

MINUTES OF CITY COUNCIL MEETING SEPTEMBER 4, 2018

1. **Call to order.** Meeting was called to order at 6:00 P.M. by Mayor Bert Echterling.
2. **Invocation.** Elder Gary Praesel with Robinson Church of Christ provided the Invocation.
3. **Pledge of Allegiance.** Council, Staff, and Citizens joined in the Pledge of Allegiance.
4. **Roll Call.** Councilmembers present: Jimmy Rogers, Bert Echterling, Steve Janics and Steven Tindell. Mayor Pro Tem Jim Mastergeorge and Councilmembers Jeremy Stivener, and Brenton Lane were absent.
5. **Approve Minutes from: August 4, 2018; August 7, 2018; August 21, 2018; August 27, 2018; and August 30, 2018.** Councilmember Steve Janics motioned to approve the minutes from the August 4, 2018; August 7, 2018; August 21, 2018; August 27, 2018; and August 30, 2018 meetings as written. Councilmember Steven Tindell seconded this motion. Voting in favor; Rogers, Janics, Tindell and Echterling. There were no opposing votes and motion carried unanimously.
6. **Citizen Comments.** Linda Vaughn, 2913 N 43rd Street, Waco, Texas invited Council, Staff, and the community to the 3rd annual First Responder Reception hosted by the Greater Robinson Chamber of Commerce and the Robinson Lions Club scheduled for September 11, 2018 at 6:30 PM at the Robinson Volunteer Fire Department; and stated the Robinson Lions Club will also be sponsoring a blood drive at the New Road Church of Christ on September 16, 2018 from 1-5 PM.
7. **Consider and possible action on Resolution 2018-008-R approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and ATMOS ENERGY CORP., Mid-Tex Division regarding the company’s 2018 rate review mechanism filings.** City Manager Craig Lemin presented this item and stated Tammie Bowman with Atmos was also available for questions. Mr. Lemin provided a brief summary of the negotiated settlement regarding the company’s rate review mechanism filings and recommended approval of the Resolution as presented. Councilmember Jimmy Rogers motioned to approve Resolution 2018-008-R as presented. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.
8. **PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-013 regarding application of Rodney Toten requesting a zoning change from RE to SF-1 on Tract 75C1 of the C. O’Campo Survey, being 1.998 acres addressed at 1612 Sunset Road.** The Public Hearing was opened at 6:09 p.m. Planning and Development Director Justin French provided an overview of the zoning change and stated an existing residence on the subject site is now a complete loss due to fire damage. Mr. French said the applicant has submitted a request to rezone the property for the stated purpose of redeveloping the property with two detached single-family residences with

each on its own separate lot. Mr. French stated On August 21, 2018, the Planning and Zoning Commission recommended approval by a vote of 5-0-0. Rodney Toten, 1612 Sunset Road, Robinson, Texas 76706, spoke in favor of the zoning change and respectfully requested approval. After no further additional comments or questions, the Public Hearing was closed at 6:12 p.m. Mayor Bert Echterling asked for the history regarding smaller lots in this area. Mr. French indicated he was not aware of any smaller lot sizes. Mayor Echterling asked if the applicant qualified for a variance. Mr. French stated the current RE (Rural Estate) zoning requires each lot to be at least one acre in size, and the applicant is slightly short of two acres. Mayor Echterling asked for the differences between RE and the requested SF-1. Mr. French stated the lot size, living square feet, and the side-yard and rear-yard setback. Councilmember Jimmy Rogers indicated some of the existing homes as shown on the map appeared to be smaller homes. Mayor Echterling asked if any of the existing homes were nonconforming. Mr. French indicated this is possible. Mr. French stated at the time the staff report was written, the city had only received one letter of opposition, but had since received another letter of opposition which would trigger a super majority vote. Due to the lack of a super majority of the Council in attendance, Mayor Echterling re-opened the Public Hearing at 6:29 and will continue this Public Hearing until the October 2, 2018 City Council Meeting. No action was taken.

- 9. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-014 regarding application of Tyler Gant requesting a zoning change from AG to RE on 16.22 acres out of the Galindo Survey, addressed at 1660 E. Rocket Road and located south of E. Rocket Road and west of Cedell Hill Road.** The Public Hearing was opened at 6:30 p.m. Planning and Development Director Justin French provided an overview of the zoning change and stated the applicant has submitted a request to rezone the property for the stated purpose of developing the property with two additional detached single-family residences with each being on its own separate two-acre lot, while the existing residence will remain. Mr. French stated on August 21, 2018, the Planning and Zoning Commission recommended disapproval of the applicant's initial request to rezone 16.22 acres to the RE District by a vote of 3-2-0. The Planning and Zoning Commission then recommended disapproval of the applicant's modified request to rezone 7.0 acres to the RE District by a vote of 5-0-0. Mr. French said on August 21, 2018, City staff was presented with a petition signed by 51 individuals in opposition of the applicant's request with some owning property within 200 feet of the 16.22-acre site, some representing other property inside the City of Robinson, and others representing property outside the City of Robinson jurisdiction. Mr. French said due to the super majority vote requirement, the applicant requests the City Council continue the public hearing for this item to the next regularly scheduled City Council meeting on October 2, 2018, so a super majority of the City Council may be present to consider his modified request on 7.0 of his 16.22 acres. Tyler Gant, 1660 E Rocket Road, Lorena, Texas 76655, spoke in favor of the zoning request change and informed Council, staff, and citizens that

he could still move forward under the current zoning, but felt this was more appropriate, and respectfully requested approval. Gail Jones, 1546 E Rocket Road; Brent Grygar, 1487 E Rocket Road; and James Jones, 1546 E Rocket Road spoke against the requested zoning change and voiced concerns regarding the existing infrastructure, lot sizes, and congestion of homes in the area. The Public Hearing will remain open until the October 2, 2018 City Council Meeting. No action was taken.

10. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-015 regarding application of Hydradyne LLC on behalf of 8043 Robinson Industrial LLC requesting a zoning change from C-2 to PD for all C-2 uses on Lot 5, Block 2 of the Robinson Industrial Park Addition, being approximately 4.82 acres addressed at 3173 Greig Drive. The Public Hearing was opened at 6:47 p.m. Planning and Development Director Justin French provided an overview of the zoning change and stated applicant has submitted a request to rezone the property to the PD Planned Development District in order to request alternative design standards to that required in the zoning ordinance. Mr. French stated on August 21, 2018, the Planning and Zoning Commission recommended approval by a vote of 5-0-0. Jim Markum, Hydradyne General Manager, 2909 Speight Avenue, Waco, Texas 76711, spoke in favor of the requested zone change and was available for any questions. After no additional questions or comments, the Public Hearing was closed at 6:51 PM. Councilmember Jimmy Rogers motioned to approve the zoning change from C-2 to PD as presented. Councilmember Steven Tindell seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

11. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-016 regarding application of Jimmy Banks for approval of a specific use permit for an unhosted bed and breakfast in the AG Agriculture District on a 42.376-acre tract of land out of the I. Galindo Survey, addressed at 3037 S. Old Robinson Road. The Public Hearing was opened at 6:53 p.m. Planning and Development Director Justin French provided an overview of the specific use permit and stated applicant requests to operate an unhosted bed and breakfast at the subject site utilizing the existing single-family residence and improvements. Mr. French said at the time of this report, staff received a notice in support from Chuck and Karen Neal at 3063 S. Old Robinson Road, and one notice in opposition from Dorothy Griffin at 500 Griffin Lane. Mr. French stated on August 21, 2018, the Planning and Zoning Commission recommended approval by a vote of 5-0-0. Jimmy Banks, 2913 S Old Robinson Road, Robinson, Texas 76706, spoke in favor of the specific use permit and respectfully requested approval. After no additional comments or questions the Public Hearing was closed at 7:00 PM. Councilmember Jimmy Rogers asked how many unhosted bed and breakfasts were located in Robinson. Mr. French indicated possibly one non-conforming bed and breakfast but he was not certain. Councilmember Jimmy Rogers motioned to approve the Specific Use Permit as presented. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

- 12. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance No. 2018-017, known as Robinson Stormwater Regulations in Chapter 8 Environment, of the City's Code of Ordinances.** The Public Hearing was opened at 7:03 p.m. Planning and Development Director Justin French provided an overview of the Stormwater Regulations Ordinance and said the proposed stormwater regulations clarify applicability within the City of Robinson with regard to pollution prevention requirements mandated by the Texas Commission on Environmental Quality (TCEQ). After no additional comments or questions, the Public Hearing was closed at 7:08 PM. Councilmember Steve Janics motioned to approve Ordinance 2018-017 as presented. Councilmember Steven Tindell seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.
- 13. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance No. 2018-018 known as the City of Robinson Master Fee Schedule in Appendix C of the City's Code of Ordinances.** The Public Hearing was opened at 7:09 p.m. Planning and Development Director Justin French provided an overview of the City of Robinson Master Fee Schedule and stated the proposed ordinance addition adopts a Master Fee Schedule for the City of Robinson in Appendix C of the City's Code of Ordinances, so fees are no longer an element of the annual budget adoption, fees are clarified, and fees are located in one place for easy reference. Mr. French along with Chief of Police Phillip Prasifka spoke specifically regarding animal capture fees, and false alarm fees as requested by Council. After no additional comments or questions, the Public Hearing was closed at 7:14 PM. Councilmember Steven Tindell motioned to approve Ordinance 2018-018 with amendments to include setting the animal capture fee at \$25.00, and the false burglar alarm fee at \$50.00 after the fifth false alarm and the false holdup alarm fee at \$50.00 after the third alarm in the calendar year. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.
- 14. Consider and possible action on Ordinance 2018-019 declaring unopposed candidates elected to office and canceling the November 6, 2018, General Election.** City Secretary Jana Lewellen presented this item. Mrs. Lewellen stated on August 7, 2018, the Robinson City Council ordered the General Election for the City of Robinson for the purpose of electing four persons each for a two-year term. Mrs. Lewellen presented the certificate of unopposed candidates as the presiding officer for the General Election for the City of Robinson declaring Bert Echterling, Jim Mastergeorge, Jeremy Stivener, and James Eubank as the candidates elect for the November 6, 2018 General Election. Councilmember Steve Janics motioned to approve Ordinance 2018-019 as presented. Councilmember Steven Tindell seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

15. Consider and possible action on Resolution 2018-009-R reviewing and approving the written investment policy. City Manager Craig Lemin presented this item to Council and said the Texas Public Funds Investment Act requires that a local government investing public funds must adopt a written investment policy that conforms with the act. In addition, the statute requires the governing body of an investing entity shall review its investment policy and investment strategies not less than annually. Mr. Lemin stated the governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. Mr. Lemin stated the City last adopted the policy in 2017, and there are no changes to the investment policy. Councilmember Steven Tindell motioned to approve Resolution 2018-009-R as presented. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

16. Consider and possible action approving an agreement to extend the current Water Treatment and Transportation Contract with the City of Lorena until September 24, 2019. City Manager Craig Lemin presented this item and stated in September, 1998 the City entered into a contract with the City of Lorena to treat Lorena's water from the Brazos River. Mr. Lemin stated this contract expires September 24, 2018, and staff has met with the City of Lorena and it is their desire to have the City of Robinson continue to treat their water and send it to them. Mr. Lemin stated after analyzing the contract, staff believes we are not recouping all our costs to treat and transport the water for Lorena. The current contract only accounts for those cost to divert and treat the water from the Brazos River. Consequently, the City of Robinson is not recouping any of our costs to transport the water from the treatment plant on one side of the city to the connection with Lorena on the other side of the city. Mr. Lemin said staff discussed this with Lorena staff and they are agreeable to a cost analysis by an objective third party to determine the true cost to the City of Robinson. Mr. Lemin stated unfortunately, there is not adequate time to complete such a study before the contract expires on September 24, 2018; therefore, this agreement extends the current contract for one additional year to allow for the completion of such a study and the negotiation of a new contract. Councilmember Steven Tindell motioned to approve the agreement to extend the current Water Treatment and Transportation Contract with the City of Lorena as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

17. Consider and possible action on renewal of agriculture agreement between the City of Robinson and Behnke Farms. City Manager Craig Lemin presented this item stating the City of Robinson entered into a one-year agreement with Benke Farms on September 1, 2016, and this would be the second of three additional one-year terms by mutual agreement. Councilmember Steve Janics motioned to approve the renewal agreement as presented. Councilmember Steven Tindell seconded this motion. Voting in favor: Rogers, Janics, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

- 18. Discussion regarding water meters.** Councilmember Jimmy Rogers requested this item, and spoke regarding various topics to include options available to the public regarding access to their water consumption, different options for reading meters, providing information to better assist citizens on ways to conserve water during the warmer months, and the current technology available to better inform the end user. City Manager Craig Lemin indicated he would have staff look into various options and bring this back to Council at a later date. No action was taken.
- 19. Discussion regarding the establishment of a leak adjustment policy and an unexplained high-water use bill adjustment policy.** City Manager Craig Lemin presented this item. Mr. Lemin stated the City currently has no policy in place to adjust customer's bills for leaks beyond their control or for unexplained high-water use; therefore, staff would like to discuss with council developing and implementing these policies. Mr. Lemin said most municipal water providers provide leak adjustments for leaks beyond the customer's control. Typically, the adjustment is 50% of the amount over the average usage for the similar time periods in prior years. Mr. Lemin said in addition, each summer we hear from residents regarding unexplained high-water use on their bill, and we would like to implement a policy that encourages customers to report these concerns so that we can look into the matter and determine if there is a potential issue with their billing or meter. Council agreed to move forward with these policies and asked Mr. Lemin to bring this ack to Council in October. No action was taken.
- 20. Consider and possible action setting the date and time for a Work Session to discuss economic development incentives.** City Secretary Jana Lewellen will send an email to Council to select a date. No action was taken.
- 21. Councilmember requests for items to be placed on future agendas.** None.
- 22. Adjourn.** Meeting adjourned at 8:18 p.m.