

MINUTES OF CITY COUNCIL MEETING MAY 3, 2022

OPENING ITEMS

1. **Call to order:** Meeting was called to order at 6:00 P.M. by Mayor Bert Echterling.
2. **Invocation:** Councilmember Rogers provided the invocation.
3. **Pledge of Allegiance was said aloud.**
4. **Roll Call:** Councilmembers present: Mayor Echterling, Mayor Pro Tem Jeremy Stivener, Jeremy Holland, Jimmy Rogers, Brittany McLean, Matt Birkes and Steve Janics.
5. **Citizen Comments:** Linda Vaughn, Robinson Chamber of Commerce, provided announcements: Sip and Shop on May 5th is a “Cinco De Mayo” theme and Fundraiser at Rocket Café Center; Business After Hours is June 14th at HSC from 5-7 PM; July 21st is the Annual Membership Banquet; August 4th is the next Quarterly luncheon at Tejun; August 9th is a Business After Hours – KY Construction; September 10th is First Responder Luncheon at the Robinson Fire Station. Please check the chamber website for events. Forrest Shade, at 500 Comanche, made a complaint to council regarding tall grass, and parking cars on the grass at 501 Comanche and would like it addressed.

PRESENTATIONS

6. **a. Public Service Recognition Week** **May 1-7, 2022**
b. National Police Memorial Week **May 11-17, 2022**
c. National Public Works Week **May 15-21, 2022**
Mayor Echterling read and presented proclamations. No action taken.
7. **Present Quarterly Investment Report**
City Manager Craig Lemin read and presented the quarterly investment report to council. No questions from Council and No action taken.

CONSENT AGENDA

8. **Approve Minutes: April 5, 2022 Regular City Council Meeting.**
9. **Consider and possible action accepting the engagement letter from the auditing firm of Belt Harris Pechacek to complete the City’s annual audit for the year ending September 30, 2022.**
Councilmember Rogers motioned to approve consent agenda items number 8 and 9 as presented. Councilmember Birkes seconded this motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

REGULAR AGENDA

- 10. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2022-014 regarding the application of Kevin Vander Woude on behalf of Stacy Fadal Coker Etal for approval of a zoning change from R/O District to C-2 District on 6.468 acres, known as two tracts out of the C. O'Campo Survey, approximately addressed at 4850 S. Loop 340 Hwy.**

Mayor Echterling opened the Public Hearing at 6:20 PM

Director of Planning and Development, Justin French presented the item.

The requested rezoning is consistent with the comprehensive plan. On April 7, 2022, the Planning and Zoning Commission recommended approval by a vote of 7-0.

The property owner intends to sell the subject site and requests this rezoning to market the property for sale with the C-2 zoning in place. No notices returned in favor, opposition or return to sender. Applicant was in attendance.

Mayor Echterling closed the Public Hearing at 6:24 PM

Councilmember McLean made a motion to approve Ordinance 2022-014 regarding the application of Kevin Vander Woude on behalf of Stacy Fadal Coker Etal for approval of a zoning change from R/O District to C-2 District on 6.468 acres, known as two tracts out of the C. O'Campo Survey, approximately addressed at 4850 S. Loop 340 Hwy.

Mayor Pro Tem Stivener seconded the motion. Voting in favor: Echterling, Stivener, Holland, McLean, Birkes and Janics. Councilmember Rogers was in opposition. The motion carried 6-1.

- 11. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2022-015 regarding the application Selim Kiralp for a zoning change from R/O Retail/Office District to MH HUD-Code Manufactured Housing District on 3.08 acres, known as a Lot 1, Block 1 of The Robinson DTP VIII, LLC Addition, approximately addressed at 296 N. Robinson Drive.**

Mayor Echterling opened the Public Hearing at 6:32 PM

Director of Planning and Development, Justin French presented the item.

The requested rezoning is inconsistent with the comprehensive plan. On April 7, 2022, the Planning and Zoning Commission recommended denial by a vote of 6-0 with Commissioner Holtkamp abstaining. The owner of the subject site proposes to develop an RV Park. The platted lot has ingress and egress through a private access easement across the adjacent lot with the General Dollar store. A significant portion of the subject site is located within the 100-year floodplain. Although the proposed use is a commercial use consistent with FLU map, the only district that allows an RV Park is the MH District, which is a residential district that is not consistent with the City's comprehensive plan. Applicant was in attendance along with his engineer Hafizul Alim and showed pictures of what they

Regular City Council Meeting Minutes

May 3, 2022

Page 2 of 8

envisioned for the site. David Brennan, 200 North Robinson Drive, was in attendance and in opposition to the request of the applicant.

Mayor Echterling closed the Public Hearing at 6:44 PM

Councilmember Janics asked for the Planning and Zoning vote. Mr. French restated 6-0 for denial and that this request would require a super majority vote from council. Councilmember Birkes asked for confirmation that the drive approach is shared with the General Dollar Store. Mr. French confirmed it is shared.

Mayor Pro Tem Jeremy Stivener made a motion to deny Ordinance 2022-015 regarding the application Selim Kiralp for a zoning change from R/O Retail/Office District to MH HUD-Code Manufactured Housing District on 3.08 acres, known as a Lot 1, Block 1 of The Robinson DTP VIII, LLC Addition, approximately addressed at 296 N. Robinson Drive. Councilmember Rogers seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

12. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2022-016 regarding the application of Kapil Basyal on behalf of Jay Kalimai LLC represented by Bikash Bhandari for approval of a specific use permit for a convenience store with gas pumps in the C-1 District, on 0.773 of an acre being portions of Lots 2 and 4, Block 15 of the Original Town of Robinsonville Addition, addressed at 310 S. Robinson Drive.

Mayor Echterling opened the Public Hearing at 6:46 PM

Director of Planning and Development, Justin French presented the item. All property owners within 200 feet of the property were sent notices and no notices were returned in support, opposition or return to sender. On April 21, 2022, the Planning and Zoning Commission recommended approval by a vote of 6-0 with the stipulation that the applicant's site plan include enhanced landscape, dumpster screening, and other notes of improvements suggested by City staff; which are consistent with the following goals of the City's comprehensive plan: beautify the City, create impressive image corridors, and provide more landscaping at commercial uses along US Highway 77. The owner of the property intends to reopen a convenience store with gas pumps use at the subject site in the C-1 Light Commercial District, which requires City Council approval of a Specific Use Permit (SUP) if it is to be allowed. The previous convenience store with gas pumps at the subject site lost its legal nonconforming status after six months of vacancy; therefore, requiring the property to come into zoning conformance prior to occupancy. Although the existing improvements and proposed use are not ideal within the Mixed-Use area, the applicant is working with TxDOT and City staff to bring the property more into conformance. A site plan was provided to council to view. Applicant was in attendance.

Mayor Echterling closed the Public Hearing at 6:52 PM

Mayor Echterling questioned Mr. Bhandari on how he was intending on making this work, as this site has been a challenge in the past. Mr. Bhandari stated he has 14 years' experience and will do what ever it takes. Mayor Echterling questioned if he was aware there could be no alcohol sales due to the day care next to the property site. Mr. Bhandari was not yet aware of this. Councilmember Janics stated he would like to see something different than a gas station. Mr. Bhandari stated tests have been done on the tanks and TCEQ states the tanks are good. Councilmember Birkes questioned the improvements for the building and the alcohol sales. Mr. Bhandari said after learning that no alcohol sales can happen, they will discuss more. Councilmember Rogers stated he would like to see an operating gas station versus a non-operating gas station.

Councilmember Rogers made a motion to approve Ordinance 2022-016 regarding the application of Kapil Basyal on behalf of Jay Kalimai LLC represented by Bikash Bhandari for approval of a specific use permit for a convenience store with gas pumps in the C-1 District, on 0.773 of an acre being portions of Lots 2 and 4, Block 15 of the Original Town of Robinsonville Addition, addressed at 310 S. Robinson Drive. Mayor Echterling seconded the motion. Voting in favor: Echterling, Rogers, Holland, McLean, and Birkes. Mayor Pro Tem Stivener and Janics were in opposition. The motion carried 5-2.

- 13. PUBLIC HEARING: Conduct a public hearing and consider approval of the request of Karen Sanchez for a variance to Section 5.1(b)(2)(B) of the subdivision ordinance that requires lots using surface irrigation as the means of effluent disposal shall be a minimum of two acres, with subject site being 0.54 of an acre, known as a tract in the C. O'Campo Survey, addressed at 311 Wigley Drive.**

Mayor Echterling opened the Public Hearing at 7:00 PM

Director of Planning and Development, Justin French presented the item.

The property is not a platted lot of record and the residence at the subject site was constructed in 1984 according to MCAD's website. The owner's onsite sewer facility is now failing and an alternative wastewater collection system is required to continue occupancy at the residence. The City's sanitary sewer collection system is approximately 2,400 feet away measured along City right-of-way and an extension of this main to the subject site bucks grade and may not be feasible without a new lift station. The owner proposes a surface irrigation onsite sewer facility (OSSF) to replace the failing subsurface soil absorption system. However, the City's subdivision ordinance requires a minimum lot size of two acres for a surface irrigation OSSF and the subject site is only 0.54 of an acre. The City of Robinson's minimum acreage for an OSSF is exceeds the minimum required by the Texas Commission on Environmental Quality (TCEQ) and the Waco/McLennan County Public Health District which follows TCEQ requirements. The TCEQ allows a surface irrigation system on a development site as little as 0.5 of an acre as long as there is

no water well on the property, which there is not at the subject site. In accordance with Section 7.10 of the subdivision ordinance, the owner requests a variance to allow a surface irrigation OSSF on the 0.54-acre site.

Mayor Echterling closed the Public Hearing at 7:03 PM

Applicant, Karen Sanchez was in attendance along with Luke Snyder with Jernan Septic & Rainwater Solutions for any questions.

Councilmember Janics made a motion to approve the request of Karen Sanchez for a variance to Section 5.1(b)(2)(B) of the subdivision ordinance that requires lots using surface irrigation as the means of effluent disposal shall be a minimum of two acres, with subject site being 0.54 of an acre, known as a tract in the C. O'Campo Survey, addressed at 311 Wigley Drive. Mayor Pro Tem Stivener seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

14. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2022-017 an ordinance amending the sign ordinance for the City of Robinson, Texas.

Mayor Echterling opened the Public Hearing at 7:07 PM

Director of Planning and Development, Justin French presented the item.

The proposed amendments to the sign ordinance are consistent with the following goals of the 2034 Community Visions comprehensive plan: Reduce sign clutter, Beautify the City, Create impressive image corridors, and provide a transportation system that facilitates the movement of people and goods in a safe, efficient, and well-designed manner.

The City's current sign ordinance prohibits an electronic reader board within 100 feet of a residential use, which the Council may want to consider changing to prohibit electronic reader boards within 100 feet a residential zoning district rather than a residential use. The current sign ordinance does not allow for free-standing signs to be co-located on the same sign base or structure if the entities advertised are located on separate lots. The Council may want to consider a sign ordinance amendment that allows co-location of the signs on unified developments having cross access between separately platted lots.

Mayor Echterling closed the Public Hearing at 7:13 PM

Mayor Pro Tem Stivener asked if the owners are aware of the signs. Mr. French stated other than the notice of the agenda, no. Councilmember Rogers stated this will be a battle as the city grows. He has experience with this as a residential neighbor resides next to Tejun. Mr. Rogers stated auto dimming helps with the electronic signs. Councilmember Birkes asked the size of allowed signage. Mr. French stated 150 square feet, 10x15.

Mayor Pro Tem Stivener made a motion to approve unified signage and disapprove the illuminated signage discussed in Ordinance 2022-017 an ordinance amending the sign ordinance for the City of Robinson, Texas. Councilmember McLean seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

15. Consider and possible action approving of an amendment to the Plan Review and Inspection Services Agreement with Bureau Veritas to include Fire Plan Review and Fire Inspections within the City of Robinson.

Director of Planning and Development, Justin French presented the item. The City's current plan review and inspection services agreement with Bureau Veritas was entered in on May 23, 2017, and amended on January 4, 2022 to updated Bureau Veritas' fee schedule in accordance with House Bill 852, which prohibited residential building permits based on valuation of the construction. The proposed amendment before Council now will provide the city with review and inspection capabilities requiring credentials of a fire plans examiner and fire inspector if or when the Robinson Volunteer Fire Department is unavailable to provide such services. Examples of projects requiring such credentials for reviews and inspections are fire water supply lines, fire suppression systems and fire alarm systems. An updated fee schedule for the city would need to be addressed in the future to recoup the cost paid for these services.

Councilmember Rogers made a motion approving an amendment to the Plan Review and Inspection Services Agreement with Bureau Veritas to include Fire Plan Review and Fire Inspections within the City of Robinson. Councilmember Janics seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

16. Consider and possible action authorizing the City Manager to enter into a professional services agreement with Raftelis Financial Consultants, Inc. to perform a water and wastewater rates study with the City of Robinson for an amount not to exceed \$65,000.

City Manager, Craig Lemin presented the item to council. During the April 5th meeting, council authorized us to negotiate with highest ranked firm, Raftelis. Raftelis estimated the cost to conduct the study at \$55,259 which was within our projected budget of \$66,000. The study will include development of a 5-year financial plans, costs of service analysis and rate calculation as well as a working rate model, along with training, that staff can use for future updates. They also included an optional section (Section 7) of strategic communications support with a-la-carte fees to assist in communicating any changes to our rate structure to our customers. A copy of their engagement letter detailing the services to be provided, the projected timetable and the additional communication services available is attached. Staff is recommending we enter into the agreement with the not to exceed amount of \$65,000 to allow us to include those

communication services we determine will most assist us in communicating with our customers once the study is complete and before we implement any rate changes. City Attorney has reviewed the agreement.

Councilmember Janics made a motion to authorize the City Manager to enter into a professional services agreement with Raftelis Financial Consultants, Inc. to perform a water and wastewater rates study with the City of Robinson for an amount not to exceed \$65,000. Councilmember McLean seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

17. Consider and possible action casting the City's votes for selection on the McLennan County Rural Transit District Ballot for Place 5 (Pct. 1).

Mayor Echterling presented this item. McLennan County Judge Scott Felton sent a letter and resolution regarding the expiring term of the Place 5 Director on the McLennan County Rural Transit District Board. The seat represents the Precinct 1 region. April 5, 2022, City Council nominated Brittany McLean to be placed on the ballot to represent the City of Robinson. Nominations have been received and it is now time to cast the City's 20 votes. Each city has 20 votes to split between the nominees. Only 10 of those votes may be cast for the City's own nominee. Per the Bylaws, since there are 3 or more nominees, each City must cast its remaining 10 votes for one or more of the other candidates. A city can cast all of its remaining votes for one of the other candidates, or divide its votes between the candidates, as it sees fit.

Councilmember Rogers made a motion to cast ten votes for Brittany McLean and ten votes to Lorena's candidate, Katrina George. Mayor Pro Tem Stivener seconded the motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

Mayor and Council took a break at 7:44 PM

Mayor and Council returned to Regular Session at 7:47 PM

18. Discussion: Continuation of discussion on the recommendation of the Planning and Zoning Commission to approve amending Ordinance 2018-006, the zoning ordinance for the City of Robinson, Texas.

Director of Planning and Zoning, Justin French continued the discussion with the topics of ZBA Special Exceptions and Front Yard Fencing Regulations. A survey of other cities' special exceptions criteria was discussed. Fence ordinance history and today's zoning ordinance were discussed as well as proposed zoning ordinances regarding fences, screening and buffering. Mr. French discussed the differences of a variance request and a special exception. Mr. French stated a list of special exceptions was developed due to the number of requests made for the special exceptions and a possible criterion for said special exceptions was a discussion. Training of the Zoning Board of Adjustment was also

Regular City Council Meeting Minutes

May 3, 2022

Page 7 of 8

discussed. Discussion of the ZBA staying consistent with the comprehensive plan and in harmony with the community was held. Mr. French commented he would come back and present the changes to council discussed at the June 7th City Council meeting and for public hearing, consideration and possible adoption at the July 5th City Council meeting. No action taken.

19. DISCUSSION: City of Robinson Animal Ordinance

Mayor Pro Tem Stivener requested this item to be on the agenda and discussed. He would like to see the ordinance and discuss it. There is concern about the house on Moonlight regarding the animals. Mr. Stivener would like to see what other cities have and options. Mayor Echterling asked to see what other cities are doing under the Animal Ordinance. Police Chief Andreucci will bring those to the June 7th City Council meeting.

20. DISCUSSION: City of Robinson Tornado Sirens

Councilmember McLean requested this item to be on the agenda and discussed. She stated the sirens were brought up at a previous meeting and she would like to hear an update. Police Chief Andreucci stated the sirens on Tinsley is not working correctly. The batteries in it are dead. BearCom is coming out to address the siren on Tinsley and replace the batteries once they find the correct ones. BearCom is also going to complete a study where in the city any more sirens are needed. The tornado sirens are tested monthly. The siren should be operational by the end of the month.

21. DISCUSSION: Peplow Park Parking Lot

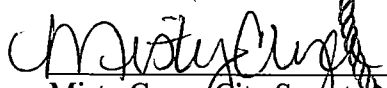
Councilmember Birkes requested this item to be on the agenda and discussed. He mentioned Dale Patillo brought this up at a previous meeting and he is asking for an update. The parking lot is narrow and extending it would be a benefit. City Manager, Craig Lemin mentioned adding this to the budget review meeting on May 10th. Mr. Lemin mentioned he would look into finding the plans to the park for review.

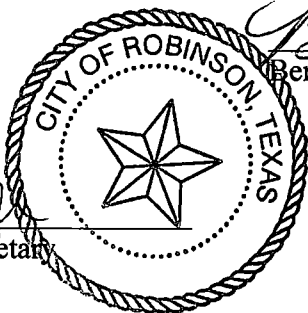
22. Mayor and Councilmember updates and requests for items to be placed on future agendas.

None mentioned.

23. Adjourn. Meeting adjourned at 9:19 PM

ATTEST:


Misty Cryer, City Secretary




Bert Echterling, Mayor