

CITY OF SMITHVILLE  
AUGUST 9, 2021  
COUNCIL MEETING

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 of Allegiance: Councilwoman Foerster gave the invocation and pledge.

Recognition/Awards/Proclamations/Announcements/Presentations: None

Citizen Comments: None

Approval of the minutes from July 12, 2021, Council Meeting, and the July 14, 2021 City Council Workshop. Councilman Gordon moved to approve both the minutes from the July 12, 2021, Council Meeting and the July 14, 2021 City Council Workshop. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Hear from Applicant / Agent on all Planning and Zoning (P&Z) application requests. Tim with BEFCO gave a detailed presentation on the re-plat.

Hear recommendation from P&Z Commission on a preliminary re-plat of R68634, A46 Lomas, L., Acres 7.1220, R46911 Quail Run Townhome Sub, Block B, Lot 27, R46840 Quail Run Townhome Sub, Block A Lot 31 and R46841 Quail Run Townhome Sub, Block A Lot 32 Property Owner (Clinton Seidel) / Agent BEFCO Engineering (Tim Sanders): Brian with the P&Z gave the recommendation from the P&Z as follows:

- a) On a variance for the Radius of the Cul-de-sac. P&Z recommended to approve the variance with a vote of 3 For and 2 Against.
- b) On the determination of unusual case regarding 600' block length. P&Z recommended to approve the block length because of an unusual case with a vote of 3 For and 2 Against.
- c) On the approval /denial of the preliminary plat. P&Z recommended to approve the preliminary plat with a vote of 4 For and 1 Against.

**Public Hearing:**

Hear citizens comments on a preliminary re-plat of R68634, A46 Lomas, L., Acres 7.1220, R46911 Quail Run Townhome Sub, Block B, Lot 27, R46840 Quail Run Townhome Sub, Block A Lot 31 and R46841 Quail Run Townhome Sub, Block A Lot 32 Property Owner (Clinton Seidel) / Agent BEFCO Engineering (Tim Sanders).

- a) On a variance for the Radius of the Cul-de-sac
- b) On the determination of unusual case regarding 600' block length
- c) On the approval /denial of the preliminary re-plat.

Mr. McKenna spoke in favor of the re-plat and recommends Council approve the plat. Spencer Mann spoke in favor of the re-plat and wanted to commend the developers for the design and recommends approving the plat. Mr. Hrna was concerned about the drainage, the noise and that there were no parks in this subdivision. Hrna was also concerned if he had to replace his fence again because of the drainage it would be very expensive. April Daniels spoke in favor of the plat because it would provide needed housing.

### **Open Meeting:**

Council Discussion and Action on a preliminary re-plat of R68634, A46 Lomas, L., Acres 7.1220, R46911 Quail Run Townhome Sub, Block B, Lot 27, R46840 Quail Run Townhome Sub, Block A Lot 31 and R46841 Quail Run Townhome Sub, Block A Lot 32 Property Owner (Clinton Seidel) / Agent BEFCO Engineering (Tim Sanders). Mayor Morgan announced that Councilwoman Foerster will abstain because she is related to the applicant and monetary interest.

- a) On a variance for the Radius of the Cul-de-sac – City of Smithville Code of Ordinances Chapter 10 – Subdivision Regulation, Article 3, Minimum Design Standards, Section 1 – Streets, Paragraph 1.9 – “Dead Ends” requires:

“Dead end courts or places may be permitted where the form or contour of the land makes it difficult to plat with connecting streets; however, except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets in adjacent land. Such courts or places shall provide proper access to all lots and shall generally not exceed four hundred (400) feet in length and a turn-around shall be provided at the closed end, with an outside radius or at least sixty (60) feet to the face of the curb and minimum radius of seventy (70) feet to the property line.”

The property owner is requesting a variance to allow a 48’ outside radius to the face of the curb and a minimum radius of 60’ to the property line. Councilwoman Bruno made a motion to approve the variance of the radius because the variance criteria were met. Councilman Gordon seconded and the motion passed with a vote of:

For: Bruno, Gordon, Etheredge, and Gerdes

Abstain: Foerster

- b) On the determination of unusual case regarding 600' block length - City of Smithville Code of Ordinances Chapter 10 – Subdivision Regulation, Article 3, Minimum Design Standards, Section 4 – “Blocks” requires:

“In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices in the neighborhood. Where no existing plats control, the blocks shall be not more than six hundred (600) feet in length nor less than three hundred (300) feet in length except in unusual cases. In an unusual case where a block is

allowed to be more than six hundred (600) feet long a connecting sidewalk four (4) feet wide and located on a four (4) foot dedicated easement may be required across the middle portion of such block for pedestrian use. Block widths shall not exceed three hundred (300) feet nor be less than two hundred forty (240) feet, except in unusual cases.”

The property owner is requesting the Council determine an “unusual case” exists due to the mandatory relocation of the proposed subdivision entry off of Loop 230 per TXDOT and the removal of an entry / exit point off of Oak Meadows Drive. If an unusual case is determined by the Council, the 980’ block length would be allowed. Councilman Etheredge moved to make a determination of unusual case which allows a greater than 600’ block length. Councilman Gordon seconded and the vote was:

For: Etheredge, Gordon, Gerdes and Bruno

Abstain: Foerster

- c) On the approval /denial of the preliminary re-plat – Both “a” and “b” above must be granted / determined in order to approve the preliminary re-plat.

Councilman Gordon made a motion to approve the preliminary re-plat. Councilman Etheredge seconded and the vote was:

For Gordon, Etheredge, Gerdes, and Bruno

Abstain: Foerster

Citizen Comments: None

Discussion and Action on entering into an Interlocal Agreement with Bastrop County to Support 9-1-1 Geographic Information System (GIS) Database Management – The 9-1-1 GIS ILA documents the city and county responsibilities regarding 9-1-1 addressing per CAGCOG requirements. Julie Sommerfeld (Bastrop County GIS Manager) provided a brief overview of the ILA. Councilman Etheredge made the motion to approve, Councilman Gordon seconded and the motion passed unanimously. Councilman Etheredge made a motion to enter into an agreement with Bastrop County to Support 9-1-1 Geographic Information System (GIS) Database Management. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution appointing the City Manager as the Chief Executive Officer and Authorized Representative to act in all matters in connection with the FEMA Hazard Mitigation Grant (HMG) Program and committing the City provide matching funds to secure and complete a FEMA HMG project: Approving this Resolution will allow the City to apply for HMG funding for DR-4586 (winter freeze) and DR-4252 (hurricane Laura). The hazard mitigation project (and total cost) has not yet been officially defined but it will involve improving drainage along NE 1st Street from Byrne to Marburger. The total amount of funding FEMA will authorize (and our subsequent 25% match) will depend upon the calculated benefit / cost analysis (BCA). Councilwoman Bruno moved to approve the resolution. Councilwoman Foerster seconded and motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding a Grant Management Services contract for a FEMA Hazard Mitigation Grant (HMG) project: The City of Smithville published a Request for Proposals (“RFP”) in the Austin American Statesman on July 1, 2021 for professional administration services to assist in developing an application(s) for funding under the FEMA Hazard Mitigation Grant Program (HMGP). The city will be applying for FEMA HMGP funding to construct one or more flood mitigation projects in response to the federally declared disaster DR-4586 associated with the statewide winter weather event occurring in February 2021. Proposals for grant management services were reviewed by City staff on July 28, 2021. Experience, work performance, capacity to perform, and cost were the criteria used by the City staff to evaluate / differentiate each grant management consultant’s qualifications. Langford Community Management Services (LCMS), Inc. was the only administrative / management consulting firm to submit an RFQ packet. Councilman Gordon made the motion to award Langford the Grant Management Services. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on awarding an Engineering Services contract for a FEMA Hazard Mitigation Grant (HMG) project: The City of Smithville published a Request for Qualification (“RFQ”) in the Austin American Statesman on July 1, 2021 for engineering services required to develop a budget, scope of work, and draft specifications for the preparation of a FEMA Hazard Mitigation Grant Program (HMGP) application. The city will be applying for FEMA HMGP funding to construct one or more flood mitigation projects (e.g., detention pond on NE 1st) in response to the federally declared disaster DR-4586 associated with the statewide winter weather event occurring in February 2021. Proposals for engineering services were reviewed by City staff on July 28, 2021. Experience, work performance, and capacity to perform were the criteria used by the City staff to evaluate / differentiate each engineering consultant's qualifications. Five (5) Engineering services consultants submitted their qualifications. BEFCO Engineering, Inc. received the highest total score (99) and is recommended to the City Council for consideration / selection. Councilwoman Foerster made a motion to award BEFCO Engineering the contract. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance Adopting and Enacting a new Code of Ordinances, providing a penalty for certain ordinances and establishing when this Ordinance becomes effective: These are the on-line ordinance updates. Councilwoman Bruno made a motion to approve the Ordinance. Councilman Etheredge seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on an Ordinance Amending Chapter 3, the City of Smithville Code of Ordinances, Article 3.02 Construction Codes and Standards, Division 3 Residential Code by adding Sec 3.02.073 -"Minimum 12-inches above the crown of the road": Approving this ordinance will codify the requirement that all residential finished floor elevations must be 12-inches higher than the crown or crest of the road to help mitigate the potential for flooding. Councilman Gordon made a motion to approve the Ordinance. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Memorandum of Understanding (MOU) for the Smithville Workforce Training Center (SWTC): Jill Strube made a brief presentation regarding the SWTC and the Dental Bus to be located at 404 Fawcett (the old Tax Office). Councilwoman Bruno will abstain due to conflict of interest. Councilwoman Foerster made a motion to approve the MOU.

Councilman Gerdes seconded and the vote was:

For: Foerster, Gerdes, Etheredge, and Gordon

Abstain: Bruno

Citizen Comments: None

Presentation from the Finance Director on information used to calculate the Proposed Ad Valorem Property Tax Rate: Cynthia White reviewed the "Truth-In-Taxation" documentation used to calculate and certify the 2021/22 Proposed Ad Valorem Property Tax Rate. No action was taken.

Citizen Comments: None

Discussion and Action on a Proposal to set the Ad Valorem Tax Rate at September 13, 2021, Council Meeting: Property values increased approximately 12.25% in Smithville this year with the average home value calculated at \$185,281. We will be recommending a **PROPOSED AD VALOREM TAX RATE of \$0.54901 cents** per \$100 valuation --- no change from our current tax rate of \$0.54901. This rate includes a \$750k tax note that will be used to purchase capital equipment (patrol cars, wood chipper, radio equipment) and funded by the I&S portion of the total rate. During 2021, the average homeowner will pay \$1017 in property taxes (\$83 more than the average paid in 2020). The strategy we have followed in the past was to identify the maximum tax rate allowable without triggering the possibility of a rollback election then decide the amount of increase (if any) that is required to support the proposed budget. The FY21-22 effective tax rate (now called the "No-New-Revenue Tax Rate") is 0.49401. The rollback rate (now called the "Voter-Approval Tax Rate") is \$0.54901. The maximum increase the City can raise taxes in a given year without triggering a rollback election is 3.5% of the effective M&O tax rate. The effective tax rate is basically the tax rate that would generate the same amount of revenue in the current tax year as was generated by a taxing unit's adopted tax rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year. Councilman Etheredge acknowledge the proposed tax rate of 0.54901 to be set at the September 13, 2021 Council Meeting. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report. Cynthia White. Councilman Etheredge made the motion to approve, Councilman Gordon seconded and the motion passed unanimously.

Adjourn 7:32 p.m.

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Joanna Morgan, Mayor

Attest:

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Jennifer Lynch, City Secretary