

# Item # 4

**Proclamation**  
**National Public Safety Telecommunicators Week**  
**April 11-17, 2021**

**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 11<sup>th</sup> through 17<sup>th</sup>, 2021 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 11-17, 2021**

Passed and approved this 12<sup>th</sup> day of April 2021

**IN WITNESS WHEREOF**,  
I have hereunto set my hand  
and caused the Seal of the  
City of Smithville to be  
affixed this 12<sup>th</sup> day of April  
2021.

\_\_\_\_\_  
Joanna Morgan, Mayor

ATTEST:

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

**Proclamation**  
**Shirley Ann Martin Day**  
**April 12, 2021**

**Whereas** Shirley Ann Martin, or Sam, as many knew her, was born November 7, 1948 to Grant McGrath, Jr and Donna Belle McGrath; and

**Whereas** she moved to Smithville in 2005, with the love of her life, LtCol Kirk Martin (deceased 2017); and

**Whereas** the Martins helped establish the Smithville Community Gardens as a non-profit organization in 2010, together with the Mt. Pilgrim Baptist Church Community, and original SCG founders Judge Ron Jones, Judge Clarence Culberson, Grover Tolbert, and Annette Anderson;; and

**Whereas** in 2013, Sam Martin served as Manager of the Smithville Food Pantry, leading the fundraising efforts for the new building, which was opened in November, 2018; and

**Whereas** she was an impactful member of every community in which she was a part, but especially Smithville, Sam was named the 2014 Citizen of the Year by the Smithville Area Chamber of Commerce; and

**Whereas** Sam Martin left Smithville in 2018, to live where she could more easily fulfill her favorite role – that of “Grandma,” in Granite Shoals, TX, where she quickly made an impact, being elected to the City Council in 2020; and

**Whereas** Sam Martin passed away on February 24, 2021; survived by siblings, Judith Kaye, Michael Lynn, Jean Marie, and Roy Lee, her son Zacheri, Olivia, and her two grandchildren, Cadence and Conrad, all of whom she treasured.

**Therefore,** Be It Resolved that the City Council of Smithville, Texas declares April 12, 2021 as

**Sam Martin Day**

in Smithville, and urge all citizens to join me and the City Council in expressing our sincere appreciation to her for her unwavering dedication and service to the City of Smithville.

**Passed and approved** this 12<sup>th</sup> day of April 2021

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Smithville to be affixed this 12<sup>th</sup> day of April 2021.

\_\_\_\_\_  
Joanna Morgan, Mayor

ATTEST:

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

# Item # 5



CITY OF SMITHVILLE

MARCH 8, 2021

COUNCIL MEETING

Present: Councilmembers, Mike Kahanek, Janice Bruno, Bill Gordon, Joanna Morgan, Sharon Foerster, Rhonda Janak, and City Manager Robert Tamble. This meeting was a zoom Conference call.

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

Invocation: Janice Bruno gave the invocation.

Recognition/Awards/Proclamations/Announcements/Presentations: Mayor Morgan read a proclamation for "Vietnam Veterans Day" and "Clinton Marie Wright".

Citizen Comments: None

Approval of the minutes from February 8, 2021, Council Meeting and Public Hearing: Councilwoman Bruno moved to approve the minutes. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments on: None

Discussion and Action on a Resolution 2021-03-463 Declaring a Local State of Disaster due to the Prolonged Winter Weather: This Resolution 2021-03-463 will allow the City to apply for disaster relief funding to reimburse expenses incurred during the February severe winter weather event (e.g., property damage, materials, supplies, labor, etc.). Councilman Gordon made a motion to approve the Resolution. Councilwoman Janak seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on Wayfinding Signs on Main street at 1st, 2nd, and Loop 230. Councilwoman Janak made a motion to approve option 3 (Smithville History) of the wayfinding signs designed by Kempa Design. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on appointing Janice Bruno as the City of Smithville's General Assembly Representative on CAPCOG: Councilmember Gordon has submitted his resignation as the City of Smithville General Assembly Representative on CAPCOG. Councilmember Gordon has served as the City's representative since September 2016. Councilmember Janice Bruno has expressed her interest in representing the City of Smithville on CAPCOG. Councilman Gordon made a motion to approve the appointment. Councilwoman Foerster seconded and the vote was:

For: Janak, Kahanek, Foerster and Gordon

Abstain: Bruno

Citizen Comments: None

Discussion and Action on deeding a cemetery space at Mt. Pleasant Cemetery for Clinton Wright: Clinton Wright served on the Smithville City Council from 1987-1994 as Alderman and Mayor Pro Tem. She also served on the LCRA Board of Directors from 1994-1997. Mrs. Wright's family donated Mt. Pleasant Cemetery to the City of Smithville in 1989. Deeding a cemetery plot to the family of Mrs. Wright would be a small token of appreciation for her

generosity and faithful service to the community. Councilwoman Bruno made a motion to approve the cemetery deed. Councilwoman Janak seconded and the motion passed unanimously.

Citizen Comments: None

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

*Adjourn:* at 6:35 p.m.

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Joanna Morgan, Mayor

Attest:

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Jennifer Lynch, Asst. City Secretary

# Item # 6

# CITY OF SMITHVILLE

## PLANNING & ZONING APPLICATION

### APPLICATION TYPE

Zoning Change Request: ☐ Change in Zoning Class  
☐ Change in Ordinance  
☒ Variance  
☐ Special Exception Use  
☐ Minor Plat/Subdivision  
☐ Other \_\_\_\_\_

Number of Requests: ☐ Single  
☒ Multiple

### PROPERTY IDENTIFICATION

Street Address \_\_\_\_\_

\*\*\* 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: L & R Business Park, Lot 1, Acres 0.5020

Property Tax Code: \_\_\_\_\_ Block Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Property Owner (as listed on Deed): Byrne Street, LLC

Property Owner Mailing Address: 219 Main St., Smithville, TX 78957

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

Agent's Name (if applicable): Chase Hodges, Hodges Construction Services

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

Agent's Phone No: 512-914-8477 Agent's Email: chase@hodesbuilt.com



## 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:

Height Regulation: 5-foot Variance Request to increase Building Height to 40 feet overall  
 Height Regulation: 3-story Variance Request to increase from 2.5 storys  
 Rear Yard - 15-foot Variance request to allow a 10-foot setback along Hwy 71 property line  
 Rear yard - 10-foot Variance request to allow a 15-foot setback to adjoining south property.

Describe special use requested:

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

We are requesting the variances based on the MF (Multi Family) zoning setbacks and height regulations. We understand this property is zoned C-3, however, the code of ordinances in section 1.11 comments that this property will be held to compliance as MF. MF setbacks differ from C-3 and therefore we are requesting these variances.

We are seeking these variance to allow for the development of (3), 3-story individual structures to be built to accommodate 3 apartment condo homes ranging from a 2 bedroom/2 bath to a 3 bedroom /2 bath.

These units would meet or exceed the required unit minimum living area square footages as described in Section 6 of the ordinances.

Our desire to ask for these variances most specifically deals with the overall property aesthetics. We believe the approval of these variances will allow for the property to be more appealing to the City's charm, and provide more green space for outdoor use by the residents. (Please find the following attached pages layout out more specific explanations.)

## 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: 1/21/2021

### OFFICE USE ONLY:

Fee Amount: \_\_\_\_\_

Fee Payment: \_\_\_\_\_

P&Z Date: \_\_\_\_\_

Council Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

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



## Variance Request Explanation Form

### **Questions:**

- (1) Will granting this variance have any considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens?
- (2) Explain what special condition you have.
- (3) Because of the special condition the hardship you have is...?
- (4) 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?
- (5) For land being used or developed for a reason other than a homeowner building or improving the homeowners residence, there is no unnecessary hardship unless: which of the following is your unnecessary hardship and explain?
  1. The ordinance does not permit any usable 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.
- (6) Granting this variance will not negatively affect the land involved, existing uses of the 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 wear for in the vicinity.



### Height Regulation – 40-foot Overall Building Height

1. It is strongly believed by granting this variance it will only increase the good order and function of the community and government. We desire to maximize this properties potential for the purposes of the community housing needs as well as provide a living arrangement and size that will provide comfortable living spaces. The desire for the variance is purely for the aesthetics of the building. Having options for the buildings profile.
2. The development of this property is mainly based on the desire to provide a building aesthetic and profile that can produce a building facility and enhance the skyline of our community. We desire to provide a comfortable living space and the height of the ceiling in these spaces drives this comfort. With the granting of the 40-foot overall building height we not only can provide these taller interior ceilings but as well create more dramatic building exterior look that will be more appealing to the community.
3. Our hardship is not being able to create the living spaces that the area commonly desires. This overall height will allow for this.
4. Substantial justice will be done to this property when granted. It is the desire of this development to provide a beautiful multi-family complex with public health, safety, and welfare at the top of our list. The granting of this variance, as previously explained, will allow our design to accommodate living space and exterior design elements that will enhance our surrounding community as well as service the substantial purpose of providing quality housing.
5. Our hardship is option 1 – the ordinance does not permit any reasonable use of the land. Due to the small size of the lot and it being zoned C-3 commercial it is necessary for the development of this property to maximize building height in using the additional height to beautify the property. This hardship specifically affects the aesthetics of these buildings and granting of this variance can provide more appealing building façades.
6. This variance request will not impact, negatively, the surrounding lands. The adjacent property to the south is also zoned C-3 and the property to the east is State Hwy 71. The land has not been in use for some time. This development will maximize the land use and provide the surrounding area with quality housing and provide the city a strong taxable property that is not currently being used. Persons in this area may not desire the expansion of this area in our community, however, this property provides quality usable land that is appropriately zoned for this development. The traffic increase due to this property is viewed as minimal as this road is highly traveled due to existing residential developments to the south as well as the hospital and nursing homes to the west.





### Height Regulation – 3<sup>rd</sup> Story

1. It is strongly believed by granting this variance it will only increase the good order and function of the community and government. We desire to maximize this properties potential for the purposes of the community housing needs as well as provide a living arrangement and size that will provide comfortable living spaces. The aspiration for the variance is based on providing desirable living spaces in the homes as well as allow for adequate structural and mechanical spaces above the ceilings.
2. The lands size and current construction cost affect many properties in our area and would greatly affect this project. By granting this 3<sup>rd</sup>-story variance, this would allow for the construction of 9 apartment condo homes with 9-foot interior ceilings, a desired height for new home construction. This variance would allow for this project to optimize this property to the full extent.
3. Development costs and property optimization are the greatest hardships. Not granting this variance would make the development of this property unaffordable and would not optimize the potential for space of this property.
4. Substantial justice will be done to this property when granted. It is the desire of this development to provide a beautiful multi-family complex with public health, safety, and welfare at the top of our list. The granting of this variance, as previously explained, will allow our design to accommodate living space and exterior design elements that will enhance our surrounding community as well as service the substantial purpose of providing quality housing.
5. Our hardship is option 1 – the ordinance does not permit any reasonable use of the land. Due to the small size of the lot and it being zoned C-3 commercial it is necessary for the development of this property to maximize building height. This hardship specifically affects interior aesthetics of these buildings and granting of this variance can provide more appealing and livable building spaces.
6. This variance request will not impact, negatively, the surround lands. The adjacent property to the south is also zoned C-3 and the property to the east is State Hwy 71. The land has not been in use for some time. This development will maximize the land use and provide the surrounding area with quality housing and provide the city a strong taxable property that is not currently being used. Persons in this area may not desire the expansion of this area in our community, however, this property provides quality usable land that is appropriately zoned for this development. The traffic increase due to this property is viewed as minimal as this road is highly traveled due to existing residential developments to the south as well as the hospital and nursing homes to the west.





### Rear Yard – 15-foot Variance Request – 10-foot Setback from Hwy 71 Right of Way

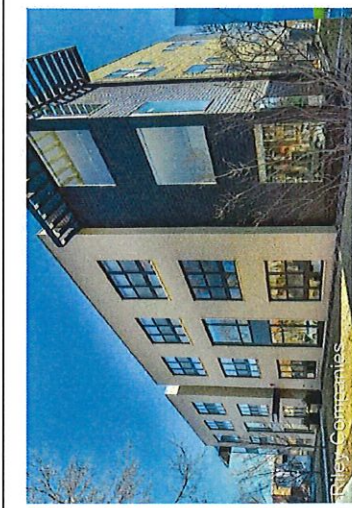
1. It is strongly believed by granting this variance it will only increase the good order and function of the community and government. We desire to maximize this properties potential for the purposes of the community housing needs as well as provide site access, maximize the usability and efficiency of the property, and provide a desirable living space in and outside the buildings.
2. This variance would allow for a property aesthetic that will enhance the overall land and area providing multiple buildings and efficient property usage. Our special condition that this variance will allow for is being able to provide (3) individual building units instead of on one block. This single block unit is not the vision of the development and would not beautify the area as desired. This variance is being requested solely to produce an aesthetically pleasing property in addition to the housing.
3. Our specific hardship is land use and optimizing the lands potential. The granting of this variance will allow the design to best fit the property, to optimize the space and provide maximum areas for resident accommodations and enjoyment.
4. Substantial justice will be done to this property when granted. It is the desire of this development to provide a beautiful multi-family complex with public health, safety, and welfare at the top of our list. The granting of this variance, as previously explained, will allow our design to provide a unique and beautiful living arrangement and enhance our surrounding community as well as service the substantial purpose of providing quality housing.
5. Our hardship is option 1 – the ordinance does not permit any reasonable use of the land. Due to the small size of the lot and it being zoned C-3 commercial it is necessary for the development of this property to maximize the lots size. This hardship specifically affects our desired property aesthetics, the property layout efficiency, and the overall appeal of the development to the surrounding community areas.
6. This variance request will not impact, negatively, the surround lands. The adjacent property to the south is also zoned C-3 and the property to the east is State Hwy 71. The land has not been in use for some time. This development will maximize the land use and provide the surrounding area with quality housing and provide the city a strong taxable property that is not currently being used. Persons in this area may not desire the expansion of this area in our community, however, this area provides quality usable land that is appropriately zoned for this development. The traffic increase due to this property is viewed as minimal as this road is highly traveled due to existing residential developments to the south as well as the hospital and nursing homes to the west.



Rear Yard – 10-foot Variance Request - 15-foot Setback from Adjacent C-3 Zoned Property to the South

1. It is strongly believed by granting this variance it will only increase the good order and function of the community and government. We desire to maximize this properties potential for the purposes of community housing needs, as well as, provide site access, maximize the usability and efficiency of the property and provide a desirable living space in and outside the buildings.
2. This variance would allow for a property aesthetic that will enhance the overall land and area providing multiple buildings and efficient property usage. Our space condition that this variance will allow for is being able to provide (3) individual building units instead of on one block. This single block unit is not the vision of the development and would not beautify the area as believed (3) separate units can. This variance is being requested solely to produce an aesthetically pleasing property in addition to the housing.
3. Our specific hardship is land use and optimizing the lands potential. The granting of this variance will allow the design to best fit the property, to optimize the space and provide maximum areas for resident accommodations and enjoyment.
4. Substantial justice will be done to this property when granted. It is the desire of this development to provide a beautiful multi-family complex with public health, safety, and welfare at the top of our list. The granting of this variance, as previously explained, will allow our design to provide a unique and beautiful living arrangement and enhance our surrounding community as well as service the substantial purpose of providing quality housing.
5. Our hardship is option 1 – the ordinance does not permit any reasonable use of the land. Due to the small size of the lot and it being zoned C-3 commercial it is necessary for the development of this property to maximize the lots size. This hardship specifically affects our desired property aesthetics, the property layout efficiency, and the overall appeal of the development to the surrounding community areas.
6. This variance request will not impact, negatively, the surround lands. The adjacent property to the south is also zoned C-3 and the property to the east is State Hwy 71. The land has not been in use for some time. This development will maximize the land use and provide the surrounding area with quality housing and provide the city a strong taxable property that is not currently being used. Persons in this area may not desire the expansion of this area in our community, however, this area provides quality usable land that is appropriately zoned for this development. The traffic increase due to this property is viewed as minimal as this road is highly traveled due to existing residential developments to the south as well as the hospital and nursing homes to the west.



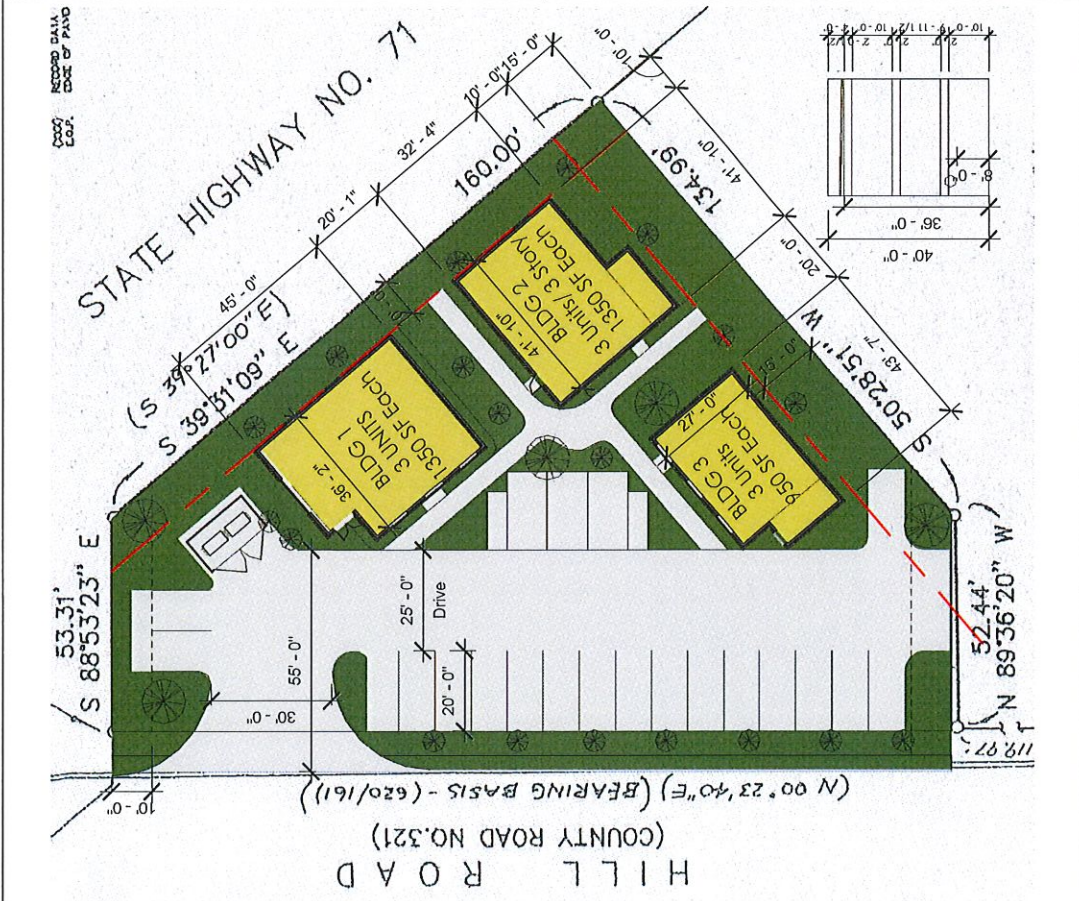


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**HILL RD DEVELOPMENT**  
**ZONED C-3**  
HIGHWAY COMM DIST.—0.502 ACRES  
**PLANNED DEVELOPMENT: MULTI-FAMILY\***  
\*PER THE CITY OF SMITHVILLE CODE OF ORDINANCES SECTION 1.11., THIS DEVELOPMENT SHALL ADHERE TO ZONING REGULATIONS PERTAINING TO **MF (MULTI-FAMILY)**. AS THIS ZONING DISTRICT IS MORE RESTRICTIVE.  
OWNER WILL REQUEST APPLICABLE VARIANCES FOR PERMITTED OFFSETS THAT MAY DIFFER FROM MF GUIDELINES.

- REQUESTED SETBACKS:**
- 10' ON HIGHWAY SIDE
  - 15' ON SOUTH/SIDE PROPERTY LINE
- BUILDING SUMMARY**
- BLDG 1- 3 STORY/ 35 ft max bldg height (3) 1350 SF UNITS (4,050 SF TOTAL)
  - BLDG 2- 3 STORY/ 35 ft max bldg height (3) 1350 SF UNITS (4,050 SF TOTAL)
  - BLDG 3- 3 STORY/ 35 ft max bldg height (3) 950 SF UNITS (2,850 SF TOTAL)


**PRELIMINARY PARKING**  
21 PARKING SPOTS  
PROVIDE 2 ACCESSIBLE PARKING SPACES  
2 SMALL MOTORCYCLE PARKING SPOTS  
FEATURES: GREEN SPACE, TREES, DOG RUN/OFFSET FROM HILL ROAD TRAFFIC & ENTRANCE, INTERCONNECTED WALK-WAYS, BALCONIES, ETC.



Sheet: Exhibit: Prelim Site Plan	Project: FEASIBILITY STUDY
Project number: BDG20200031	Status:
Date: 01-04-2021	Exhibit A.0
Drawn by: BDG	
Checked by: SB/BDG	Scale: AS INDICATED

No.	Description	Date

Project Name	HILL ROAD DEVELOPMENT
HILL RD, SMITHVILLE, TX	

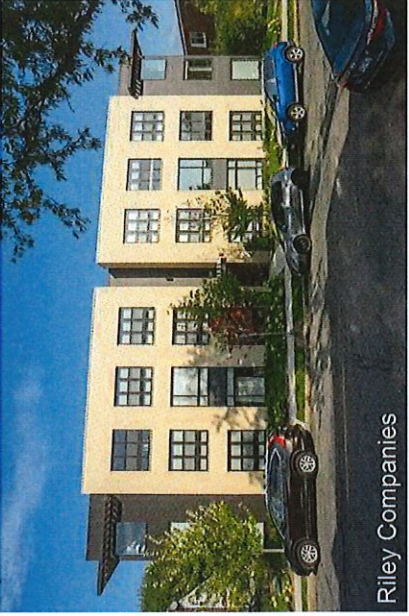
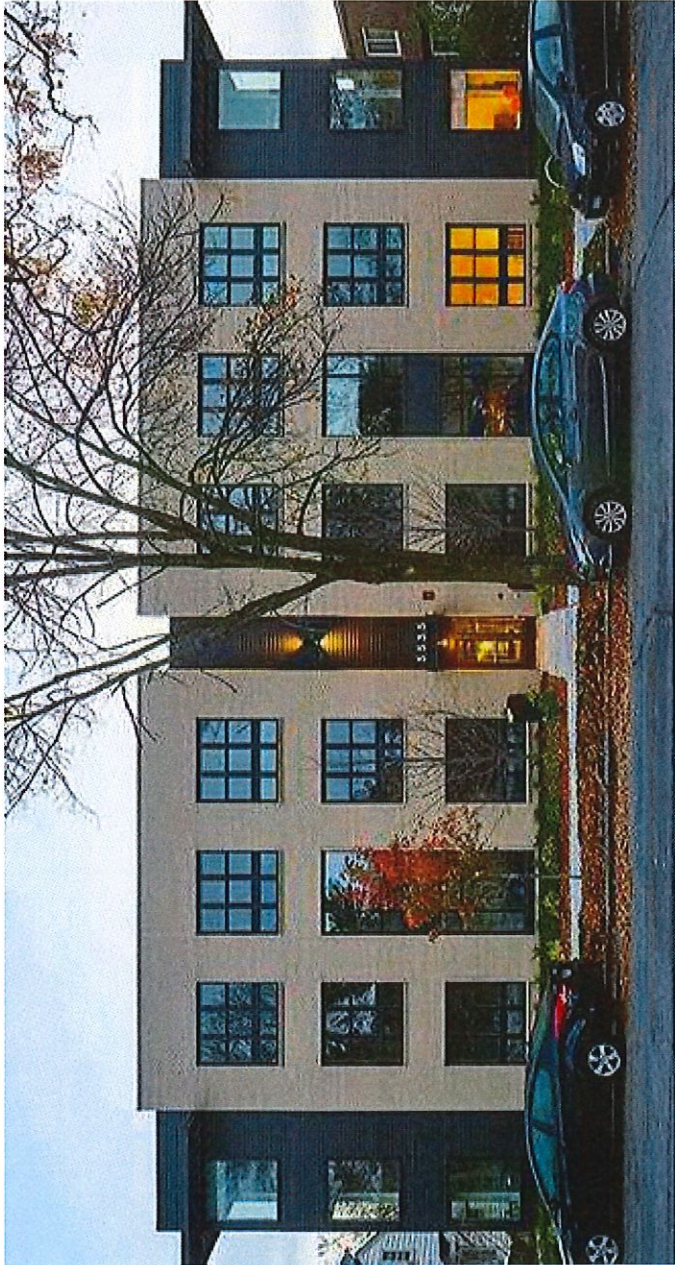


217 Main St. | Smithville, TX 78657  
P (512) 914-8477

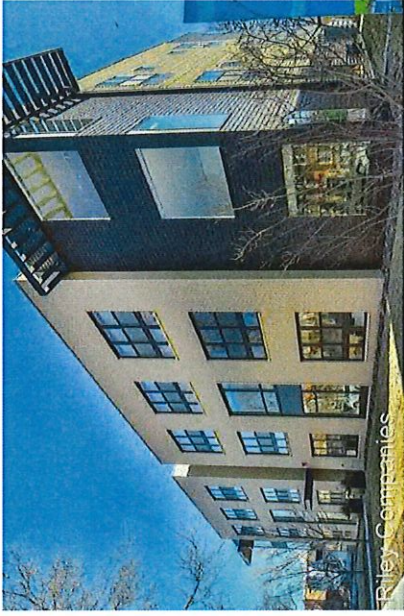


Brister Design Group  
ARCHITECTURE FIRM  
TBAE#BR2361





Riley Companies



Riley Companies



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Chase Hodges, TX P.E. # 15735

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**HODGES**  
CONSTRUCTION SERVICES  
277 Main St. | Smithville, TX 78657  
P (512) 914-6477

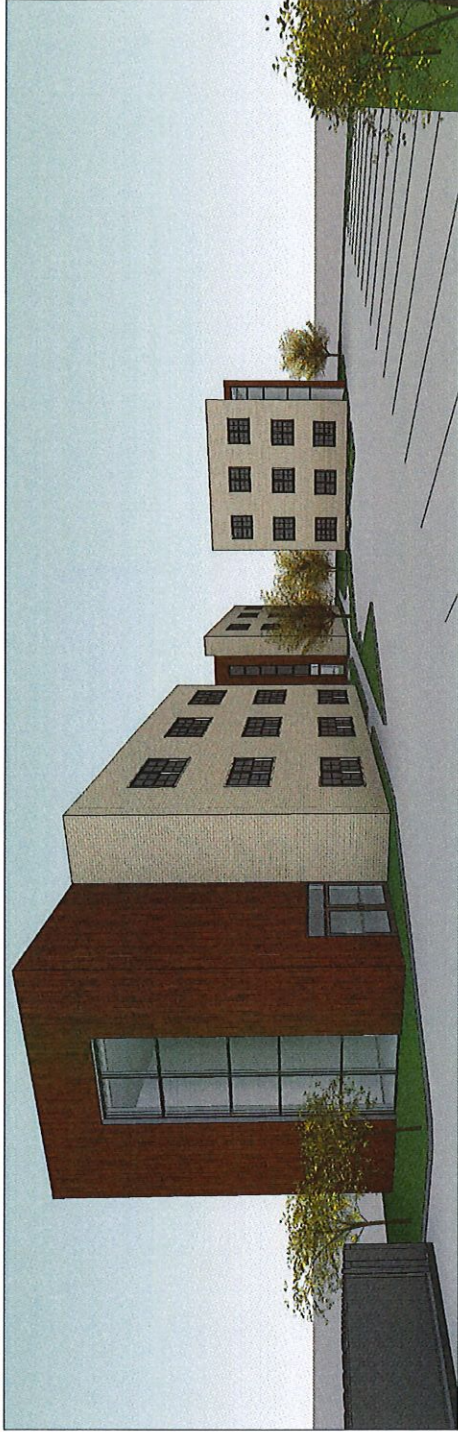
**BDG**  
Brister Design Group  
ARCHITECTURE FIRM  
TBAE#BR2361

Project Name  
HILL ROAD DEVELOPMENT  
HILL RD, SMITHVILLE, TX

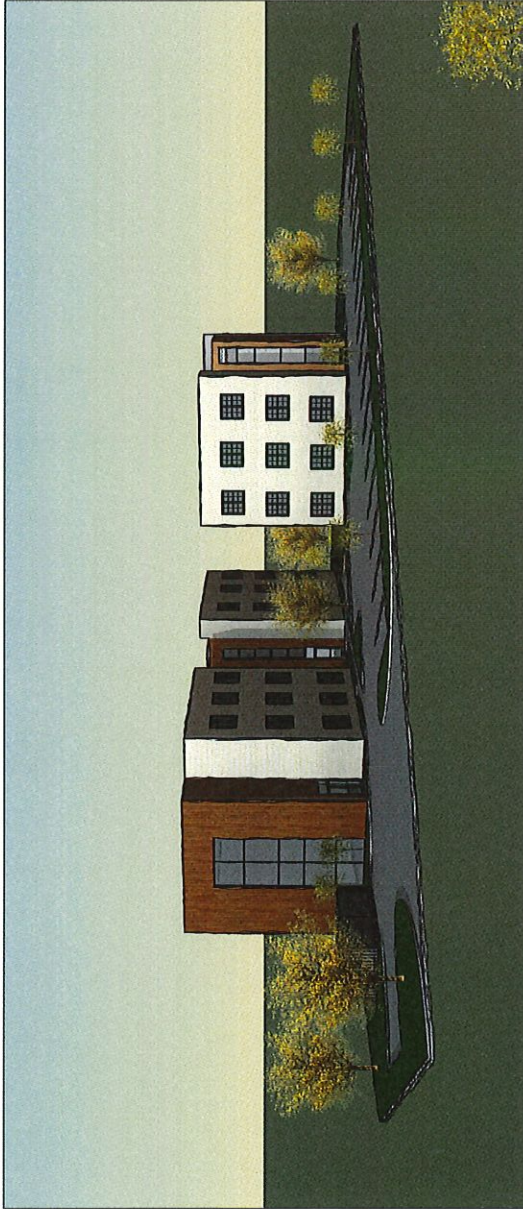
No.	Description	Date

Sheet	Reference Images	Project Status:
Project number	BDG20200031	
Date	01-04-2021	Exhibit A.1
Drawn by	Author	
Checked by	Checker	Scale: AS INDICATED





BDG Design renderings represent the concept reference. This drawing is not to scale.  
The colors and patterns illustrated in the rendering(s) may vary from the specified conditions.  
Please reference corresponding schedules and specifications in the Construction Documents  
set for actual materials, finishes and patterns selection.



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CONSTRUCTION SERVICES

217 Main St | Smithville, TX 78657

P (512) 914-8477

Texas Registered

Engineering Firm E-19393

BDG

Brister Design Group

ARCHITECTURE FIRM

TBAE#BR2361

Project Name

HILL ROAD DEVELOPMENT

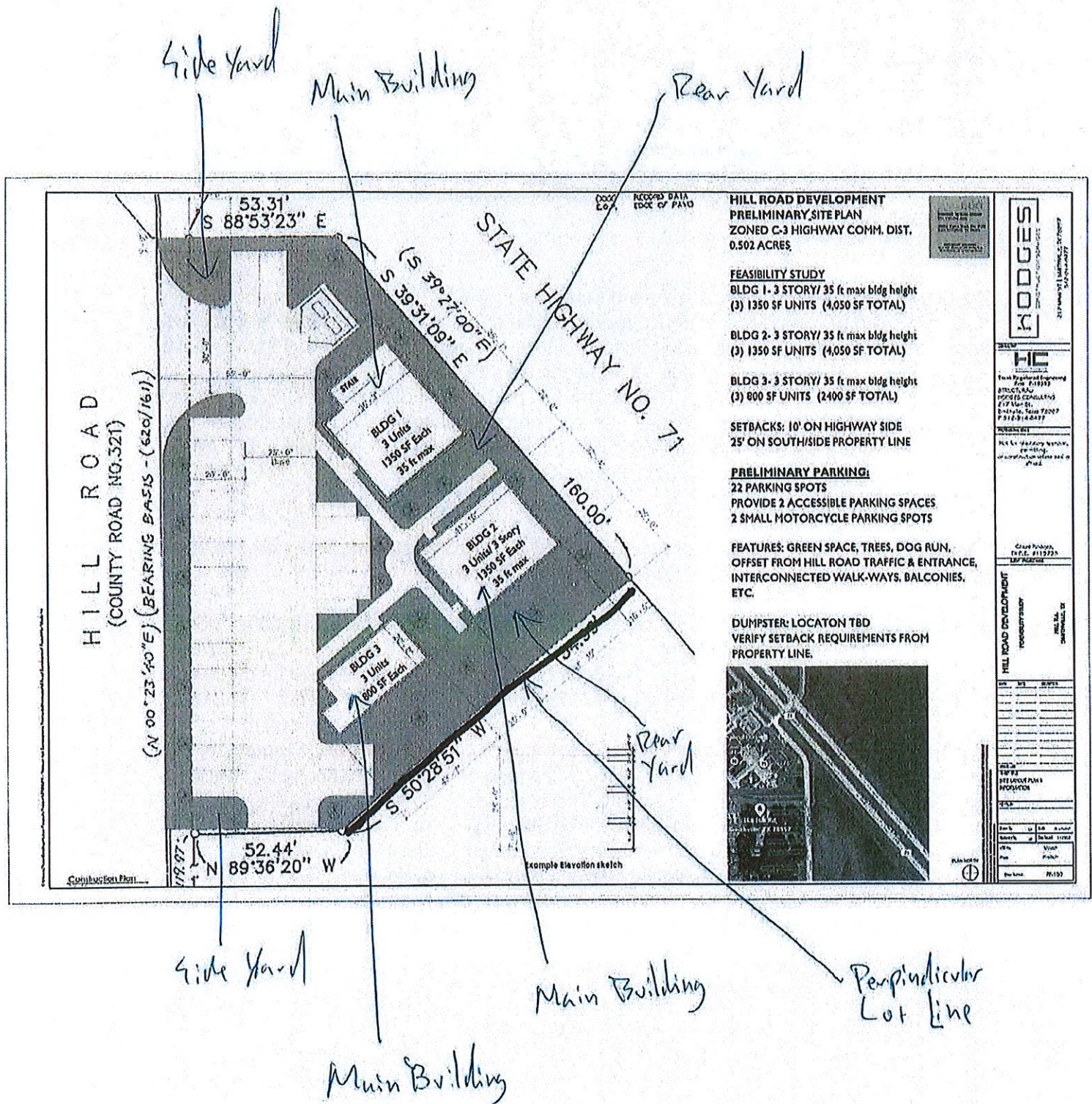
HILL RD, SMITHVILLE, TX

No.	Description	Date

Sheet: Prelim 3-D view	Project FEASIBILITY STUDY
Project number BDG20200031	Status:
Date 01-04-2021	Exhibit A.2
Drawn by Author	
Checked by Checker	Scale: AS INDICATED

1/20/2021 4:09:30 PM







# CITY OF SMITHVILLE

## PLANNING & ZONING APPLICATION

### APPLICATION TYPE

Zoning Change Request: ☒ Change in Zoning Class  
☐ Change in Ordinance  
☐ Variance  
☐ Special Exception Use  
☒ Minor Plat/Subdivision  
☐ Other \_\_\_\_\_

Number of Requests: ☒ Single  
☐ Multiple

### PROPERTY IDENTIFICATION

Street Address TO BE DETERMINED - SHORT STREET

\*\*\* 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: CHIP'S HAVEN (proposed subdivision)

Property Tax Code: 49198 Block Number: NA Lot Number: 9

Property Owner (as listed on Deed): CHIP'S HAVEN, LLC (Cade Hurta, President)

Property Owner Mailing Address: 874 LOOP ROAD, SMITHVILLE, 78957

Owner's Phone No: 512-284-1402 Owner's Email: churta@fnbbastrop.com

Agent's Name (if applicable): BEFCO ENGINEERING, INC.

Agent's Mailing Address: 485 N JEFFERSON, LA GRANGE, 78945

Agent's Phone No: 979-968-6474 Agent's Email: kevin@befcoengineering

## 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 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 checked="" 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:

Change to zone CF to allow existing office building to remain in place.

Describe special use requested:

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

Zoning was changed to SF-1 on entire block prior to sale by Smithville Hospital Authority. Lot 9 of Chip's Haven, (proposed residential subdivision of former hospital property) is the location of an existing medical office building. Current owners would like to allow the existing office building to remain in place and be utilized in a similar capacity.

## 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: 2-18-21

### OFFICE USE ONLY:

Fee Amount: \_\_\_\_\_

Fee Payment: \_\_\_\_\_

P&Z Date: \_\_\_\_\_

Council Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

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



PLAT SHOWING THE SURVEYAND SUBDIVISION OF A 5.111 ACRE TRACT SITUATED IN THE LEWIS JONES LEAGUE, A-46, IN BASTROP COUNTY, MISSISSIPPI, AS SHOWN ON PLAT CACKET NO. 2, PAGE 340-A - TETZAS, AND IN THE CITY OF SMITHVILLE (BEING PART OF BLOCK 5 OF THE BASTROP COUNTY PLAT RECORDS) BEING PART OF BLOCK 5 OF THE TAYLOR ADDITION TO THE CITY OF SMITHVILLE (NOTED IN THE BASTROP COUNTY PLAT RECORDS). CHANGING PLAT AUTHORITY TO CHEN'S EASEN, LLC DATED JANUARY 12, 2021 AND RECORDED IN COUNTY CLERK'S FILE NO. 202100846

[illegible]

5. LOTS 1-8 AND 10-24 ARE ZONED "S-1" AND ARE SUBJECT TO BUILDING REQUIREMENTS AS DESCRIBED IN CITY OF SOUTHWELL ZONING ORDINANCES.

OF COURT  
SON  
75A  
Pc

I hereby certify that the above and foregoing plat of "CHIP'S HAVEN" was approved by the City Council of the City of Smithville on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This approval shall be invalid unless the approved plat is recorded in the office of the County Clerk within thirty days from said date of final approval.

Said tract shall be subject to all requirements of the Platting Ordinance of the County of Madison, Missouri.

Jennifer Lynch  
City Secretary

1. Ray Pickett, COUNTY CLERK OF BASTROP COUNTY, TEXAS, do hereby certify, that \_\_\_\_\_ is a certified copy of the minutes of the Board of Commissioners. Read on the date and at the time stipulated herein by me was duly RECORDED in Plat Cabinet \_\_\_\_\_ Slide \_\_\_\_\_ of the PLAT RECORDS of Bastrop County, Texas as stipulated herein by me.

\_\_\_\_\_  
WITNESS MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED OR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED AS BEING USED AS A FINAL SURVEY DOCUMENT!

Prepared for  
CHIPS 'S HAVEN, LLC  
874 Loop Road  
Smithville, Texas 78957

Prepared by  
BEFCO ENGINEERING, INC.  
P.O. Box 615  
La Grange, Texas 78945

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—

Small Book 0.00

# CHIP'S HAVEN PRELIMINARY SUBDIVISION PLAT LEWIS LOMAS LEAGUE, A-46

PLAT SHOWING THE SURVEY AND SUBDIVISION OF A 5.111 ACRE TRACT SITUATED IN THE LEWIS LOMAS LEAGUE, A-46, IN BASTROP COUNTY, TEXAS, AND IN THE CITY OF SMITHVILLE (PLAT CARNET 2, PAGE 340-A - BASTROP COUNTY RECORDS). THIS TRACT IS BEING SUBDIVIDED INTO 24 LOTS, BEING ALL OF THAT TRACT DESCRIBED AS 5.111 ACRES IN A DEED FROM SMITHVILLE HOSPITAL AUTHORITY TO CHIP'S HAVEN, LLC DATED JANUARY 12, 2021 AND RECORDED IN COUNTY CLERK'S FILE NO. 202100946 OFFICIAL RECORDS OF BASTROP COUNTY.

## PLAT NOTES:

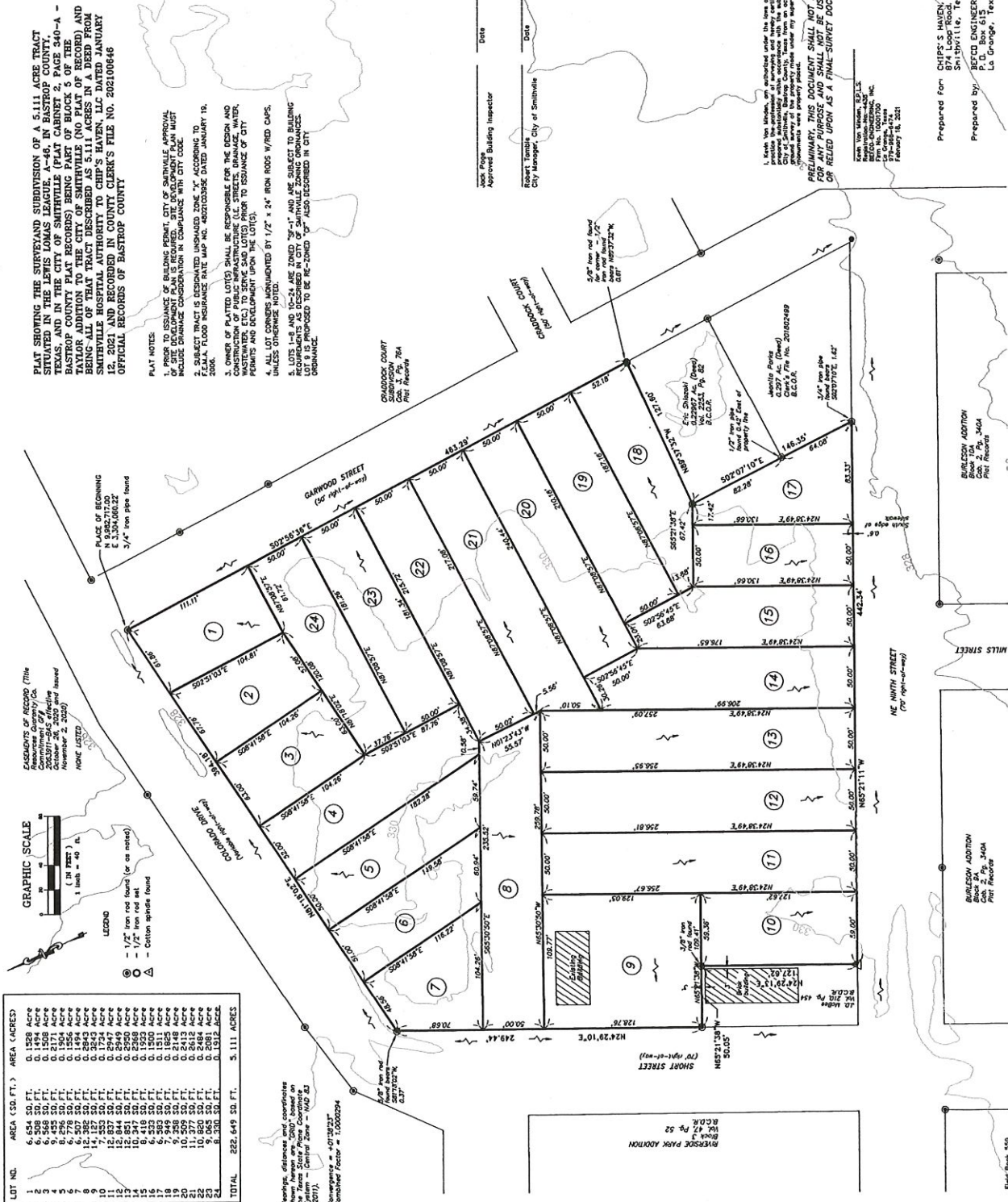
1. PRIOR TO ISSUANCE OF BUILDING PERMIT, CITY OF SMITHVILLE, APPROVAL OF 50% OF THE SUBDIVISION PLAT MUST BE OBTAINED FROM THE CITY ENGINEER AND MUST BE FILED IN THE CITY ENGINEER'S OFFICE.
2. SUBJECT TRACT IS DESIGNATED UNIMPROVED ZONE "C" ACCORDING TO FLOOD INSURANCE RATE MAP NO. 4802030202E DATED JANUARY 19, 2008.
3. OWNER OF PLATTED LOTS SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, WASTEWATER, ETC. TO SERVE SAID LOTS PRIOR TO ISSUANCE OF CITY PERMITS AND DEVELOPMENT UPON THE LOTS.
4. ALL LOT CORNERS UNIMPROVED BY 1/2" x 24" IRON RODS W/ WED CAPS, UNLESS OTHERWISE NOTED.
5. LOTS 1-8 AND 10-24 ARE ZONED "C" AND ARE SUBJECT TO BUILDING PERMITS AND DEVELOPMENT UPON THE LOTS.
6. LOT 9 IS PROPOSED TO BE RE-ZONED "C" ALSO DESCRIBED IN CITY ORDINANCE.

LEGEND

- 1/2" iron rod found (or as noted)
- 1/2" iron rod set
- △ Cotton spraddle found

LOT NO.	AREA (ACRES)
1	0.1238
2	0.1494
3	0.1508
4	0.1508
5	0.1508
6	0.1508
7	0.1508
8	0.1508
9	0.1508
10	0.1508
11	0.1508
12	0.1508
13	0.1508
14	0.1508
15	0.1508
16	0.1508
17	0.1508
18	0.1508
19	0.1508
20	0.1508
21	0.1508
22	0.1508
23	0.1508
24	0.1508
TOTAL	222.649 SQ. FT. 5.111 ACRES

Bearings, distances and coordinates shown herein are "GEOID" based on NAD 83 datum. The datum used is the North American Datum of 1983 (NAD 83). Contouring is at 10' intervals. Contour factor = 1.00000004.



STATE OF TEXAS

COUNTY OF

KNOW ALL MEN BY THESE PRESENTS, That I, CADE HURTA, President of CHIP'S HAVEN, LLC, a limited liability company organized under the laws of the State of Texas, do hereby certify that the foregoing instrument, which is a preliminary subdivision plat of the property known as the Lewis Lomas League, A-46, and within the Corporate Limits of the City of Smithville, Bastrop County, Texas, is a true and correct copy of the original instrument as the same appears of record in the office of the County Clerk with thirty days from said day of recording.

IN WITNESS WHEREOF, I, CADE HURTA, have caused these presents to be executed this the \_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_ day of \_\_\_\_\_ A.D.

OWNER:

CADE HURTA, President

CHIP'S HAVEN, LLC

STATE OF TEXAS

COUNTY OF

Before me, the undersigned authority, on this day personally appeared CADE HURTA known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_ day of \_\_\_\_\_ A.D.

NOTARY PUBLIC, State of Texas

I, \_\_\_\_\_, County Clerk of Bastrop County, Texas, do hereby certify that the foregoing instrument, which is a preliminary subdivision plat of the property known as the Lewis Lomas League, A-46, and within the Corporate Limits of the City of Smithville, Bastrop County, Texas, is a true and correct copy of the original instrument as the same appears of record in the office of the County Clerk with thirty days from said day of recording.

WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_ day of \_\_\_\_\_ A.D.

By \_\_\_\_\_, Deputy

STATE OF TEXAS

COUNTY OF BASTROP

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By \_\_\_\_\_, Deputy

STATE OF TEXAS

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By \_\_\_\_\_, Deputy

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WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_ day of \_\_\_\_\_ A.D.

By \_\_\_\_\_, Deputy

CHIP'S HAVEN  
EXISTING CONDITIONS DRAINAGE EXHIBIT



BEFCO ENGINEERING, INC.  
P. O. Box 615  
Lago Vista, Texas 78945  
(979) 968-6474  
Engineering Firm #1001700  
Surveying Firm #1001700

DRAWN BY: KVM DATE: 02/14/21 DRAWING NO.  
CHECKED BY: KVM DATE: 2/16/21  
APPROVED BY: KVM DATE: 2/16/21

SVN/land Projects 330-7784/30-7784-30  
BEFCO Job No. 20-7784

Prepared for: CHIP'S HAVEN, LLC  
874 Loop Road  
Smithville, TX 78957  
Prepared by: BEFCO ENGINEERING, INC.  
La Grange, Texas 78945



# General Notes

1. Boundary based on Bastrop Central Appraisal District data. A certified boundary survey shall be performed to confirm.
2. Concept plan is based on SF-1 zoning. Minimum lot size is 0.500 square feet. Minimum lot width is 50 feet at front building line.

## Paving & Drainage

1. Location and size of existing storm sewer system is approximate and based on personal observation. No field survey or excavation occurred to determine exact size and location.
2. Existing impervious cover on the site is approximately 55 percent. Assuming the proposed redevelopment has the same percent impervious cover, no detention will be required. The table on the right shows the lot number, lot size, and amount of impervious cover allowed for each lot if 55 percent is assumed equally.

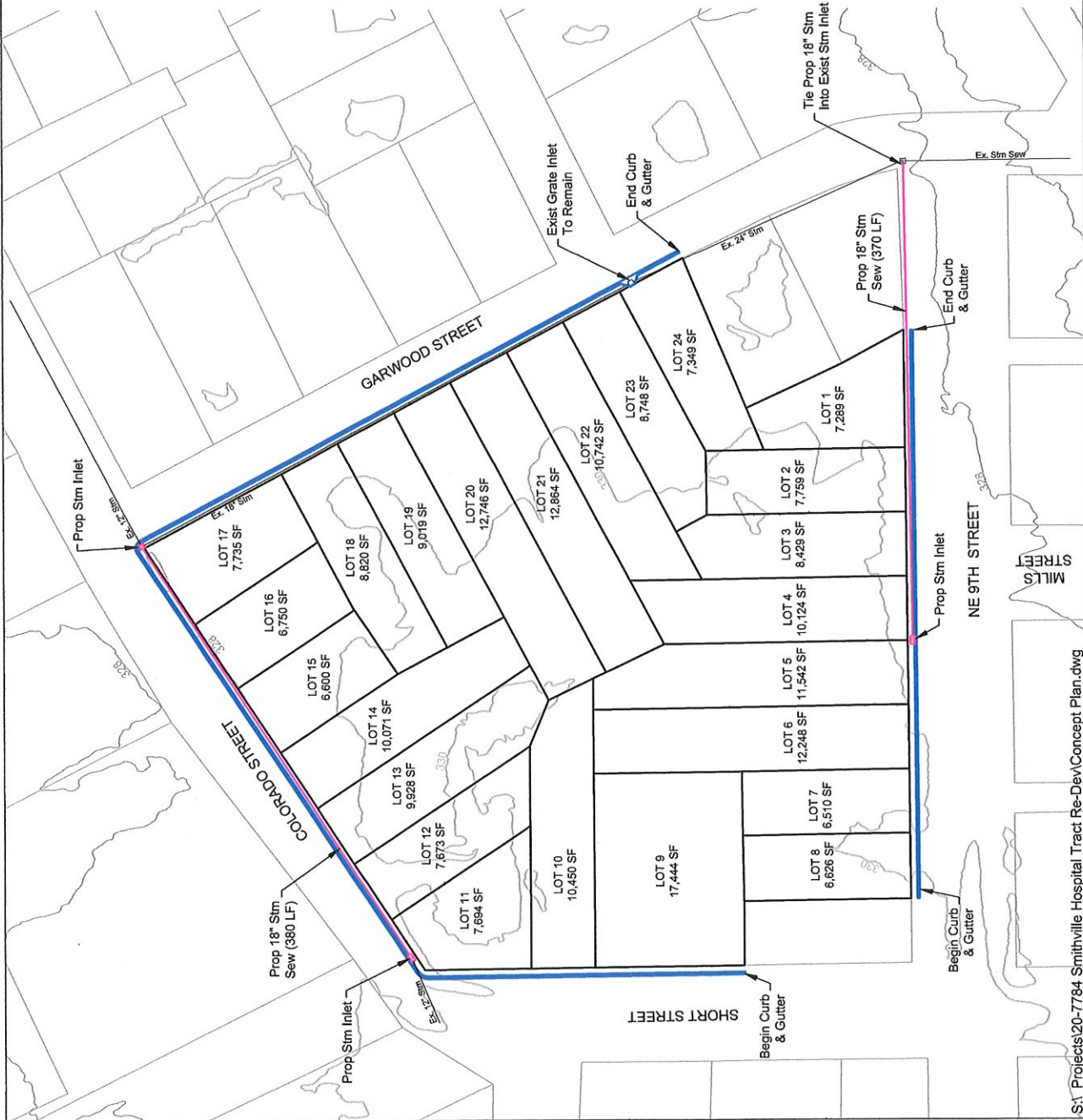
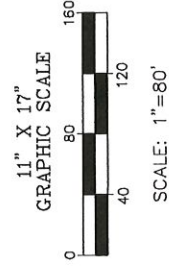
Lot Number	Lot Area (Sq. Ft.)	Impervious Cover (%)	Impervious Cover (Sq. Ft.)
1	7,289	55%	4,009
2	7,759	55%	4,267
3	8,429	55%	4,636
4	10,124	55%	5,568
5	11,542	55%	6,348
6	12,248	55%	6,736
7	6,510	55%	3,581
8	6,826	55%	3,644
9	17,444	55%	9,594
10	10,450	55%	5,748
11	7,694	55%	4,232
12	7,673	55%	4,220
13	9,928	55%	5,460
14	10,071	55%	5,539
15	6,600	55%	3,630
16	6,750	55%	3,713
17	7,735	55%	4,254
18	8,820	55%	4,851
19	9,019	55%	4,960
20	12,746	55%	7,010
21	12,864	55%	7,075
22	10,742	55%	5,908
23	8,748	55%	4,811
24	7,349	55%	4,042

## OLD HOSPITAL RE-DEVELOPMENT PAVING / DRAINAGE CONCEPT PLAN



BEFCO ENGINEERING, INC. (F-2011)  
P. O. Box 615  
LeGrange, Texas 78945  
(979) 968-6474

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**General Notes**

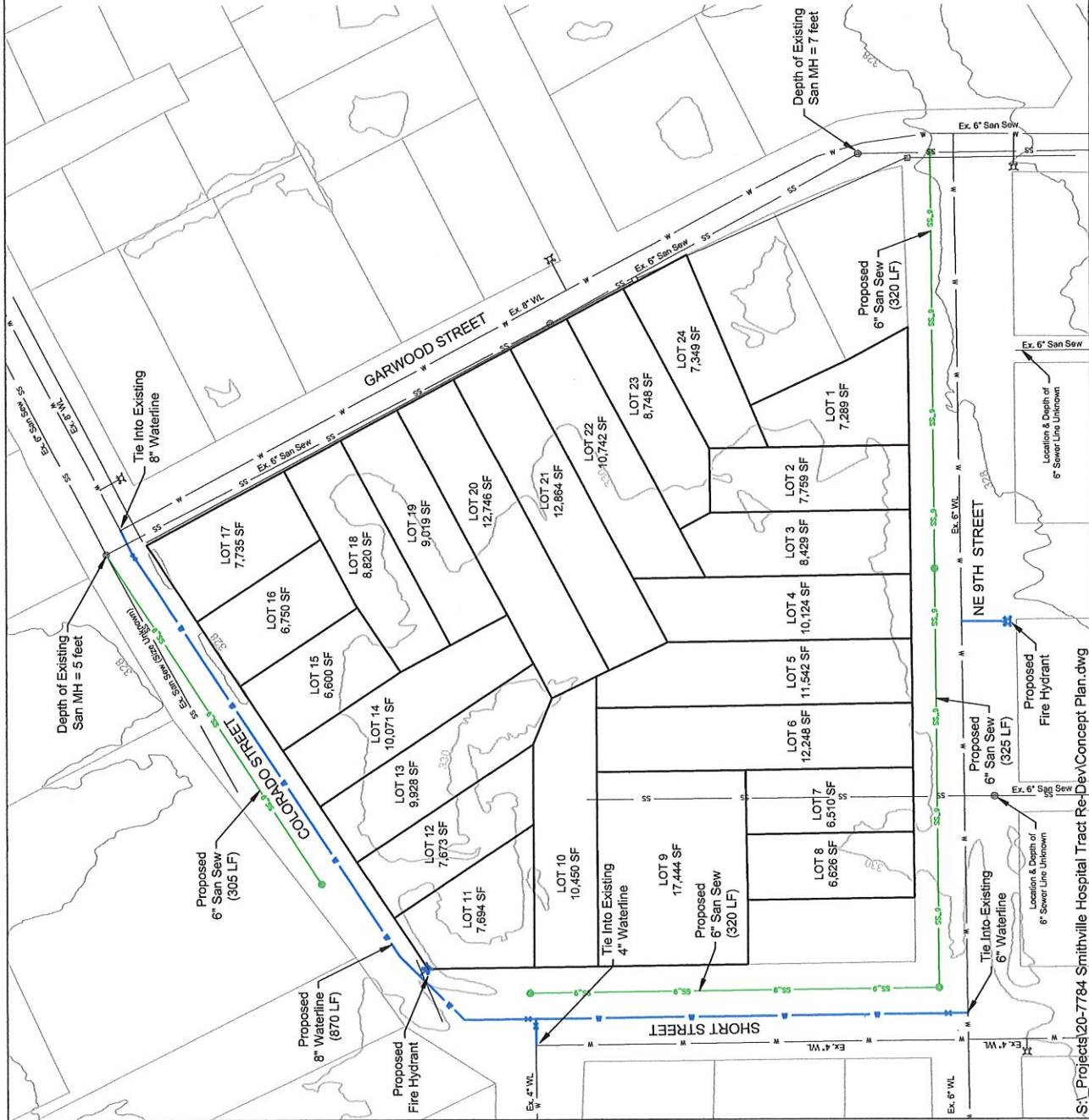
1. Boundary based on Bastrop Central Appraisal District data. A certified boundary survey shall be performed to confirm.
2. Concept plan is based on SF-1 zoning. Minimum lot size is 6,500 square feet. Minimum lot width is 50 feet at front building line.

**Water**

1. Location and size of existing waterlines are based on City waterline map. No field survey or excavation occurred to determine exact size and location.
2. The City will install all water services, and the property owner / developer will be responsible for paying the tap fee associated with such service.

**Wastewater**

1. Location and size of existing wastewater lines are based on City wastewater map. No field survey or excavation occurred to determine exact size and location.
2. The City will install all wastewater services, and the property owner / developer will be responsible for paying the tap fee associated with such service.



**PRELIMINARY  
NOT FOR CONSTRUCTION**

**OLD HOSPITAL  
RE-DEVELOPMENT  
WATER / WASTEWATER  
CONCEPT PLAN**



**BEFCO ENGINEERING, INC. (F-2011)**  
P. O. Box 615  
LeGrange, Texas 78945  
(979) 968-6474

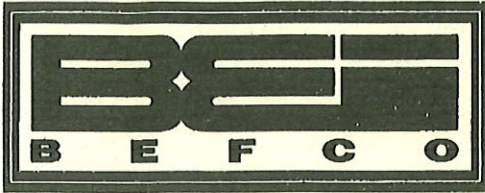


11" X 17"  
GRAPHIC SCALE



SCALE: 1" = 80'





**BEFCO ENGINEERING, INC.**  
**Consulting Engineering/Land Surveying**  
P.O. BOX 615 485 NORTH JEFFERSON  
LA GRANGE, TEXAS 78945-0615  
979 / 968-6474 FAX 979 / 968-3056  
www.befcoengineering.com E-mail: [office@befcoengineering.com](mailto:office@befcoengineering.com)  
Texas Registered Engineering Firm F-2011 Texas Licensed Surveying Firm #10001700

February 18, 2021

Jennifer Lynch  
City Secretary  
City of Smithville  
P.O. Box 449  
Smithville, TX 78957

Re: Chip's Haven Subdivision  
Preliminary Plat

Dear Jennifer:

In conjunction with the preliminary plat submittal for Chip's Haven Subdivision, BEFCO Engineering has no objection to the City not acting on the preliminary plat until the regularly scheduled Planning and Zoning Commission and Council meetings in April. Should you need anything else, let me know. Thanks.

Sincerely,

**BEFCO ENGINEERING, INC.**

A handwritten signature in blue ink, appearing to read 'T. Sanders', is written over the printed name.

Timothy L. Sanders, P.E.

Attachment – Chip's Haven Preliminary Plat

TLS:tls

S:\\_Projects\20-7784 Smithville Hospital Tract Re-Dev\021821 Preliminary Plat Request.doc

*"Proficient, practical engineering and land surveying services with a sense of small-town values and care".*

## Jennifer Lynch

---

**From:** Tracie Wallace  
**Sent:** Wednesday, April 7, 2021 8:40 AM  
**To:** Jennifer Lynch  
**Subject:** FW: replat of Chips Haven, R49198

512-237-2432 is the contact number. I told Mrs. Mutschink I would forward you her email for Council Meeting (see below, it's the same one from PZ) and contact info to you as she is in her 80's. The number provided is her son Don.

Tracie Dzenowski



General Clerk  
City of Smithville  
512-237-3282 ext 2101

---

**From:** Miltons <miltons@tx.twcbc.com>  
**Sent:** Tuesday, April 6, 2021 3:58 PM  
**To:** Tracie Wallace <TWallace@ci.smithville.tx.us>  
**Subject:** replat of Chips Haven, R49198

**To:** City of Smithville, Texas  
Planning and Zoning Commission

**From:** Eleanor Mutschink, Resident  
603 Colorado Drive  
Smithville, Texas

Please note, that as a property owner within 200' of the proposed agenda item, I am strongly against the proposed replat of Chips Haven to create 24 lots, each capable of a single family dwelling.

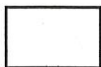
This number seems very excessive and actually a bit abusive. The design of our neighborhood is not in line with the proposed design. Growth is important but so is quality of living for those of us that have lived and invested in our homes and our town. I feel this type of housing development may even devalue the properties in the surrounding area.

The lots that will need to be accessed from Colorado Drive/Short Street will cause a large amount of traffic on this already busy street. The street is used very heavily already for recreational use as families walk their children and pets. The increased traffic will create a very congested area and a severe danger to the pedestrians and bicycle riders.

Also causing a concern is the large drainage ditches that exist along this proposed replat.

Thank you for your time.

Eleanor Mutschink



Virus-free. [www.avast.com](http://www.avast.com)

## Jennifer Lynch

---

**From:** CityManager  
**Sent:** Thursday, April 8, 2021 4:48 AM  
**To:** Gay Powers  
**Cc:** Mike Kahanek; jbruno@ci.smithville.tx; Sharon Foerster; Bill Gordon; Rhonda Janak; Joanna Morgan; Jack Page; Jennifer Lynch; sgjkmj@gmail.com  
**Subject:** RE: Old Towers Property

Ms. Powers:

Received. The minimum lot size and setbacks for both Hurta River Estates and Chip's Haven, LLC meet all zoning requirements and are the same as in any other Single-Family (SF1) residential zoning district. However, your concerns are duly noted. Your email will be included in the Council packets in advance of Monday night's meeting. The Council agenda and data packets will be available on-line by 6:00 pm Friday, April 12<sup>th</sup>. Respectfully,

### Robert Tamble, CSP / CIT



City Manager  
317 Main Street  
Smithville, TX 78957  
(512) 237-3282 - office  
(512) 423-9390 - cell

-----Original Message-----

**From:** Gay Powers <gaypowers@me.com>  
**Sent:** Wednesday, April 7, 2021 2:38 PM  
**To:** Mike Kahanek <MKahanek@ci.smithville.tx.us>; jbruno@ci.smithville.tx; Sharon Foerster <SFoerster@ci.smithville.tx.us>; Bill Gordon <BGordon@ci.smithville.tx.us>; Rhonda Janak <RJanak@ci.smithville.tx.us>; CityManager <CityManager@ci.smithville.tx.us>; Joanna Morgan <JMorgan@ci.smithville.tx.us>; Jack Page <JPage@ci.smithville.tx.us>; Jennifer Lynch <JDLynch@ci.smithville.tx.us>  
**Subject:** Old Towers Property

City Leaders,

I was born and raised in Smithville graduating in 1970. My family the Richards have been here since the 1860's. My husband and I returned several years ago and live at 509 Colorado. We live directly across the street from the property. I have not been actively involved in local politics because Ray suffered a devastating stroke three years ago.

I am very concerned about the future of this property and the future of our town. I am not particularly impressed with what I have to view across the river at Hurta estates. Random houses and not very attractive, no code. The Towers property had an opportunity to be attractive and conducive. The bidding contractor that lost to the Hurta's included well designed homes - a planned community.

The Hurta's and their partners won the contract because they underbid their opponents. I really don't care whether they make a profit or not. Sounds like bad business. So this community has to suffer because they made a bad business decision.



I plead with counsel and leaders to consider the overall effect two story houses with ten feet between them will have. How close to the street will these looming houses be so that enough lots can be crammed in? The issue is quality of life. The bid should have gone to a well designed planned community and it did not and now we have to suffer the consequences.

I ask that the request for smaller lots and two story housing be denied due a complete disregard by the developers of quality and harmony for our lovely Smithville. We need foresight of our leaders to recognize the effects.

Thank you in advance for your consideration, Gay Greene Powers  
512-657-6727

Sent from my iPhone

Item # 11

## AGENDA INFORMATION SHEET

AGENDA ITEM NO. 8

**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"**

### ALLIANCE OF CENTERPOINT MUNICIPALITIES

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., 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."

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 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 4, 2021 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint proposes an effective date of May 3, 2021 for the increase in rates. CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

<b>Rate Schedules</b>	<b>Current Customer Charge</b>	<b>Proposed 2021 "GRIP" Adjustment</b>	<b>Adjusted Charge</b>	<b>Increase Per Bill</b>
R-2097-I-GRIP 2021; R-2097-U-GRIP 2021 - Residential	\$22.59 per customer per month	\$2.33 per customer per month	\$24.92 per customer per month	\$2.33 per customer per month
GSS-2097-I-GRIP 2021; GSS-2097-U-GRIP 2021 General Service Small	\$32.27 per customer per month	\$4.78 per customer per month	\$37.05 per customer per month	\$4.78 per customer per month
GSLV-628-I-GRIP 2021; GSLV-628-U-GRIP 2021 General Service Large Volume	\$145.43 per customer per month	\$28.61 per customer per month	\$174.04 per customer per month	\$28.61 per customer per month

CenterPoint's proposed increases represent an increase in annual revenue of about \$4.6 million.

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

In light of the Texas Supreme Court's opinion, the City's ability to review and effectuate a change in CenterPoint's requested increase is limited. Nonetheless, to allow for a limited review of CenterPoint's GRIP application, it is recommended that the City suspend CenterPoint's proposed effective date of May 3, 2021 for forty-five days, so that the City may 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 3, 2021 CenterPoint's proposed effective date is suspended until June 17, 2021.



**RESOLUTION NO. 2021-04-464**

**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 THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE 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 4, 2021 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), which if approved, results in an increase in the monthly customer charges as follows:

<b>Rate Schedules</b>	<b>Current Customer Charge</b>	<b>Proposed 2021 "GRIP" Adjustment</b>	<b>Adjusted Charge</b>	<b>Increase Per Bill</b>
R-2097-I-GRIP 2021; R-2097-U-GRIP 2021 - Residential	\$22.59 per customer per month	\$2.33 per customer per month	\$24.92 per customer per month	\$2.33 per customer per month
GSS-2097-I-GRIP 2021; GSS-2097-U-GRIP 2021 General Service Small	\$32.27 per customer per month	\$4.78 per customer per month	\$37.05 per customer per month	\$4.78 per customer per month
GSLV-628-I-GRIP 2021; GSLV-628-U-GRIP 2021 General Service Large Volume	\$145.43 per customer per month	\$28.61 per customer per month	\$174.04 per customer per month	\$28.61 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**, CenterPoint proposed an effective date of May 3, 2021 for the increase in rates; 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 are in conformity with section 104.301 of the Gas Utility Regulatory Act; and

**WHEREAS**, the effective date proposed by CenterPoint is May 3, 2021, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 17, 2021.

**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 Gas Utility Regulatory Act to allow the City's review of the data and calculations that provide the basis for CenterPoint's proposed increase in rates.

**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.** To the extent CenterPoint's application to increase rates under section 104.301 of the Gas Utility Regulatory Act is considered a ratemaking proceeding, 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.** A copy of this resolution shall be sent to Mr. Keith L. Wall, Director of Regulatory Affairs, CenterPoint Energy, 1111 Louisiana Street, CNP Tower 19<sup>th</sup> Floor, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4524 Burnet Road, Austin, Texas 78756.

**Section 7.** 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 8.** This resolution shall be effective immediately upon passage.

**PASSED AND APPROVED** this 12<sup>th</sup> day of April 2021.

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Joanna Morgan, Mayor

ATTEST:

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Jennifer Lynch, City Secretary

# Item # 12





February 26, 2021

To the Honorable 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, 2020. 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 May 29, 2020. 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 February 26, 2021 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, 2020, the fund balance of the General Fund was \$1,775,565 in total, which represented 40% of noncapital General Fund expenditures for the year.



DRAFT - FOR DISCUSSION  
PURPOSES ONLY

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.

No matters came to our attention during the audit that would require reporting in accordance with the above criteria.

Other Matters

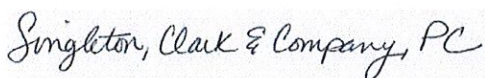
We applied certain limited procedures to the management's discussion and analysis section preceding the financial statements and the pension and post-employment benefit liability schedules that follow the notes to the financial statements. This information is required supplementary information (RSI) 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 and the schedule of expenditures of federal awards 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  
Cedar Park, Texas

4/1/2021

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Client: **20-0014.0 - City of Smithville, Texas**  
Engagement: **Audit 20 - City of Smithville, Texas**  
Period Ending: **9/30/2020**  
Trial Balance: **3600.01 - Annual Trial Balance - 2 Year**  
Workpaper: **3700.01 - Adjusting Journal Entries Report**

Account	Description	Debit	Credit
<b>Adjusting Journal Entries JE # 1</b>			
To reclassify construction in progress expense, and to accrue retainage at year end.			
67-000-1482	CIP - Pedesphere Storage Tanks	40,225.00	
67-000-1483	CIP - Marburger Street Drain Improvment Phase 2	161,180.00	
67-000-2000	Accounts Payable - Vendor		38,213.75
67-000-2600	Retainage Payable		2,011.25
67-999-5290	Other Professional Services		161,180.00
<b>Total</b>		<b>201,405.00</b>	<b>201,405.00</b>

<b>Adjusting Journal Entries JE # 2</b>			
To adjust COO related balances based on activity during the year. Amortized premium and adjusted principal and interest amounts.			
65-000-2751	Capital Lease Payable	500.00	
65-000-2832	COO Premium	6,384.00	
65-610-5710	Interest	11.15	
65-000-2199	Accrued Interest Expense		11.15
65-610-4890	Other Miscellaneous Income		500.00
65-610-5710	Interest		6,384.00
<b>Total</b>		<b>6,895.15</b>	<b>6,895.15</b>

<b>Adjusting Journal Entries JE # 3</b>			
To adjust General Fund amounts in order to balance interfund transfers.			
10-160-4890-6014	Other Miscellaneous Income	15.00	
10-160-4890-6014	Other Miscellaneous Income	1,190.00	
10-160-4890-6020	Other Miscellaneous Income	25.00	
10-160-5850-6014	Xfer to HMGP Grant DR-4245-012		15.00
10-160-5850-6014	Xfer to HMGP Grant DR-4245-012		1,190.00
10-160-5850-6020	Xfer to HMGP Grant DR-4272-011		25.00
<b>Total</b>		<b>1,230.00</b>	<b>1,230.00</b>

<b>Adjusting Journal Entries JE # 4</b>			
To adjust property taxes balances per the confirmation of ending balances.			
10-000-1370	Acts Rec - Property taxes	2,393.54	
91-000-1371	Est Uncollect - Property taxes	239.37	
91-000-2900	Deferred Revenues	2,154.31	
10-000-1371	Est Uncollect - Property taxes		239.36
10-000-2900	Deferred Revenues		2,154.18
91-000-1370	Acts Rec - Property taxes		2,393.68
<b>Total</b>		<b>4,787.22</b>	<b>4,787.22</b>

<b>Adjusting Journal Entries JE # 5</b>			
To record capital outlay and corresponding revenue related to Texas Department of Transportation bridge grant project and adjust other grant revenue based on activity during the year.			
10-160-4890-6014	Other Miscellaneous Income	2,250.00	
10-160-5961	Infrastructure-Capital Outlay	1,259,609.00	
10-160-4545	Contrib - Grants		1,259,609.00
10-999-4545-6014	Contrib FEMA DR-4245-012 Grant		2,250.00
<b>Total</b>		<b>1,261,859.00</b>	<b>1,261,859.00</b>



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Client: 20-0014.0 - City of Smithville, Texas  
Engagement: Audit 20 - City of Smithville, Texas  
Period Ending: 9/30/2020  
Trial Balance: 3600.01 - Annual Trial Balance - 2 Year  
Workpaper: 3700.01 - Adjusting Journal Entries Report

Account	Description	Debit	Credit
<b>Adjusting Journal Entries JE # 6</b>			
To adjust pension related balances for proprietary fund based on TMRS report.			
65-000-2899	Net Pension Liability	125,660.00	
65-610-5040	TMRS Retirement	19,276.00	
65-000-1799	Deferred Outflow-NPL		42,130.00
65-000-2699	Deferred Inflow-NPL		102,806.00
<b>Total</b>		<b>144,936.00</b>	<b>144,936.00</b>
<b>Adjusting Journal Entries JE # 7</b>			
To adjust OPEB related balances for the proprietary fund based on TMRS report.			
65-000-1899	Deferred Outflow - OPEB	8,591.00	
65-000-2799	Deferred Inflow - OPEB	901.00	
65-610-5040	TMRS Retirement	6,280.00	
65-000-2999	Net OPEB Liability		15,772.00
<b>Total</b>		<b>15,772.00</b>	<b>15,772.00</b>

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:

4/5/2021

CITY OF SMITHVILLE, TEXAS  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020

### Management's Discussion and Analysis

As management of the City of Smithville, Texas, we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended September 30, 2020. Please read it in conjunction with the independent auditor's report on page 1 and the City's basic financial statements which follow this section.

### Financial Highlights

- At the end of the current fiscal year, the City's governmental activities and business-type activities net position increased by \$2,702,296, to end at \$10,346,682 and \$23,513, to end at \$5,246,051, respectively.
- At the end of the current fiscal year, the City's governmental funds reported a combined fund balance of \$2,256,932 which represents an increase of \$441,394 from the previous year. The City's General Fund accounted for \$415,495 of the current year increase and had an ending, unassigned fund balance of \$1,764,683.
- At the end of the current fiscal year, the City's Utility Fund reported a net position increase of \$23,513 for the year and had an ending, unrestricted net position balance of \$2,966,771.

### Overview of the Financial Statements

The discussion and analysis provided here are intended to serve as an introduction to the City of Smithville, Texas's basic financial statements. The City's basic financial statements consist of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) the notes to financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

**Government-wide Financial Statements.** The *government-wide financial statements* are designed to provide readers with a broad overview of the City of Smithville, Texas's finances, in a manner similar to a private-sector business.

The *statement of net position* presents financial information on all of the City's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *statement of activities* presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City of Smithville, Texas that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the City include general government, public safety, highways and streets, sanitation, culture and recreation, code enforcement/inspection, cemetery, airport, and economic development and assistance. The business-type activities of the City include electricity, water and wastewater.