

## **MINUTES OF CITY COUNCIL MEETING JANUARY 4, 2022**

- 1. Call to order:** Meeting was called to order at 6:02 P.M. by Mayor Echterling.
- 2. Invocation:** Councilmember Jimmy Rogers, provided the invocation.
- 3. Pledge of Allegiance**
- 4. Roll Call:** Councilmembers present: Mayor Bert Echterling, Mayor Pro Tem Jeremy Stivener, Jimmy Rogers, Jeremy Holland, Brittany McLean, Matthew Birkes and Steve Janics.
- 5. Citizen Comments:**

Dale Paltillo, 405 Tony, Robinson, addressed concerns about the parking lot at the park.

Jim Mastergeorge, 1051 E. Rocket Rd., Robinson, addressed concerns about not having a disaster siren system.

Joyce Hennig, Robinson Chamber of Commerce, reminded council about the January 25<sup>th</sup> quarterly meeting at Tejun Cajun. Please check the website calendar for all events and updates.

### **PRESENTATIONS**

- 6. Award Presentation**

Mayor Echterling and City Council presented a plaque with the first city key to John Stone for his heroic and lifesaving actions regarding a vehicle accident on October 18, 2021.
- 7. City Manager Recognitions**

City Manager, Craig Lemin recognized City Secretary, Misty Cryer for completion of the Texas Municipal Certified Clerks Program and Assistant to the City Manager, Destiny DeLillo for completion of her Master of Public Administration Degree.

### **CONSENT AGENDA**

- 8. Approve Minutes: December 7, 2021 Regular City Council Meeting**

Councilmember Steve Janics motioned to approve the minutes from the December 7, 2021 Regular City Council Meeting as written. Mayor Pro Tem Jeremy Stivener seconded this motion. Voting in favor: Rogers, Holland, Echterling, Stivener, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

## **REGULAR AGENDA**

- 9. PUBLIC HEARING: Conduct a public hearing, consider the application and possible action on Ordinance 2022-001 of Shannon Benson for approval of a specific use permit for a hosted and unhosted residential bed and breakfast in the AG District on 12.51 acres known as a tract in the I. Galindo Survey, addressed at 5500 Cooksey Lane.**

Mayor Echterling opened the Public Hearing at 6:18 PM

Justin French, Director of Planning and Development presented this item. He stated the comprehensive plan designates this subject site to the Agricultural land use category. The hosted and unhosted residential bed and breakfast uses are consistent with the City's comprehensive plan as long as they remain within the character of a single-family residence in the AG zoning district, although the comprehensive plan does not reference bed and breakfast uses specifically. Requires council approval for the specific use permit. On December 14, 2021, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0. One notice in support and one notice in opposition was received. Opposition property is within 200 feet of the subject site which is greater than 20% of the land area; requires super majority vote from council to approve the request. Applicant was in attendance.

Mayor Echterling closed the Public Hearing at 6:20 PM

Mrs. Benson stated she lives behind the subject site. Mayor Pro Tem Stivener is concerned regarding the unhosted part, the greater than 20% in opposition also when a bed and breakfast owner is not local to be around the rental property. Due to Mrs. Benson being right next door he is more open to it. Councilmember Holland stated he was more in favor due to having the owner around helps with upkeep and to see what is happening at the property. Councilmember Rogers agreed. Mayor Echterling stated his concern is the specific use permit stays with the property regardless of who owns it and where they live.

Mayor Pro Tem Jeremy Stivener made a motion to approve Ordinance 2022-001 regarding the application of Shannon Benson for approval of a specific use permit for a hosted and unhosted residential bed and breakfast in the AG District on 12,51 acres known as a tract in the I. Galindo Survey, addressed at 5500 Cooksey Lane. Councilmember Steve Janics seconded the motion. Voting in favor: Rogers, Holland, Echterling, Stivener, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

- 10. PUBLIC HEARING: Conduct a public hearing, consider the application and and possible action of Ordinance 2022-002 of Brenda Tate for approval of a specific use permit for an unhosted residential bed and breakfast in the SF-1 District on 0.781 acres known as a tract in the I. Galindo Survey, addressed at 3063 S. Old Robinson Road.**

Mayor Echterling opened the Public Hearing at 6:28 PM

Justin French, Director of Planning and Development presented this item. He stated the comprehensive plan designates the subject site and properties to the north to the Low Density Residential land use category, while property to the south and east are designated to the Agriculture land use category. An unhosted residential bed and breakfast use is consistent with the City's comprehensive plan as long as it remains within the character of a single-family residence in the SF-1 zoning district; although the comprehensive plan does not reference bed and breakfast uses specifically. On December 14, 2021, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0. One notice in opposition was received that accounts for more than 20 percent of the land area within 200 feet of the subject site; therefore, a super majority vote (3/4 of the Council) in favor is required to approve this request. One notice was received in support. Applicant was in attendance. Councilmember Rogers questioned the address of the letter in opposition as it has a city of Lorena address. Mr. French stated there are several properties in the city of Robinson that have a postal mailing address that is being identified as Lorena, Texas. He stated this is an ongoing struggle to get that changed with the postal service. The reasoning is due to how the mail is coming through the post office. Mr. French confirmed the applicants address is in the city of Robinson. Mrs. Tate stated her daughter lives in the neighborhood and she is about thirty minutes away from the property in Troy. This allows her to use the property when she wants to come to town and stay and visit the grandchildren and make money as well.

Mayor Echterling closed the Public Hearing at 6:35 P.M.

Mayor Pro Tem Stivener stated he is against due to the owner living in Troy and it is more populated area as it is SF-1 not AG as well as the 20 percent issue. The potential sell of the property and the specific use permit going to new owner. Mayor Echterling stated a time limit could be added to the specific use permit. Mayor Pro Tem Stivener stated he would feel better with that added. Councilmember Holland stated he is concerned with the distance of the owner living away but comfortable with the daughter being in the neighborhood. Councilmember Rogers stated the feel of this is more rural and with the time limit added that helps due to the 20 percent issue. Mayor Echterling stated a time limit is a must for him. Mr. French stated council can always revoke specific use permits if there are issues that are not being resolved.

Mayor Pro Tem Stivener motioned to approve Ordinance 2022-002, with an amendment to renew the specific use permit in two (2) years, regarding the application of Brenda Tate for approval of a specific use permit for an unhosted residential bed and breakfast in the SF-1 District on 0.781 acres known as a tract in the I. Galindo Survey, addressed at 3063 S. Old Robinson Road. Councilmember Jimmy Rogers 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.

**\*Mayor Echterling and Council moved item number 11 to the end of the agenda.**

**12. PUBLIC HEARING: Conduct a public hearing, and consider approval of Ordinance 2022-004 prohibiting on-street parking on the north side of Bentwood Drive in the City of Robinson, Texas.**

Mayor Echterling opened the Public Hearing at 6:53 PM.

Director of Planning and Development, Justin French, presented this item. Complaints of vehicles parking on Bentwood Drive have been received. Emergency responders are at times obstructed when attempting to pass vehicles parked on the street. Waste Management is unable to access waste bins on trash days because of vehicles parked on the street. Approval of the proposed ordinance will provide "No Parking" signs to be erected by City personnel, making violation of this ordinance a punishable offense. Code Compliant Officer, Marissa Brownlow provided pictures to council of the cars and waste bins crowding the street. The plan would be for parking allowed on one side of the street and waste bins on the other for trash pickup. The tenants have covered parking spots not being used. Councilmember Janics stated having a time limit posted would help. Councilmember Rogers stated he would also like to be sure the cul-de-sac be included. Councilmember Rogers stated the side with the fire hydrants should be the side with no parking. Also, letters of notices of parking issues and changes need to be sent to property owners and residents. Councilmember Janics agreed, no parking on the south side of the street, with the fire hydrants, and limited parking on the north side of the street from 7am – 7pm. Marissa Brownlow recommended to council to place no parking in the cul-de-sac at any time.

Mayor Echterling closed the Public Hearing at 7:24 PM.

Councilmember Jimmy Rogers motioned to approve Ordinance 2022-004 prohibiting on-street parking on the south side of Bentwood Drive, to include the cul-de-sac and with signage on the north side of Bentwood Drive prohibiting parking from 7am – 7pm. Mayor Pro Tem Stivener seconded the motion. Voting in favor: Rogers, Holland, Echterling, Stivener, McLean, Birkes and Janics. There were no opposing votes and the motion carried unanimously 7-0.

**13. PUBLIC HEARING: Conduct a public hearing and consider approval of Ordinance 2022-005 adopting tax abatement guidelines and establishing an effective date.**

**\* Public Hearing was not opened at time of discussion. Mayor Echterling came back to this item prior to the end of the meeting to open the public hearing.**

Mayor Echterling opened the Public Hearing at 9:08 PM.

City Manager Craig Lemin presented this item and stated: A taxing unit may not enter into a tax abatement agreement under this chapter and the governing body of a municipality or

county may not designate an area as a reinvestment zone unless the governing body has established guidelines and criteria governing tax abatement agreements by the taxing unit. The guidelines must provide for the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures. The guidelines are only good for 2 years and must be regularly updated and readopted. Our last adoption was in in October 2018. The revised proposed guidelines. They have been reviewed and modified by our City Attorney, Mike Dixon, to ensure they conform with changes in state law. These policies can be modified at any time. Mayor Echterling asked to be sure to have this ready prior to the next update.

Mayor Echterling closed the Public Hearing at 9:08 PM.

Councilmember Jimmy Rogers motioned to approve Ordinance 2022-005 adopting tax abatement guidelines and establishing an effective date. Councilmember Steve Janics seconded this motion. Voting in favor: Echterling, Rogers, Holland, Stivener, McLean, Birkes and Janics. There were no opposing votes and the motion carried 7-0.

**14. Consider approval of an amendment to the Plan Review and Inspection Services Agreement with Bureau Veritas for the provision of Building Inspection Services within the City of Robinson.**

Director of Planning and Development, Justin French presented The City's current plan review and inspection services agreement with Bureau Veritas was entered in on May 23, 2017. The proposed addendum to this agreement will bring the Bureau Veritas' fees per the agreement in line with House Bill 852, which prohibits residential building permits based on valuation of the construction. The proposed changes are based on base fees, square footage, and the number of trades.

Mayor Echterling stated this is a change to get in line with state law.

Mayor Echterling motioned to approve the amendment to the Plan Review and Inspection Services Agreement with Bureau Veritas for the provision of Building Inspection Services within the City of Robinson. Councilmember Steve Janics seconded this motion. Voting in favor: Echterling, Stivener, Rogers, Holland, McLean, Birkes and Janics. There were no opposing votes and the motion carried 7-0.

**15. Discussion and possible action on alternative primary plan review and inspection service providers.**

Director of Planning and Development, Justin French presented this item and stated: The City's current plan review and inspection services agreement with Bureau Veritas was entered in on May 23, 2017. On September 11, 2017, the city hired an in-house inspector to be the primary plan examiner and inspector, which made Bureau Veritas the City's back up inspector as needed when the City Inspector took leave. The city began to fully utilize Bureau Veritas again when the City Inspector retired on December 15, 2021. The city has posted the job opening for the City Inspector position but does not

anticipate and has not received any applications from qualified candidates. Therefore, City staff is preparing for the long-term utilization of a third-party plan review and inspection service provider. In doing so, City staff wishes to bring to City Council's attention a couple alternative service providers with slightly lower fees. Ganesh Chapagain with AOKA and Lee Swain with SAFEbuilt have given us sample proposals and have joined us virtually for any questions. Mr. French stated the fees are greatly increased without having an inhouse inspector. Councilmember McLean questioned if anyone else local uses AOKA or SAFEbuilt. Mr. French stated no he is not aware of anyone in McLennan County or adjoining counties. The packet proposals will have their locations they serve. Third-parties will be used daily within the city. Mr. French provided a hypothetical fiscal impact comparison to council of all three providers, Bureau Veritas, AOKA and SAFEbuilt. Some in house small inspections that can be done in house will be done by Mrs. Brownlow and Mr. French. Mr. Chapagain with AOKA addressed the council with one of their solutions is virtual inspections. Simple and smaller inspections are done virtually. GEO tagging is used. Mr. French stated what is unique about that is the quality control and that the guarantee of the image is of the actual site. Councilmember Rogers stated it is a great tool. Mr. Lemin stated that it would not be used for major or structural inspections or final inspections. Mr. Lemin stated he has a meeting to meet with other city managers and he can come back with what other cities are doing and how they are handling this issue. Possibly team together with other cities. Mr. Swain with SAFEbuilt addressed the council. He previously was with Bureau Veritas for sixteen years and with SAFEbuilt for three years. SAFEbuilt is new to Texas with sixty-two employees. A mobile inspector is located in Harker Heights area. Mr. Swain agreed for use of virtual inspections is a great tool. Mr. Lemin stated this gives staff something to go back with and see what other cities are doing and can come back to council with. No action taken. Discussion only.

- 16. Discussion on possible amendments to the City's Fee Schedule in light of inevitable fees from third party Building Inspection Services within the City of Robinson.** City Manager Craig Lemin presented this item and stated some discussion has already been said earlier. Some changes in fees may need to be adjusted. Mayor Echterling stated we need to determine the fees and where to pass those onto. Councilmember Rogers stated a fee increase is going to have to happen. He suggested maybe offset the fee by not increasing up to 100 percent; absorb majority or half of the increase, are suggestions. Quality and timely inspections are the focus. No action taken. Discussion only.

**\* This item was moved to the end of tonight's agenda by Mayor and Council.**

- 11. PUBLIC HEARING: Conduct a public hearing, and consider the recommendation of the Planning and Zoning Commission to approve Ordinance No. 2022-003 amending Ordinance No. 2018-006, the zoning ordinance for the City of Robinson, Texas.**  
Mayor Echterling opened the public hearing at 8:16 PM

Mayor Echterling stated this item was tabled from a previous meeting on December 1, 2021. No one in the audience to speak on the item.

Mayor Echterling closed the public hearing at 8:16 PM

Council took a five-minute break from 8:16 PM to 8:24 PM

Mayor Echterling stated item 11 is regarding the amending of Ordinance 2018-006 the zoning ordinance for the City of Robinson. When we left off, we were asking for a redlined version and breakdown of the use tables and for council to review them. Mr. Lemin stated the tables are better organized and it highlighted the areas of change. There are a lot of changes in the amendment. Council discussed some changes in the amendment and decided more time and discussion of changes is needed. Councilmember Rogers would prefer to have a workshop and go over these redlined versions and tables for discussion. Mayor Echterling stated this would make sure of voting and being confident. Mayor Pro Tem Stivener would like to see layout of what changed. Mr. Lemin stated to council to review this and email with questions. Mayor Echterling addressed council to choose a date for a workshop and cover tracked changes in a presentation to better compare and educate current ordinance and proposed changes.

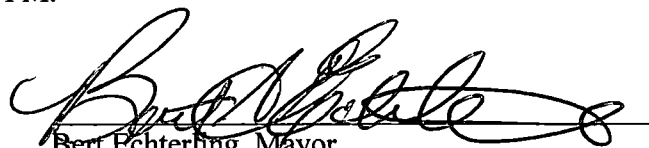
Council decided on January 18, 2022 at 6:00 PM for a workshop to cover the proposed changes.

**\*Mayor Echterling went back to Item 13 to open the public hearing.**

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

Mayor Echterling addressed the council and stated that he asked for updates to be included in future meetings. Mayor Echterling mentioned he sits on the policy board for the Metropolitan Planning Organization and Councilmember Jimmy Rogers gave an update from the Heart of Texas Council of Government which he is a member of. There were no future agenda items mentioned.

**18. Adjourn. Meeting adjourned at 9:21 PM.**

  
Bert Echterling, Mayor

ATTEST:

  
Misty Cryer, City Secretary

