

## MINUTES OF TIRZ BOARD AND CITY COUNCIL MEETING FEBRUARY 4, 2020

1. **Call to order.** Meeting was called to order at 6:00 P.M. by TIRZ Board Member Bert Echterling.
2. **Invocation.** Pastor Jerry Freedmon with Bethel Methodist Church provided the Invocation.
3. **Pledge of Allegiance.** Council, Staff, and Citizens joined in the Pledge of Allegiance.
4. **Roll Call.** TIRZ Board Members present: Jimmy Rogers, Jim Mastergeorge, Bert Echterling, Steve Janics, and Jimmy Eubank. TIRZ Board Member Jeremy Stivener was absent.
5. **Consider and possible action approving a Tax Abatement Agreement with Encompass Health Texas Real Estate, LLC and Encompass Health Rehabilitation Hospital of Waco, LLC—affiliates of Encompass Health, Inc, with regard to a for-profit rehabilitation hospital.** City Manager Craig Lemin presented this item, and provided a brief overview of the proposed Tax Abatement Agreement previously discussed at the January 7<sup>th</sup> City Council Meeting. Mayor Echterling asked if there were any changes to the agreement since the January meeting. Mr. Lemin said there were none. Councilmember Jim Mastergeorge motioned to approve the Tax Abatement Agreement with Encompass Health Texas Real Estate, LLC and Encompass Health Rehabilitation Hospital of Waco, LLC—affiliates of Encompass Health, Inc. as presented. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank and Echterling. There were no opposing votes and motion carried unanimously.
6. **Adjourn.** TIRZ Board Meeting adjourned at 6:04 p.m.

*(Council Meeting began at 6:04 immediately following the TIRZ Board Meeting)*

1. **Call to order.** Meeting was called to order at 6:04 P.M. by Mayor Bert Echterling.
2. **Citizen Comments.** Linda Vaughn, 2913 N 43<sup>rd</sup> Street, Waco, Texas, informed Council of the upcoming Chamber Banquet scheduled for March 5, 2020 as well as announcing the Chamber is currently looking for board members.
3. **Presentation to Corporal Ryan Collins with the Robinson Police Department.** Sergeant Vincent Otting, and Detective Kevin DeLillo with the Robinson Police Department presented Corporal Ryan Collins with a plaque showing their appreciation for his dedicated service to the SWAT team.

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4. **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.

### **CONSENT AGENDA**

5. **Approve Minutes: January 6, 2020 and January 7, 2020.**
6. **Consider and possible action on Resolution 2020-001-R adopting TCAP's Professional Services Agreement and Gexa Energy's Commercial Electric Service Agreement for power to be provided on and after January 1, 2023.**
7. **Consider and possible action approving an Interlocal Cooperation Contract Failure to Appear Program (FTA) with the Texas Department of Public Safety.**
8. **Consider and possible action approving an agreement with Langerman Foster for geotechnical engineering services to obtain and test samples from existing streets to aid in developing plans to reconstruct or reclaim streets at a total cost of \$26,037.**
9. **Consider and possible action approving an agreement with Insituform Technologies, LLC for the purchase of labor, materials, equipment and services to replace sewer lines in sections of the Fain Estates subdivision utilizing the Local Government Cooperative Contract #555-18 at a total cost of \$359,446.00**

Councilmember Jimmy Rogers motioned to approve Consent Agenda Items 5-9 as presented. Councilmember Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank and Echterling. There were no opposing votes and motioned carried unanimously.

### **REGULAR AGENDA**

*(At the request of Mayor Echterling, Item #14 was held immediately following the consent agenda items.)*

14. **Consider and possible action on the application of Waco Infinity Properties for a minor plat to create Lots 1 and 2, Block 1 of The Heights Addition, being approximately 23.943 acres out of the C. O'Campo Survey, addressed in the 4000 Block of S. Loop 340 Highway.** Director of Planning and Development Justin French presented this item and stated the applicant proposes to plat two nonresidential lots from approximately 24 acres in the C-1 Commercial District and seeks City Council

written exception for the extension of sewage facilities to Lot 1 because these facilities are proposed to be extended to Lot 1 by the City as part of a Chapter 380 development agreement. Mr. French stated on January 9, 2020, the Planning and Zoning Commission by a vote of 5-0 approved with condition that the plat adheres to Section 3.3(e)(1) as stated in the comment letter before the plat is recorded with the McLennan County Clerk. Mayor Bert Echterling asked if any concerns were voiced by the Planning and Zoning at their meeting held on January 9, 2020. Mr. French said there were none. Councilmember Jimmy Rogers motioned to approve the minor plat as presented. Councilmember Jim Mastergeorge seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank and Echterling. There were no opposing votes and motion carried unanimously.

**10. Conduct Board and Commission pre-appointment interviews, and consider and possible action on appointments to fill vacancies on the Zoning Board of Adjustment and the Building Standards Commission.** Mayor Bert Echterling presented this item to Council, stated Mr. Edwin Diaz and Mrs. Tanis Clarke were unable to attend, and began the interview for Mrs. Jana Reid. Mrs. Reid stated she would like to get more involved in the community when asked why she was interested in serving. Mayor Echterling asked Mrs. Reid what she envisions for the future of Robinson. Mrs. Reid stated she wanted controlled growth in order for Robinson to remain a quiet and peaceful place to live. Council had no further questions for Mrs. Reid. After a brief discussion by Council, Councilmember Jimmy Rogers motioned to appoint Mrs. Reid to the Zoning Board of Adjustment for the term ending November of 2021. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank, and Echterling. There were no opposing votes and motion carried unanimously.

**11. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2020-003 regarding application of Cherie Hudson for approval of a specific use permit for a hosted bed and breakfast in the PD Planned Development District with the base zoning of SF-2 Single Family Residential District on 1.388 acres known as Lot 20, Block 1 of the Liberty Ranch Addition, addressed at 1028 Cecilia Court.** Mayor Bert Echterling recused himself from this item and exited the Council Chambers. Councilmember Jim Mastergeorge opened the Public Hearing at 6:29 PM. Director of Planning and Development Justin French presented this item and stated the applicant requests to reside at and operate a hosted bed and breakfast at the subject site utilizing a proposed 1,995-square-foot residence. Mr. French stated on January 9, 2020, the Planning and Zoning Commission recommended approval by a vote of 4-1. Mr. French stated at the time of this meeting, staff has not received any returned notices in support or opposition of the requested SUP from the surrounding property owners located within 200 feet of the subject site. Cherie Hudson, 1028 Cecilia Court, Robinson, Texas 76706, property owner, wished to address some of the concerns voiced at the Planning and Zoning Meeting. Ms. Hudson stated she was not going cook breakfast; however, she

would provide non-perishable items to her guests such as cereal bars, etc. Ms. Hudson also noted that the City Council did not have the authority to enforce deed restrictions. Suzy Seitzler, 510 Aztec Drive, Robinson, Texas 76706 asked if this application met the definition of a hosted bed and breakfast if Ms. Hudson was not going to serve breakfast as Ms. Hudson previously stated at the Planning and Zoning Meeting. Mr. French indicated that the ordinance stated meal service is to be prepared onsite and is limited to breakfast for overnight paying guests only. Destiny DeLillo, 1601 Spring Street, Waco, Texas 76704, voiced concerns regarding the deed restrictions currently in place, as well as not being compatible with the existing uses in the neighborhood. Mrs. DeLillo also noted that this neighborhood was undeveloped; and lots are presently owned by home builders, therefore, leaving no opportunity for current and future lot buyers to voice their concerns located within 200 feet of the subject site. After no additional comments or questions, the Public Hearing was closed at 6:42 PM. Councilmember Eubank asked if there was a time limit on any stipulations with the proposed SUP. Mr. French stated this would have to be made in the motion if approved. Councilmember Jimmy Rogers voiced concerns regarding the vacant lots in the proposed area, and those potential buyers not wanting to reside in a residential neighborhood with a hosted bed and breakfast. Councilmember Rogers stated he personally contacted property owners in the adjoining neighborhood, where he currently resided as well, and stated most if not all were opposed to this proposed bed and breakfast. Mr. Rogers read emails prepared by some of the neighboring home owners voicing these concerns. Mr. Rogers also noted that similar SUP's recently were denied by Council for the same concerns. Councilmember Jim Mastergeorge asked if there was a way to hold the property owner accountable to comply with the deed restrictions. Mr. French stated the City Council cannot enforce these restrictions. It would be up to the surrounding property owners to hold them accountable. City Manager Craig Lemin noted the intent of the deed restrictions within the neighborhood are appropriate for this area. Mr. Lemin also asked Mr. French if Council had the authority to make stipulations, such as a time frame, in their motion. Mr. French said yes. Councilmember Jimmy Rogers motioned to deny Ordinance 2020-003 for approval of a specific use permit for a hosted bed and breakfast as presented. Councilmember Jimmy Eubank seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, and Eubank. Motion carried by a vote of 4-0 with one abstention by Mayor Echterling.

- 12. PUBLIC HEARING: Conduct a public hearing, consider and possible action on Ordinance 2020-004 regarding application of Brenda Baker on behalf of BBTTO, LLC for approval of a specific use permit for an unhosted residential bed and breakfast in the RE Rural Estate District on 1.925 acres known as Tract 40 of the C. O'Campo Survey, addressed at 300 Baker Lane.** Mayor Bert Echterling rejoined the meeting at 7:04 PM. Mayor Echterling opened the Public Hearing at 7:05 PM. Director of Planning and Development presented this item and stated the applicant requests to rent and operate an unhosted bed and breakfast at the subject site utilizing an existing 3,243-square-foot residence. Mr. French stated the Planning and Zoning Commission

recommended denial by a vote of 5-0 at the January 9<sup>th</sup> meeting. Mr. French said at the time of this meeting, staff has not received any returned notices in support and eight returned notices in opposition of the requested SUP from the surrounding property owners with property located within 200 feet of the subject site. Greater than 20 percent of the area within 200 feet of the subject site has ownership in opposition; therefore, this SUP request requires a three-fourths vote of the City Council in order to be approved. Mr. French also noted an additional six property owners with property outside the 200-foot buffer are also in opposition. At this time Mayor Echterling explained that due to three-fourths of the City Council not in attendance at tonight's meeting, this Public Hearing would continue to the March 3, 2020 meeting. No action taken.

**13. PUBLIC HEARING. Conduct a public hearing, consider and possible action on Ordinance 2020-005 amending Chapter 5 – Buildings and Building Regulations, Article II. Codes, Section 5-26 – Adoption, and separately adopting related Ordinances:**

- **2020-006 - 2018 International Existing Building Code;**
- **2020-007 - 2017 National Electrical Code;**
- **2020-008 - 2018 International Building Code;**
- **2020-009 - 2018 International Fuel Gas Code;**
- **2020-010 - 2018 International Energy Conservation Code;**
- **2020-011 - 2018 International Mechanical Code;**
- **2020-012 - 2018 International Plumbing Code;**
- **2020-013 - 2018 International Residential Code;**
- **2020-014 - 2018 International Fire Code;**
- **2020-015 - International Property Maintenance Code; and**
- **2020-016 - International Swimming Pool and Spa Code.**

**including adoption of any exceptions or changes to the standard codes set forth above.** Mayor Echterling opened the Public Hearing at 7:15 PM. Director of Planning and Development Justin French presented this item and stated in June of 2019, the City received notice the City's latest Building Code Effectiveness Grading will result in the Insurance Services Office (ISO) increasing the City's ratings from Class PL 6 (for residential development) and CL 5 (for commercial development) to PL 9 and CL 9 unless an improvement plan is approved and implemented prior to June 3, 2020. The proposed improvement plan is to adopt and implement attached building codes for the City in order to maintain current ratings. If the City's ratings were to increase, property owners in the City should expect property insurance rates to increase. Mr. French provided a summary of some of the changes in the proposed ordinances. After no additional comments or questions, the Public Hearing was closed at 8:01. Council asked Staff to bring back a comparison chart explaining any unamended and proposed amendments for each ordinance prior to adoption. This item will be rescheduled for the March 3, 2020 meeting. No action taken.

**15. Consider and possible action awarding the contract for the Lux Force Main Reroute to Eagle Eye Consulting and Construction, LLC at a total cost of \$134,917.00.** Utility System Director Greg Hobbs presented this item and stated staff recently went out for bid for the Lux Force Main Reroute Project. The engineer's probable cost for this was \$194,450.00. Mr. Hobbs stated twelve companies submitted bids that ranged from \$134,917.00 to \$268,925.00. The low bid was from Eagle Eye Consulting and Construction. Mr. Hobbs stated although Walker Partners has not worked with this company in the past, references were requested and submitted for review. Mr. Hobbs stated the references that Eagle Eye submitted all spoke very highly of the owner of the company. Mr. Hobbs stated Walker Partner's believes this company is knowledgeable in the installation of municipal utilities and recommends we award the bid to the low bidder, Eagle Eye Consulting and Construction. Mayor Echterling asked Jacob Hinson with Walker Partners about the references. Mr. Hinson stated the company was fairly new, but recently completed a project and Cameron, Texas and the comments were positive. Councilmember Jimmy Rogers questioned the cost difference in the bids submitted. Mr. Hobbs indicated although the bids varied, the piping cost appeared to be the major difference in the bids received. Councilmember Rogers asked if Mr. Hobbs felt comfortable with this company. Mr. Hobbs stated yes, he felt comfortable and noted this was a small project and he trusted the references received by Walker Partners. Councilmember Steve Janics motioned to award the contract for the Lux Force Main Reroute to Eagle Eye Consulting and Construction, LLC as presented. Councilmember Jimmy Eubank seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank, and Echterling. There were no opposing votes and motion carried unanimously.

**16. Discussion related to the Bulk/Brush day the city offers our residents.** Utility System Director Greg Hobbs presented this item and stated approximately twenty years ago the City of Robinson started offering the Bulk/Brush day to our residents in order to dispose of unwanted items. Mr. Hobbs stated the City included in our solid waste contract four large roll-off dumpsters and 48 free hauls to utilize for this service. Over time the number of citizens utilizing this service has increased. Mr. Hobbs said city employees who work this day have stated that there are numerous times when the four dumpsters we have onsite will not hold the amount of bulk material that we are receiving; therefore, he items are put on the ground and once the roll-offs are dumped staff goes back up and fills two to four of them with the overflow. Mr. Hobbs stated at this rate we will use our 48 free hauls long before the year is over and it will then cost the city approximately \$305 per roll-off to have them dumped. Mr. Hobbs stated if we continue to use an average of 6 a month, we will have to spend about \$7,300 in disposal costs which is not currently budgeted. We currently charge \$10 per load regardless of whether it is brush or bulk. Mr. Hobbs said our curbside trash service includes three cubic yards of bulk per week, but it appears many are not utilizing this service in favor of the once a month pick up. Mr. Hobbs then stated the City also has to consider how we are going to dispose of all the brush that has been

received over the years of providing this service to our residents. Mr. Hobbs stated a chipper was purchased for this purpose but is not adequate to address the size and quantity of brush received, and burning it creates hazards due to the amount of vegetation surrounding the area. Mr. Hobbs said staff has received quotes for having a large industrial chipper brought in to address the material piled there now, but we will still have to come up with a better way to dispose of each months' worth of brush. Council agreed this service was important to our community and the cost may need to be increased to continue providing this service to the citizens. Council asked staff to prepare a cost analysis in order to better determine the steps moving forward. No action taken.

*Council entered into Executive Session at 8:46 PM.  
Council reconvened from Executive Session at 9:12 PM. No Action.*

**15. 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 551.072, to discuss real estate transaction.**

**16. Consider and possible action regarding subject matters set forth in the executive session.**

- **Authorize acquisition of Easement and Right-Of-Way on S. Old Road located between Highway 77 and Downsville Road.** Mayor Bert Echterling motioned to authorize the City Manager to move forward with negotiations regarding this acquisition of Easement and Right-Of-Way on S. Old Road located between Highway 77 and Downsville Road. Councilmember Steve Janics seconded this motion. Voting in favor: Rogers, Mastergeorge, Janics, Eubank and Echterling. There were no opposing votes and motion carried unanimously.

**17. Councilmember requests for items to be placed on future agendas.** Councilmember Jimmy Rogers asked staff to re-look at the possibility of going to automated meters and the new technology available. Councilmember Jim Mastergeorge asked staff to look into the various vehicles for sale along Highway 77.

**18. Adjourn.** Meeting adjourned at 9:16 p.m.