

**Planning and Zoning Commission**  
**Regular Meeting**  
**February 21, 2019 6:30 PM**

**Call to Order**

- Tom Scroggins called meeting to order at 6:32 p.m.

**Roll Call**

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, Jim Winters, Dennis Kintzler, Lawrence Gordon
- Absent: L. E. Rubin
- Also Present: Duty Clerk Amy Lopez, Mayor Mark Gwinn, Code Enforcer Gordon Reeves

**Approval of Minutes of January 17, 2019 meeting and Minutes of February 7, 2019 meeting**

- John Thompson moved to approve the minutes for January 3, 2018. Dennis Kintzler second the motion. With a 5-0 vote, the minutes for January 17, 2019 were approved.
- John Thompson moved to approve the minutes for February 7, 2018. Dennis Kintzler second the motion. With a 5-0 vote, the minutes for February 7, 2019 were approved.

**General Discussion**

- Tom Scroggins said the mayor has some words for General Discussion.
  - Mayor Gwinn said several met with the attorney about the trash ordinance and were given the latest draft. He asked to go over it before City Council workshop, Tuesday morning at 10. He would like P&Z's perspective on what needs changed and wants a final draft ready to go out for 14-day approval before the first March meeting.
  - Mayor Gwinn wants to get zoning nailed down before any kind of abatement so that Gordon Reeves can begin working on violations. He asked Gordon Reeves to speak to help minimize issues our Municipal Judge might have.
  - Mayor Gwinn went on to say that it was decided at the first VALEO meeting to do a county-wide clean up on March 12. Each community will select an area they want to focus on. Eventually, Rio Communities will work together with the county because of their access to equipment. This would allow Rio Communities to tackle the Eastern border. Gordon Reeves is also working to get some equipment for clean ups.
  - Gordon Reeves said that he is speaking with Bea, and she will get him connected with the people in charge of the equipment for the county.
  - Mayor Gwinn said that he is talking to Buddy, who is in charge of community service, and will start to bring in people to help with clean up.
  - Gordon Reeves asked if this was the last review before the trash ordinance goes before the Council. He asked if P&Z can come up with a set fee for a nuisance. He explained that he needs to be able to go after violators and there needs to be some teeth behind the ordinances.
  - Tom Scroggins said that the most Heather Benavidez can charge is \$500 or 90 days in jail, and we don't want to have to put anyone in jail. It is a large expense for the City.
  - Gordon Reeves said that we could charge twenty-five cents to fifty cents per trash container and use the money to fund further clean up. The discussion continued.

- Gordon Reeves said if the trash hauler decided to sell the company, the City should be able to revisit the contract.
- Jim Winters said that it is part of the procurement side. The discussion continued.

## Solid Waste

- Jim Winters passed out a handout on health and safety because they are connected. The lawyer didn't seem to understand that. With the two documents, they could cross-reference and look for potential issues. Council will have to choose which version they want, and the lawyers will have to fix it.
- Tom Scroggins asked if they would possibly be eliminating Article 3 of Chapter 11, because it would be replaced by Solid Waste.
- Jim Winters said that if we do that, Gordon Reeves would have to read it and make sure it agreed and it won't handicap him. If we are going to do something for solid waste for general trash items, it would have to have strong enough language for Gordon Reeves.
- Tom Scroggins said that this has a broader application.
- Jim Winters said that we should be aware of it, if we have one, but someone will have to make the decision and it will probably be the lawyer. He went on to explain that they all have a copy of the new the ordinance. The original work has circles and x's, this is background information and are not part of this. 1-7 are the cases for needing a multi hauler versus a single hauler. 10 and 11 are in that same category. He thinks everything else needs to be answered in the new document. There are numbers next to the original items. These are cross referenced to the new document. This will let us know where the issues have been addressed in the new document. Number 13 on the original document is addresses in 11-4-1B of the new documents. There is another list on a separate sheet that covers topics that were not resolved in the new ordinance.
- Tom Scroggins said that the road impact was not addressed but could be part of procurement.
- Jim Winters said that it could be part of procurement, but we need to account for it somewhere.
- Jim Winters said that GRT is not in there anywhere.
- Tom Scroggins said that in the meeting with the lawyers there was nothing about GRT.
- Jim Winters said we need to account for them one way or the other, procurement or franchise fee. The franchise agreement will need to be a separate agreement.
- Tom Scroggins said that part of the reason behind the franchise fee is for road maintenance.
- Jim Winters said he also put road impact fee because it was not mentioned in the new document. Celina will need a list later.
- Tom Scroggins said a lot of this stuff will not know until we have a new city manager. The discussion continued.
- John Thompson, said that the first thing that comes to mind is health and safety with the definition of garbage and refuse, section 11.3.1. Somewhere we might need to include household trash.
- Jim Winters said that we need to make sure that definitions of 11-3-1 are perfectly clear. The lawyer should take care of this. The discussion continued.
- John Thompson said that he doesn't like that last sentence on 11-4-1-A. It could be misinterpreted later.
- Tom Scroggins said for 11-4-1-A at we should add "or franchisee".
- Jim Winters said where it is misleading in where it says, "exclusive right, requirements to use services provided by city". We should add "or it's franchisee". That takes care of that problem. Page 14 and 15 cover recycling. Anything that we have noted tonight should go on a list for the lawyer and have them take care of the issues. We should bring some of these things up at the Workshop.
- Jim Winters continues on page 3 of the new document.

- John Thompson said item 6 on page 3, the trash company must have an office inside Rio Communities. While we don't want to have to deal with out of state companies, but a company within a 20-mile radius might be fine. Requiring an office in City Hall would be a lot of overhead.
- Jim Winters said this could be settled by saying they are available by phone daily and once a week be in out offices for an hour or two. The discussion continued. The resolution was to add gross recipes tax to procurement.
- Jim Winters goes onto explain that after 45 days they probably won't pick up the trash any more unless we intervene.
- Dennis Kintzler said that there are people that go on for vacation and should not have to pay for trash collection if they are not here.
- Tom Scroggins said that there is a clause that says vacant properties can notify City Hall and tell them an approximate time when they would be back. The discussion continued.
- Jim Winters said that can go on the list. Bottom of page three, 11-4-4-A needs to be changed to single hauler and anywhere it is mentioned needs to be changed to single hauler.
- Tom Scroggins said that the way it is written should be left alone because if something happens in five years and the Mayor and Council want to use more than one hauler, they could change it without having to rewrite the ordinance.
- Jim Winters said the only way we could do that is make a statement in the procurement that this is a single hauler. The discussion continued.
- Jim Winters said that on page 4, under B, is something Mayor Gwinn does not want to do. Mayor Gwinn said that he wants it to go from the hauler to the Code Enforcer, the Code Enforcer sends a letter, and the issue goes before the judge. He was worried about tying the Judge's hands.
- Lawrence Gordon said that the judge can fine them \$500 and they not pay, but Rio Communities could add to their tax assessment at the end of the year, it could be paid that way.
- Tom Scroggins said that there should be something that says the Code Enforcer can give them a ticket and could take them to court if they don't pay. All Liens will be seen before the Council, prior to filing. The discussion continued.
- Lawrence Gordon said the City will be eating a lot of money paying for people who don't pay. The discussion continued.
- Tom Scroggins said that we want no suspensions.
- Jim Winters said that 11-4-5-C, last sentence, should come out completely.
- Tom Scroggins said that because of the word "may" we can leave it in. The discussion continued.
- Jim Winters said that he didn't understand E. We just leave that because of the word "may." The discussion continued.
- John Thompson said that in 11-4-6- B that P& Z should not be involved. It was agreed that should be up to the Code Enforcer and Council.
- Jim Winters said that 11-3-3 and 11-4-7 need to be reconciled. He said that on 11-4-9-G we need to add "or at the discretion of Code Enforcer." Jim Winters continued on page 9, 11-4-14-E, the word "shall" should be changed to "may."
- Jim Winters said that the last item is whether or not the City should establish a medical waste program. The discussion continued.
- Jim Winters said that he will make a list of corrections and a list that still need to be taken care of and give them to Council.

**Zoning Issues/Updates**

- This was not discussed at this meeting.

**Abatement issues**

- This was not discussed at this meeting.

**Adjourn**

- John Thompson moved to adjourn. Tom Scroggins second the motion and the meeting adjourned at 8:08 p.m. with a 5-0 vote.

Respectfully submitted,

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Amy L. Lopez, Deputy Clerk

Date: \_\_\_\_\_

Approved:

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Thomas Scroggins, Chairman

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John Thompson, Vice-Chairman

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L. E. Rubin, Secretary

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Lawrence Gordon

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Dennis Kintzler

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Jim Winters