

## MINUTES OF CITY COUNCIL MEETING NOVEMBER 6, 2018

1. **Call to order.** Meeting was called to order at 6:00 P.M. by Mayor Bert Echterling.
2. **Invocation.** Councilmember Jimmy Rogers provided the Invocation.
3. **Pledge of Allegiance.** Council, Staff, and Citizens joined in the Pledge of Allegiance.
4. **Roll Call.** Councilmembers present: Jimmy Rogers, Jeremy Stivener, Brenton Lane, Bert Echterling, Jim Mastergeorge, and Steven Tindell. Councilmember Steve Janics was absent.
5. **Citizen Comments.** Linda Vaughn, 2913 N 43<sup>rd</sup> Street, Waco, Texas, invited everyone to the annual Robinson Christmas Parade scheduled for December 6, 2018 which will now include a business decorating contest. Bryan Eggers, 108 W Karnes Drive, Robinson, Texas 76706, spoke regarding speed bumps on W Karnes Drive, as well as the odor emitting from Ferrell Gas. Mayor Bert Echterling presented a plaque to Councilmember Steven Tindell, and thanked him for his service to the City of Robinson.
6. **Presentation of City Logo.** City Manager Craig Lemin and Assistant to the City Manager Destiny DeLillo presented the new Logo for the City of Robinson. No action taken.

### CONSENT AGENDA

7. **Approve Minutes: October 2, 2018.**
8. **Consider and possible action awarding the proposal for Public Safety Software, and approving Resolution 2018-012-R authorizing the City Manager to negotiate and execute a contract with Sam Houston State University.**
9. **Consider and possible action approving Resolution 2018-013-R declaring certain City owned property as surplus.**
10. **Consider and possible action on reappointments to the following Board and Commissions.**
  - A) **Planning and Zoning Commission**
  - B) **Building Standards Commission**
  - C) **Zoning Board of Adjustment**

Councilmember Jeremy Stivener motioned to approve Consent Agenda Items 7-10 as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindall, and Echterling. There were no opposing votes and motion carried unanimously.

## **REGULAR AGENDA**

- 11. Conduct Board and Commission pre-appointment interviews, and consider and possible action on appointments to fill vacancies for a two-year term.** Mayor Bert Echterling provided a brief overview of this item explaining the process of pre-appointment interviews.

The first interview was with Mr. David Dingman. Mr. Dingman 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. Dingman said he was interested in serving on the Planning and Zoning Commission because he had selected Robinson as his home after living in Washington, D.C. for the past 50 years, and was pleased with his experiences thus far, and would like to continue to see prudent and responsible regulations. Mr. Dingman stated he had no envision for the City at this time as he has only lived here for 10 months. Mayor Pro Tem Jim Mastergeorge asked Mr. Dingman if he'd be willing to serve as an alternate for the Zoning Board of Adjustment which is also vacant. Mr. Dingman stated he would be happy to serve on either one. This concluded the interview.

The second interview was with Mr. Jeff Thompson. Mr. Thompson 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. Thompson said he was interested in serving on the Planning and Zoning Commission because he had lived here since 1965, his grandfather was a former Mayor for the City of Robinson, he had raised his family here, and would like to be more involved. Mr. Thompson said he would like to see controlled grown when asked what he envisioned for the City of Robinson. Mayor Pro Tem Jim Mastergeorge asked Mr. Thompson if he'd ever personally experienced having to go before the Planning and Zoning Commission. Mr. Thompson stated yes, earlier in the year. This concluded the interview.

Following discussion by Council, Councilmember Jimmy Rogers motioned to appoint Mr. David Dingman to the Planning and Zoning Commission for a two-year term, ending November, 2020, and appoint Mr. Jeff Thompson as an alternate to the Zoning Board of Adjustment for a two-year term, ending November, 2020. Councilmember Brenton Lane seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

- 12. Present Quarterly Investment Report.** City Manager Craig Lemin presented the Quarterly Investment Report to include the annual comparison of portfolio performance, and a summary of the quarter end results. No action taken.

- 13. Discussion and possible action regarding all matters incident and related to the issuance and sale of “City of Robinson, Texas, Limited Tax Notes, Series 2018”, including the adoption of Ordinance 2018-022 authorizing the issuance of such tax notes.** City Manager Craig Lemin and Jennifer Ritter with Specialized Public Finance presented this item and provided a brief overview of the sale summary. Councilmember Steven Tindell motioned to approve Ordinance 2018-022 as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.
- 14. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance No. 2018-023 amending the FY 2018-19 Budget to increase funding for Health Insurance costs.** Mayor Bert Echterling opened the Public Hearing at 6:36 PM. City Manager Craig Lemin presented this item and provided an overview of the budget amendment to include increased funding for Health Insurance costs as discussed at the October Council Meeting. After no additional comments or questions, the Public Hearing was closed at 6:38 PM. Councilmember Brenton Lane expressed his appreciation to City Staff for coming to a resolution that was beneficial to both the City of Robinson and Staff. Councilmember Steven Tindell motioned to approve Ordinance 2018-023 as presented. Councilmember Brenton Lane seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.
- 15. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-024 regarding application of Bill Haddox requesting a zoning change from R/O Retail/Office to C-2 Commercial on Tracts 1, 2, 2A, and another tract out of the C. O’Campo Survey, being approximately 3.364 acres addressed at 100 N. Robinson Drive.** Mayor Bert Echterling opened the Public Hearing 6:40 PM. Planning and Development Director Justin French presented this item and stated the applicant requests this rezoning to bring the existing self-storage facility use onsite into conformance with the zoning ordinance. Mr. French stated staff has not received any returned notices on the requested C-2 zoning from the surrounding property owners located within 200 feet of the subject site, and on October 23, 2018, the Planning and Zoning Commission recommended approval by a vote of 4-0-0. David Brennan, on behalf of the applicant Bill Haddox, was available for questions and respectfully requested approval. After no additional comments or questions the Public Hearing was closed at 6:45 PM. Councilmember Jeremy Stivener motioned to approved Ordinance 2018-024 for a zoning change from R/O to C-2 as presented. Councilmember Brenton Lane seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

**16. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-025 regarding application of Bill Haddox requesting a zoning change from R/O Retail/Office to C-2 Commercial on Tract 6 of the C. O'Campo Survey, being approximately 2.199 acres having the approximate address of 200 N. Robinson Drive.** Mayor Bert Echterling opened the Public Hearing 6:47 PM. Planning and Development Director Justin French presented this item and stated the applicant requests this rezoning to market the property for sale with C-2 zoning or possibly develop the property in the future. Mr. French stated staff has not received any returned notices on the requested C-2 zoning from the surrounding property owners located within 200 feet of the subject site, and on October 23, 2018, the Planning and Zoning Commission recommended approval by a vote of 4-0-0. David Brennan, on behalf of the applicant Bill Haddox, was available for questions and respectfully requested approval. After no additional comments or questions the Public Hearing was closed at 6:50 PM. Councilmember Jeremy Stivener motioned to approved Ordinance 2018-025 for a zoning change from R/O to C-2 as presented. Councilmember Jimmy Rogers seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

**17. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2018-026 regarding application of Cypress Creek Renewables on behalf of Michelle Ann Reasoner Baker for approval of a specific use permit for a fuel/natural resource dispensing station (also known as a solar farm or electrical energy generating plant) in the AG Agriculture District on approximately 67 acres being a portion of Tract 37 of the C. O'Campo Survey, having the approximate address of 1633 Greig Drive.** Mayor Bert Echterling opened the Public Hearing 6:53 PM. Planning and Development Director Justin French presented this item and stated the applicant requests to develop an electrical energy generating plant at the subject site. The current zoning of AG Agriculture requires City Council approval of a specific use permit (SUP) for this use. A previous SUP for this use was approved by City Council on June 6, 2017, for approximately 55 acres. The proposed SUP includes approximately 17 additional acres for the development. Mr. French stated staff had received one notice in favor from the surrounding property owners located within 200 feet of the subject site, and on October 23, 2018, the Planning and Zoning Commission recommended approval by a vote of 4-0-0. Grant Huber, 512 MLK Jr, Austin, Texas 78701, on behalf of Griffin Solar, LLC was available for questions and respectfully requested approval. After no additional comments or questions the Public Hearing was closed at 6:57 PM. Mayor Pro Tem Jim Mastergeorge asked what types panels will be used. Mr. Huber stated single access trackers. Mayor Bert Echterling asked if there had been changes to the layout since the original SUP was approved. Mr. Huber stated yes due to the floodplain. Mayor

Bert Echterling asked for the total cost of the project a time frame for the start of the project. Mr. Huber stated approximately 5.5 Million, with the project scheduled to begin early next year with an approximate four-month construction time. Councilmember Jimmy Rogers motioned to approve Ordinance 2018-026 for the specific use permit as presented. Councilmember Jeremy Stivener seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

- 18. Consider and possible action authorizing Haley & Olson, P.C. to initiate legal proceedings against the owners and operator of Robinson Inn (formerly Days Inn) for failure to provide reports or pay over occupancy taxes to the City.** City Manager Craig Lemin presented this item and stated City Attorney Mike Dixon is requesting the Robinson City Council to allow Haley & Olson to initiate legal proceedings against Robinson Inn. Mr. Lemin stated multiple certified letters have been mailed with the last letters from Finance Director Karen Sanchez on September 14, 2018 and City Attorney Mike Dixon on October 5, 2018, notifying the owner of delinquent payments with no response. Mr. Lemin said pursuant to Section VI of Ordinance 2011-004, the City Attorney or other attorney acting for the city may bring suit against a person who is required to collect the tax imposed by this ordinance and pay the collections over to the city and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the city until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this ordinance, the person is liable to the city for the city's reasonable attorney's fees; the costs of an audit conducted, as determined by the city using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted; and a penalty equal to 15 percent of the total amount of the tax owed. Mayor Pro Tem Jim Mastergeorge asked for the past due amount. Mr. Lemin said approximately \$25,000.00. Councilmember Jeremy Stivener motioned to authorize Haley & Olson to initiate legal proceedings as presented. Mayor Pro Tem Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Stivener, Lane, Mastergeorge, Tindell, and Echterling. There were no opposing votes and motion carried unanimously.

**Items 19 and 20 were tabled until the December 4, 2018 Council Meeting. No action was taken.**

- 19. Executive Session: Under the provisions of Government Code 551, the Council will meet in Executive Session to discuss:**

- a. *Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071 to consult with City Attorney.*
20. **Consideration and possible action on matters discussed in Executive Session:** No Action.
21. **Councilmember requests for items to be placed on future agendas.** None.
22. **Adjourn.** Meeting adjourned at 7:10 p.m.