

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., Dba 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