

## MINUTES OF CITY COUNCIL MEETING APRIL 2, 2019

1. **Call to order.** Meeting was called to order at 6:00 P.M. by Mayor Bert Echterling.
2. **Invocation.** Pastor Richard Russ with Evangelical Christian Church provided the Invocation.
3. **Pledge of Allegiance.** Council, Staff, and Citizens joined in the Pledge of Allegiance.
4. **Roll Call.** Councilmembers present: Jimmy Rogers, Jim Mastergeorge, Bert Echterling, Jeremy Stivener, and Jimmy Eubank. Councilmembers Brenton Lane and Steve Janics were absent.
5. **Citizen Comments.** Linda Vaughn, 2913 N 43<sup>rd</sup> Street, Waco, Texas 76710 invited Council and Staff to the Flag Raising Ceremony at Peplow Park scheduled for April 3, 2019 at 8:00 AM. Mrs. Vaughn also noted Keith Helpert with K4 Construction was named Community Volunteer of the Year as well as K4 being named Business of the Year by the Greater Robinson Chamber of Commerce. Mrs. Vaughn informed Council and Staff the next Chamber meeting was scheduled for April 9, 2019 at Quality Brick Works at 6:00 PM and noted the Chamber is actively seeking board members. Keith Helpert, 109 Hoffmeyer, Robinson, Texas 76706 spoke regarding the sidewalk along Highway 77.
6. **Approve Minutes: March 5, 2019 and March 18, 2019.** Mayor Pro Tem Jeremy Stivener motioned to approve minutes from the March 5, 2019 and March 18, 2019 meetings as written. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.
7. **Conduct a pre-appointment interview, and consider and possible action on an appointment to fill the unexpired vacancy on the Planning and Zoning Commission for the term ending November of 2020.** Mayor Bert Echterling provided a brief overview of this item explaining the process of pre-appointment interviews.

Council interviewed Mr. Gary Praesel. Mr. Praesel stated he was a property owner in Robinson, he had no conflicts with the meeting dates and times, and he would be able to complete the required training as required by law. Mr. Praesel said he was interested in serving on the Planning and Zoning Commission because he'd spent the past 27 years in Robinson, was service oriented, and would like to be of service to the City of Robinson. Mr. Praesel would like to see controlled growth as well as WIF property development for the future of Robinson. Councilmember Jim Mastergeorge asked Mr. Praesel what type of uses would he like to see on the WIF property? Mr. Praesel stated mixed uses; specifically, those that bring employment and additional tax revenue. Councilmember Jimmy Rogers thought Mr. Praesel would be an excellent choice and recommends his

appointment. This concluded the interview. Following discussion by Council, Councilmember Jimmy Rogers motioned to appoint Mr. Gary Praesel to the Planning and Zoning Commission for a two-year term, ending November, 2020. Councilmember Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

**8. Consider and possible action on Ordinance 2019-002 regarding the application of Bert Echterling requesting a zoning change from SF-1 Single Family Residential to PD Planned Development with base zoning of SF-2 Single Family Residential and 2-F Two- family Residential on portions of Tract 2 of the C. O' Campo Survey, being approximately 23.99 acres addressed at 710 E. Stegall Drive, and an amendment to the Future Land Use Plan within the Community Visions 2034 Comprehensive Plan.**

Mayor Bert Echterling recused himself from this item and left the Council Chambers at 6:14 PM. City Manager Craig Lemin provided a brief overview this item and stated the Public Hearing was conducted on this item at the February 5, 2019 City Council Meeting and tabled for action allowing the applicant additional time to prepare a traffic study. Clint Lannen with 1519, LLC presented a PowerPoint explaining the mixed uses, and provided an overview of the traffic study. Councilmember Jimmy Rogers asked Mr. Lannen what the maximum capacity was for Stegall. Mr. Lannen stated under the worst-case street segment scenario; Stegall Drive meets the minimum Grade E indicating Stegall Drive has the capacity to meet the addition of this development. Councilmember Rogers asked what preventative measure were put in place to avoid potential accidents along the S curve. City Manager Craig Lemin stated Staff had put additional signage in place prior to this meeting to assist in eliminating some of these concerns. Councilmember Jim Mastergeorge asked for a timeline for the entire project. Mr. Lannen stated approximately 4-5 years. Councilmember Jim Mastergeorge motioned to approve Ordinance 2019-002 approving a zoning change from SF-1 Single Family Residential to PD Planned Development with base zoning of SF-2 Single Family Residential and 2-F Two- family Residential as presented. Councilmember Jimmy Eubank seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, and Eubank. Motion carried by a vote of 4-0 with 1 abstention by Mayor Bert Echterling. Mayor Echterling rejoined the meeting at 6:37 PM.

**9. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2019-006 regarding application of Gerald & Rene Groppe for approval of a specific use permit for an unhosted bed and breakfast in the RE Rural Estate District on the 0.5-acre Tract 10 of the I. Golinda Survey, addressed at 293 Cottontail Lane.**

Mayor Bert Echterling opened the Public Hearing at 6:39 PM. City Manager Craig Lemin presented this item and stated the applicant requests to operate an unhosted bed and breakfast at the subject site utilizing an existing 336 square-foot dwelling unit, and the applicant proposes minimal changes and improvements to the property; therefore, significant changes to the property are not necessitated as long as the unhosted bed and breakfast remains in the character of the existing single-family residence. Mr. Lemin

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stated on March 19, 2019, the Planning and Zoning Commission recommended approval of the SUP by a vote of 3-0-0. Gerald and Rene Groppe, 7270 Rosenthal Parkway, Lorena, Texas 76655, were available for questions and respectfully requested approval. After no additional comments or questions, the Public Hearing was closed at 6:41 PM. Mayor Pro Tem Jeremy Stivener motioned to approve Ordinance 2019-006 allowing for the SUP for an unhosted bed and breakfast in the RE District as presented. Councilmember Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

**10. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2019-007 amending Ordinance No. 2014-003, approving and adopting an updated Existing Land Use Map, and updating Chapters 5, 14 and 15 within the Comprehensive Plan.** Mayor Bert Echterling opened the Public Hearing at 6:45 PM. City Manager Craig Lemin presented this item and provided a brief overview of the proposed amendments. Mr. Lemin stated on March 19, 2019, the Planning and Zoning Commission recommended approval of these Comprehensive Plan amendments by a vote of 3-0-0. Mr. Lemin said staff recommends approval of the proposed amendments, and stated the City of Robinson's Comprehensive Plan entitled "Community Visions 2034" is a working document that provides a flexible framework to be updated periodically, revised and improved in order to stay relevant both to the issues the City must confront as well as the ambitions the City decides to pursue over time. After no additional comments or questions, the Public Hearing was closed at 6:49 PM. Councilmember Jim Mastergeorge motioned to approve Ordinance 2019-007 amending Ordinance 2014-003 as presented. Councilmember Jeremy Stivener seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

**11. Consider and possible action regarding application of Keith Helpert on behalf of K4 Custom Homes, LLC requesting Preliminary Plat approval of Fox Run Addition, being approximately 40.26 acres known as Tracts 11, 16, 18, and 20 of the M. Martinez Survey, approximately addressed at 1102 S. Robinson Drive.** City Manager Craig Lemin presented this item to Council and stated the applicant proposes to preliminary plat three to six commercial lots and 40 to 43 residential lots. Mr. Lemin said This item went before the Planning & Zoning Commission on March 19<sup>th</sup>, 2019. P&Z voted 3-0 to recommend approval, and other than discretionary matters for the Council, the plat is administratively complete and meets the requirements of the Subdivision Ordinance. Mayor Pro Tem Jeremy Stivener motioned to approve the Preliminary Plat as presented. Councilmember Jimmy Eubank seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

**12. Consider and possible action on the request of the Robinson Volunteer Fire Department to approve an alternative material for the exterior of an additional bay to be added to the existing Fire Station No. 2 on a 0.524-acre tract in the C. O'Campo Survey, being addressed at 4600 S. Loop 340.** City Manager Craig Lemin presented this item to Council and stated the Robinson Volunteer Fire Department proposes to construct an addition onto their existing Station 2. They are proposing to add an additional 20-foot-wide bay to the eastern side of the existing building with the entire building exterior consisting of metal R-panel and EIFS to match the materials on the existing building. Mr. Lemin said the Volunteer Fire Department desires to keep the appearance of the addition consistent with the existing structure which has recently been repainted, and they have submitted an overview of the project along with a basic layout and elevation. Steve Ostrom with RVFD, 800 Old Robinson Road, Robinson Texas, 76706 was available for comments or questions. Mayor Bert Echterling asked what the change in cost would be if they were required to use approved materials on the visible side. Keith Helpert with K4 Construction stated approximately 12-15K in additional costs would need to be included. Mayor Echterling wanted to make clear that the existing surface is EIFS so this would be a change to the current façade, and not consistent with what we require of other businesses in commercial zones. Councilmember Jim Mastergeorge motioned to approve the alternative material as presented. Councilmember Jeremy Stivener seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, and Eubank. Motion carried by a vote of 4-1 with Mayor Echterling voting in opposition.

**13. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2019-008 providing for amendments to the FY 2018-19 budget to reflect appropriation transfers as outlined in Exhibit A of the ordinance.** Mayor Echterling opened the Public Hearing at 7:04 PM. City Manager Craig Lemin presented this item and stated this proposed amendment is to adjust for the economic development contracts the council approved after the budget was adopted. Mr. Lemin said the expenditure amendment totals \$58,000. Mr. Lemin said an increase of \$26,000 was also added to investment revenue for the General Fund. Mr. Lemin said interest rates are higher than was projected at the time the budget was prepared. An adjustment was also made to the beginning fund balance to reflect the available fund balance determined by the audit. Mr. Lemin said revenues over expenditures were higher than projected at the end of FY 2017-18 so the beginning fund balance was actually \$241,815 higher than originally projected. After no additional comments or questions, the Public Hearing was closed at 7:07 PM. Councilmember Jimmy Rogers motioned to approve Ordinance 2019-008 amending the FY 2018-2019 budget as presented. Mayor Bert Echterling seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

- 14. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2019-009 amending Ordinance 2012-015, approving and adopting an updated plan for Drought Contingency.** Mayor Bert Echterling opened the Public Hearing at 7:08 PM. Utility System Director Greg Hobbs presented this item stating TCEQ requires water systems to update their Drought Contingency plans every five years. Mr. Hobbs stated that minimal changes were made to the existing ordinance and recommends approval. After no additional comments or questions, the Public Hearing was closed at 7:09 PM. Councilmember Jimmy Rogers motioned to approve Ordinance 2019-009 amending Ordinance 2012-015 as presented. Councilmember Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.
- 15. Consider and possible action on Resolution 2019-002-R approving the 2019 Water Conservation Plan.** Utility System Director Greg Hobbs presented this item, again stating TCEQ required water systems to update their water conservation plans every five years, and minimal changed were made. Councilmember Jeremy Stivener motioned to approve Resolution 2019-002-R approving the 2019 Water Conservation Plan as presented. Councilmember Jimmy Eubank seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.
- 16. Consider and possible action authorizing an agreement between the City of Robinson and Meals on Wheels aka Central Texas Senior Ministry (MOW) authorizing the use of the Robinson Senior Center.** Assistant to the City Manager Destiny DeLillo presented this item to Council and stated Meals on Wheels aka Central Texas Senior Ministry (MOW) would like Council to consider an agreement regarding their current use of the Senior Center located at 300 S. Strauss Street through a continual agreement. Mrs. DeLillo said a public purpose of the City would be served by allowing MOW to use the Senior Center to provide meals and senior services to seniors by protecting the health and welfare of seniors and providing for citizens in need. Councilmember Jim Mastergeorge asked if the food would be prepped at the Senior Center. Mrs. DeLillo said no. Councilmember Jim Mastergeorge motioned to authorize the agreement between the City of Robinson and Meals on Wheels as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.
- 17. Consider and possible action approving an agreement between the City of Robinson and Shepherd's Heart Robinson Food Pantry for the use of the Robinson Community Center.** City Manager Craig Lemin presented this item and stated Shepherds Heart-Robinson provides a free service to the community by its operation of a food pantry in Robinson at which citizens of Robinson who through poverty or circumstances beyond their control can receive food, and items necessary for healthful living. Mr. Lemin said

Shepherd's Heart currently has an existing agreement allowing the City to provide assistance to the food pantry in the form of a facility (old fire station) to store and dispense food and provide for free rent and utilities. The proposed agreement will also allow Shepherd's Heart to utilize the Community Center in conjunction with the services provided on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of the month and recommends approval. Mayor Pro Tem Jeremy Stivener motioned to authorize the agreement between the City of Robinson and Shepherd's Heart Food Pantry as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Mastergeorge, Stivener, Eubank, and Echterling. There were no opposing votes and motioned carried unanimously.

- 18. Discussion and direction regarding entering into multi-use agreements with TxDOT for construction of sidewalks in TxDOT rights-of-way.** Councilmember Jimmy Rogers recused himself from this item and exited the Council Chambers. City Manager Craig Lemin presented this item and said recent events regarding the construction of a new parking lot and sidewalk for Tejun Restaurant has created the need for this discussion. Mr. Lemin provided a brief overview explaining that TxDOT issued a permit to Tejun to construct a drive approach and a sidewalk on the Hwy 77 right-of-way to allow Tejun to construct additional parking to address the parking issues driven by the success of the restaurant. Prior to the issuance of the permit, we were not consulted by TxDOT, nor did they request our input, which is the norm. Once construction began, TxDOT cancelled the sidewalk permit, and advised it had been mistakenly issued. Mr. Lemin said they then communicated to Tejun that since the City has a Maintenance Agreement with TxDOT, the city was responsible for determining whether or not a sidewalk could be constructed. After reviewing the maintenance agreement and asking our attorney to review it, we disagreed with TxDOT's opinion. Mr. Lemin said we met with TxDOT with our attorneys present and it was determined that the only way a sidewalk can be constructed in the TxDOT right of way is through the City with TxDOT approval through the use of a multi-use agreement between the City and TxDOT. TxDOT advised that before they will enter into a multi-use agreement, the City must first determine that any improvement in the TxDOT right of way will be ADA compliant and safe. Then TxDOT will review and if they concur, they will consider approving a multi-use agreement. Mr. Lemin said the City will then be responsible for the maintenance of the sidewalk. This information was communicated to Tejun as well. Tejun has now requested the City consider a sidewalk from their new parking lot, which will travel in front of 709 N. Robinson Drive to their restaurant. The residents at 709 are concerned about safety as it relates to entering and exiting their driveway, which the sidewalk will cross. Mr. Lemin said this leads to a larger issue for the City. We have not had any prior discussions regarding sidewalks on Hwy 77 as we believed, and it's been our experience, that any construction in the TxDOT right-of-way was controlled by TxDOT and they would be responsible for issuing any permits. That is now apparently not the case. Mr. Lemin said we must determine if we are willing to enter into multi-use agreements for the construction of sidewalks. While the situation with Tejun is the first of these to come up, it most likely will not be the last. As Hwy 77 transitions from a mixture of commercial and residential to full commercial, challenges

will arise where sidewalks will make sense. Mr. Lemin said if we are wishing to enter into multi-use agreements, we will have to follow a specific process. The city will have to either have a developer design a proposed sidewalk in accordance with TxDOT standards or design it ourselves if its our project. Our engineer will have to determine the design is safe and meets ADA requirements. Safe means safe for any pedestrians, cars on the highway and any properties the sidewalk fronts. Once it is determined safe, it will be submitted to TxDOT for their determination. If they determine it meets their definition of safe and ADA accessible, then we can move forward with entering into a multi-use agreement. If not, it would be back to the drawing board. If a developer will be building the sidewalk, then we would also need to enter into a developer's agreement with that developer. Once the multi-use agreement is approved by the Council and TxDOT, then we can issue a permit and construction can begin on the sidewalk in question. Mr. Lemin asked for council's desire on sidewalks along Hwy 77. Mr. Lemin stated prior to this meeting representatives from Tejun and the property located at 709 N. Robinson Drive were contacted and will be given a chance to speak at tonight's meeting. Joe Reid, Owner of Tejun Restaurant, spoke and provided a brief overview of the background of the project, parking options pursued during this project, and concerns they now face. Rick Wegwerth, representative for the property owners located at 709 N Robinson Drive, spoke and voiced his frustration regarding the lack of communication throughout this project, as well as the safety concerns regarding his parents who reside at 709 N. Robinson Drive. Councilmember Jim Mastergeorge asked Mr. Wegwerth how often the driveway is used during the peak hours in which the overflow parking lot would be in use. Mr. Wegwerth said he could not answer that question. Councilmember Mastergeorge said he could not make a decision without having a percentage of usage from both parties. Mayor Bert Echterling felt it would be irresponsible of the Council to deny any future sidewalks along Highway 77 as sidewalks will make sense as 77 develops into full commercial use. Mr. Lemin stated each multi-use agreement would be reviewed on a case by case basis by a review board appointed by the governing body. The overall consensus of Council was to pursue multi-use agreements moving forward. No action was taken. Councilmember Jimmy Rogers rejoined the meeting at 8:32 PM.

**19. Setting date and time for Council/Staff planning workshop.** Meeting was tentatively scheduled for May 11, 2019. (Date changed to May 18, 2019 after this meeting.)

**20. Councilmember requests for items to be placed on future agendas.** None.

**21. Adjourn.** Meeting adjourned at 8:36 p.m.