX	78957
16854	LANGER, RODNEY E & PATRICIA G	ADS A4610MAS, L, 0.148 ACRES	706A GLORY	SMITHVILLE TX	78957		1003 CHARLESTON BLVD	SMITHVILLE	TX	78957
16857	LANGER, RODNEY E & PATRICIA G	ADS A4610MAS, L, 0.115 ACRES	706 COLORADO DR	SMITHVILLE TX	78957		1003 CHARLESTON BLVD	SMITHVILLE	TX	78957
16860	KASPER, MARVIN W & KATHY E	ADS A4610MAS, L, 0.175 ACRES	706B GLORY LN	SMITHVILLE TX	78957		300 W 6TH STREET	SMITHVILLE	TX	78957
16863	DEGRAFFENREID, LESLIE S	A4610MAS, L, ACRES 1.000	507 COLORADO DR	SMITHVILLE TX	78957		701E HOLLAHD AVE	ALPINE	TX	79830
16899	POYERS, RAY B JR & GAY FRANCES	A4610MAS, L, ACRES 0.987	509 COLORADO DR	SMITHVILLE TX	78957		509 COLORADO ST	SMITHVILLE	TX	78957
18731	LEYENDECKER, DOUGLAS A	REVERSHIDE PARK BLK 3 LOT 1-2	906 HUGHES ST	SMITHVILLE TX	78957		906 HUGHES ST	SMITHVILLE	TX	78957
18734	HILL, MARVIN & BRENDA	REVERSHIDE PARK, BLOCK 3, LOT 3 & 4 (1/2)	902 HUGHES ST	SMITHVILLE TX	78957		902 HUGHES ST	SMITHVILLE	TX	78957
18737	POYERS, KASSIE KESHELE	REVERSHIDE PARK BLK 3 LOT 4 (1/2) 5	900 HUGHES ST	SMITHVILLE TX	78957		900 HUGHES ST	SMITHVILLE	TX	78957
18740	MILLER, ALICE LANE	REVERSHIDE PARK BLK 3 LOT 6 & 7 (1/2) 2/3	907 SHORT ST	SMITHVILLE TX	78957		907 SHORT STREET	SMITHVILLE	TX	78957
18743	NUYE, BRIAN & CATHERINE MILLER	REVERSHIDE PARK, BLOCK 3, LOT 7 (FR) & 8	903 SHORT ST	SMITHVILLE TX	78957		903 SHORT STREET	SMITHVILLE	TX	78957
18746	PARTINDE, JO E	REVERSHIDE PARK BLK 3 LOT 9	901 SHORT ST	SMITHVILLE TX	78957		901 SHORT ST	SMITHVILLE	TX	78957
18749	TAUSCH, CATHERINE ANH	REVERSHIDE PARK BLK 4 LOT 1	500 HE 9TH ST	SMITHVILLE TX	78957		500 HE 9TH ST	SMITHVILLE	TX	78957
18761	BARLEY, FRED C	REVERSHIDE PARK BLK 4 LOT 6-7	807 SHORT ST	SMITHVILLE TX	78957		807 SHORT ST	SMITHVILLE	TX	78957
18761	AUGUST, JERRY J & STEPHENIA C	REVERSHIDE PARK BLK 4 LOT 8 & FR 9	803 SHORT ST	SMITHVILLE TX	78957		803 SHORT ST	SMITHVILLE	TX	78957
21002	MCREE, DR J	TAYLOR ADDITION LOT 1	601 HE 9TH ST	SMITHVILLE TX	78957		801 WHITEHEAD ST	SMITHVILLE	TX	78957
21006	PARKS, JEAHITA K	Taylor Addition, BLOCK 5, lot 6 FR	901 GARWOOD ST	SMITHVILLE TX	78957		901 GARWOOD ST	SMITHVILLE	TX	78957
21010	WALDORF, EARL F JR & MARY ALIH	Taylor Addition, BLOCK 6, LOT 6	902 GARWOOD ST	SMITHVILLE TX	78957		P O BOX 728	SMITHVILLE	TX	78957
21014	BRUGGEMAN, KELLY	TAYLOR ADDITION, BLOCK 6, LOT 4	908 GARWOOD ST	SMITHVILLE TX	78957		908 GARWOOD ST	SMITHVILLE	TX	78957
21012	BLACKWELL, MITCHELL W & DEBRA	THORNTON ADD (A4610MAS), LOT 6, ACRES 2.4101	801 COLORADO DR	SMITHVILLE TX	78957		801 COLORADO ST	SMITHVILLE	TX	78957
21016	MCANAMUS, BRIAN KIRK	THORNTON ADD (A4610MAS), LOT 7, ACRES 1.3116	705 COLORADO DR	SMITHVILLE TX	78957		705 COLORADO ST	SMITHVILLE	TX	78957
21050	CONFIDENTIAL	THORNTON ADD (A4610MAS), LOT 8, ACRES 2.081	703 COLORADO DR	SMITHVILLE TX	78957					
42723	WATSON, KATHY ET	A4610MAS, L, ACRES 2.3400	603 COLORADO DR	SMITHVILLE TX	78957		206 H W LOOP 230	SMITHVILLE	TX	78957
49198	NANCIS III CARDOUS LLC	ADS A4610MAS, L, 5.111 ACRES	601 HE 9TH ST	SMITHVILLE TX	78957		P O BOX 197	SMITHVILLE	TX	78957
71417	MCANAMUS, BRIAN KIRK	THORNTON ADD (A4610MAS), LOT 6 (FR), ACRES 0.3624	910 GARWOOD ST	SMITHVILLE TX	78957		705 COLORADO ST	SMITHVILLE	TX	78957
76545	TOYNE, CHRIS D & HANCLY	TAYLOR ADDITION, BLOCK 6, LOT 5	807 CRADDOCK CT	SMITHVILLE TX	78957		184 FLOVIER HILL RD	SMITHVILLE	TX	78957
78501	LEE, CHARLES DEAN & KIMBERLY D	A4610MAS, L, ACRES 0.2817	801 CRADDOCK CT	SMITHVILLE TX	78957		802 CRADDOCK COURT	SMITHVILLE	TX	78957
78742	DUFF, USA MARIE	A4610MAS, L, ACRES 0.2782	707 HE 9TH ST	SMITHVILLE TX	78957		707 HE 9TH ST	SMITHVILLE	TX	78957
79609	WILLIAMS, DAN C & MARSHA M	CRADDOCK COURT, LOT 2	801 CRADDOCK CT	SMITHVILLE TX	78957		801 CRADDOCK CT	SMITHVILLE	TX	78957
79609	SHIRLEY LOUISE & ANH LIVING TRUST	CRADDOCK COURT, LOT 3	803 CRADDOCK CT	SMITHVILLE TX	78957		803 CRADDOCK CT	SMITHVILLE	TX	78957
82503	HOVSKI, HENRY E & ANHETTE L PEREZ HOVSKI	A4610MAS, L, ACRES 0.3533	800 CRADDOCK CT	SMITHVILLE TX	78957		800 CRADDOCK CT	SMITHVILLE	TX	78957

Item # 11

AGENDA INFORMATION SHEET

AGENDA ITEM NO. 11

ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., SOUTH TEXAS DIVISION, 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

The City is a member of the Alliance of CenterPoint Municipalities ("ACM"). ACM was organized by a number of municipalities served by CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") 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 APPLICATION

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, that is, the "Gas Reliability Infrastructure Program," and is also referred to as an "Interim Rate Adjustment" ("IRA").

The Supreme Court of Texas concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover 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. The Court's opinion has severely limited a city's ability to perform a meaningful review of a gas-utility's GRIP filing.

CENTERPOINT'S "GRIP" APPLICATION

On about March 3, 2022 CenterPoint filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP") (Gas Utility Regulatory Act, § 104.301) and proposed an effective date of May 2, 2022, for its increase in rates. CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2097-I-GRIP 2022; R-2097-U-GRIP 2022 Residential	\$24.92 per customer per month	\$2.11 per customer per month	\$27.03 per customer per month	\$2.11 per customer per month
GSS-2097-I-GRIP 2022; GSS- 2097-U-GRIP 2022 General Service Small	\$37.05 per customer per month	\$4.37 per customer per month	\$41.42 per customer per month	\$4.37 per customer per month
GSLV-628-I-GRIP 2022; GSLV- 628-U-GRIP 2022 General Service Large Volume	\$174.04 per customer per month	\$36.29 per customer per month	\$210.33 per customer per month	\$36.29 per customer per month

CenterPoint's proposed increase results in the following percentage increases in *base rates* in an average customer's bill. "Base rates" recover those elements of CenterPoint's costs over which it has direct control, which *excludes* the cost of gas:

With Service at 14.65 psi:

Residential Customer:	6.6% increase in average customer's bill
Commercial Customer:	6.7% increase in average customer's bill
General Service – Large Volume:	9.7% increase in average customer's bill

Including the cost of gas, CenterPoint's proposed increase results in the following percentage increases in an average customer's bill:

Residential Customer:	4.3% increase in average customer's bill
Commercial Customer:	2.2% increase in average customer's bill
General Service – Large Volume:	1.5% increase in average customer's bill

With Service at 14.95 psi:

Residential Customer:	6.6% increase in average customer's bill
Commercial Customer:	6.6% increase in average customer's bill

Including the cost of gas, CenterPoint's proposed increase results in the following percentage increases in an average customer's bill:

Residential Customer:	4.3% increase in average customer's bill
Commercial Customer:	2.1% increase in average customer's bill

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 of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure

compliance with the requirements of that law. This includes whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 2, 2022, for forty-five days to June 16, 2022, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

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 2, 2022, CenterPoint's proposed effective date is suspended until June 16, 2022.

RESOLUTION NO. 2022-04-488

A RESOLUTION BY THE CITY OF SMITHVILLE, TEXAS, ("CITY") REGARDING THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., SOUTH TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING CENTERPOINT'S PROPOSED EFFECTIVE DATE FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES;" 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 3, 2022 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") 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:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2097-I-GRIP 2022; R-2097-U-GRIP 2022 Residential	\$24.92 per customer per month	\$2.11 per customer per month	\$27.03 per customer per month	\$2.11 per customer per month
GSS-2097-I-GRIP 2022; GSS- 2097-U-GRIP 2022 General Service Small	\$37.05 per customer per month	\$4.37 per customer per month	\$41.42 per customer per month	\$4.37 per customer per month
GSLV-628-I-GRIP 2022; GSLV- 628-U-GRIP 2022 General Service Large Volume	\$174.04 per customer per month	\$36.29 per customer per month	\$210.33 per customer per month	\$36.29 per customer per month

and

WHEREAS: The City has a 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 CenterPoint's proposed effective date of May 2, 2022, for its 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 in accordance with the Section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS: The effective date proposed by CenterPoint is May 2, 2022 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 16, 2022.

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.

Section 3. The City shall continue its participation with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities.

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. To the extent allowed by law, CenterPoint is ordered to pay 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.

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 11th day of April 2022.

Joanna Morgan, Mayor

ATTEST:

Jennifer Lynch, City Secretary

Item # 12



SINGLETON, CLARK
& COMPANY, PC CERTIFIED PUBLIC ACCOUNTANTS

March 11, 2022

To the Mayor and Members of the City Council
Of the City of Smithville, Texas

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Smithville, Texas for the year ended September 30, 2021. Professional standards require that we provide you with certain information about our audit in advance, regarding our responsibilities and the City's responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and when applicable, the Uniform Guidance concerning federal awards, as well as certain information related to the planned scope and timing of our audit. We communicated such information to you prior to beginning our audit in our engagement letter dated March 31, 2021. Professional standards require that we also communicate to you the following additional information at the conclusion of our audit.

Opinion on the Financial Statements

The primary purpose of a financial audit is for the auditor to render an opinion as to whether the financial statements of the audited organization appear to be free from material misstatement and adhere to generally accepted accounting principles. This opinion must be based on a systematic review of the evidence supporting the financial statement amounts. In conjunction with the audit, the auditor must also consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion on internal control.

Our opinion on the financial statements appears within the Independent Auditor's Report on page 1 of the Annual Financial Report. This opinion is classified as *Unmodified*.

Significant Audit Matters

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. A listing of all of the accounting adjustments we proposed during the audit has been provided with this letter. Management accepted all of the adjustments and the financial statements as prepared reflect the effects of these adjustments.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Smithville, Texas are described in Note-1 to the financial statements. All of the policies used are appropriate in relation to the fund type and basis of accounting used for the reporting of the City's various activities. No new accounting policies were adopted during the year and the application of existing policies was not changed. We noted no transactions entered into by City of Smithville, Texas during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Significant Audit Matters (continued)

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Management's estimate of the net pension liability and other post-employment liabilities is based on actuarial studies of the pension and post-employment benefit plans prepared by independent actuaries contracted by the respective plan. We evaluated the key factors and assumptions used within these actuarial studies in determining that the resulting net pension liability and other post-employment benefit liability are reasonable in relation to the financial statements taken as a whole.

Management's estimate of current year and accumulated depreciation on long-term capital assets is based on the historical cost of these assets and estimates of their useful lives. We evaluated the recorded asset values, estimated useful lives, and accumulated depreciation amounts to determine that they appear reasonable in relation to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in working with management in performing and completing our audit.

Management Representations

We requested certain standard audit related representations from management that are included in the management representation letter dated March 11, 2022 which management provided to us.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to City of Smithville, Texas's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Fund Balance of the General Fund

The General Fund is the main operating fund of the City and contains the primary financial resources available to provide for ongoing City operations. The ending fund balance level of the General Fund is therefore a good indicator of the financial health of the City. A commonly accepted best practice for fund balance is to maintain an ending fund balance level of at least 25% of annual noncapital General Fund expenditures. As of September 30, 2021, the fund balance of the General Fund was \$1,272,144 in total, which represented 25% of noncapital General Fund expenditures for the year.

Audit Findings, Internal Control, and Compliance Related Matters

Government Auditing Standards and the federal Uniform Guidance require an auditor to report material weaknesses and significant deficiencies found in the internal control of an organization, as well as material noncompliance with certain provisions of laws, regulations, contracts, and grant agreements.

A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A regular *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *significant deficiency* is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet potentially more consequential than a regular deficiency and important enough to merit attention by those charged with governance.

Material noncompliance with provisions of laws, regulations, contracts, and grant agreements occurs when the noncompliance is to a large enough degree that there could be a material effect on the determination of financial statement amounts or consequences severe enough to potentially affect the organization's operations.

As a result of our audit, we also provide the following recommendations regarding internal control and compliance.

Bid Compliance

During our expenditures testing, we noted several instances where vendors paid more than \$50,000 with no known exception were not bid. We discussed with the City and noted circumstances that caused issues which were not originally foreseen. This issue has been a Finding in previous years including the prior year. We recommend that the City take steps to ensure compliance with state bid law.

Budget Compliance

During our review of budget-to-actual variances related to the General Fund for the year ended, we noted several instances which were close to representing significant variances and consideration as a Finding. This issue has been noted as a Finding in previous years. We recommend that the City only make expenditures per legally adopted budgets and/or properly amend its budget(s) as needed as of year end.

Other Matters

We applied certain limited procedures to the management's discussion and analysis section preceding the financial statements and the pension and post-employment benefit liability schedules that follow the notes to the financial statements. This information is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were also engaged to report on other supplementary information such as the combining statements which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the information and use of the governing body and management of City of Smithville, Texas and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Singleton, Clark & Company, PC

Singleton, Clark & Company, PC
Cedar Park, Texas

3/29/2022
5:29 PM

Client: 20-0014.0 - City of Smithville, Texas
Engagement: Audit 21 - City of Smithville, Texas
Period Ending: 9/30/2021
Trial Balance: 3600.01 - Annual Trial Balance - 2 Year
Workpaper: 3700.01 - Adjusting Journal Entries Report

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 1		8130.02		
To record change for year related to TMRS pension balances. Need to allocate payroll credit.				
65-000-2699	Deferred Inflow-NPL		23,699.06	
65-000-2899	Net Pension Liability		50,273.23	
65-000-1799	Deferred Outflow-NPL			39,936.71
65-610-5040	TMRS Retirement			23,824.91
65-620-5040	TMRS Retirement			4,764.98
65-640-5040	TMRS Retirement			2,382.49
65-660-5040	TMRS Retirement			3,063.20
Total			73,972.29	73,972.29
Adjusting Journal Entries JE # 2		8140.02		
To record change for year related to TMRS pension balances. Need to allocate payroll credit.				
65-000-1899	Deferred Outflow - OPEB		5,873.56	
65-610-5040	TMRS Retirement		5,965.74	
65-620-5040	TMRS Retirement		1,193.15	
65-640-5040	TMRS Retirement		596.57	
65-660-5040	TMRS Retirement		767.02	
65-000-2799	Deferred Inflow - OPEB			1,255.75
65-000-2999	Net OPEB Liability			13,140.29
Total			14,396.04	14,396.04

These entries have been reviewed and approved by management and will be posted to the accounting system as of the fiscal year end audited.

SIGNED:

Cynthia White

DATE:

4/7/2022