

**Belton Special Called City Council Meeting  
November 21, 2017 – 5:30 P.M.**

The Belton City Council met in special session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Craig Pearson and Councilmembers David K. Leigh, Guy O'Banion, Paul Sanderford, Dan Kirkley and John R. Holmes, Sr. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Chris Brown, Charlotte Walker, Bob van Til, Susan Allamon, Angellia Points, Jeremy Allamon, Kim Kroll, Bruce Pritchard and Judy Garrett.

The Pledge of Allegiance to the U.S. Flag was led by Assistant City Manager/Chief of Police Gene Ellis, the Pledge of Allegiance to the Texas Flag was led by Councilmember Guy O'Banion, and the Invocation was given by Councilmember Craig Pearson.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:30 p.m.

2. **Public Comments.**

- Christy Monroe, 2520 Shanklin Road – Mrs. Monroe asked the Council to slow down and think about what is going on in Belton. She also said the links in the Comp Plan on the website aren't working.
- Amy Cook, 730 Mesquite Lane – Mrs. Cook recited a prayer for battle from 1864.
- Joe Trevino, Jr., 3502 Village Hill – Mr. Trevino said that his property was annexed in 2004, and he has not received the services he was promised.
- Jim Monroe, 2520 Shanklin Road – Mr. Monroe thanked the City for chopping down the dead tree on Shanklin. He also pointed out that the population numbers in the 2030 Comprehensive Plan don't match the numbers that Mr. Listi has presented for 2030. He asked that the math be reviewed. He said that the 2030 Comprehensive Plan and the Thoroughfare Plan show different information for Three Creeks Boulevard/Shanklin Road than the information shown at the Council workshop in October. He, once again, pointed out that using the Belton ISD demographic data is a bad idea.

**Consent Agenda**

**Items 3-4 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.**

Councilmember David K. Leigh requested that Item #4 be pulled for discussion.

3. **Consider the minutes of the October 31, 2017, Special Called City Council Meeting.**

Upon a motion by Councilmember David K. Leigh, and a second by Councilmember Paul Sanderford, Item #3 was unanimously approved upon a vote of 7-0.

4. **Consider authorizing the purchase of six (6) vehicles for the Public Works Department through the HGAC Purchasing Cooperative.**

Director of Public Works Angellia Points said the Public Works Department is replacing four vehicles that have exceeded their useful life. She said that two other vehicles were budgeted for two new positions approved in the FY2018 Budget. Councilmember Leigh asked to verify that four (4) vehicles are part of the Capital Replacement Plan and two (2) vehicles are budgeted in the FY2018 budget. Mrs. Points said that is correct.

Upon a motion by Councilmember Leigh and a second by Councilmember Guy O'Banion, Item #4 was unanimously approved upon a vote of 7-0.

**Growth Management**

5. **Receive a report on the 2017 Growth Management Study for the City of Belton.**

City Manager Sam Listi thanked the Council for their part in the annexation process. He said that the 2018-2022 Strategic Plan includes a Governance category to Develop a Growth Management Strategy. Based on that goal, he said that Council toured the annexation study areas, held two public hearings, and an on-site public hearing. He said that he would present Management's recommendation in each area, and he looks forward to the Council's input. (See Exhibit "A")

Key influences that guided the Growth Management Study boundaries included:

- Completed IH-35 widening and City's planned utility extensions along IH-35
- Near term widening of Loop 121 – within 5 years
- Acquisition of BISD school site on Shanklin Road and Voluntary Annexation Petition
- Bell County Expo Center expansion – Equestrian Center underway
- Three Creeks Subdivision Development
- Need to protect major street corridors to accommodate future traffic
- Non-Annexation Development Agreements with Property Owners
- Municipal Service Plan Obligations and extension of City services

Mr. Listi said that the City must develop, and make available, a Municipal Services Plan that provides services that are equal or superior to services provided in the area prior to annexation. Municipal Services Plans were provided for each area under consideration for annexation.

He said the Non-Annexation Development Agreements have really defined the areas for annexation due to the number of property owners who have chosen to participate.

Councilmember Leigh asked if the property owners who are eligible, but have not signed, would still be able to participate. Mr. Listi responded that it is Staff's goal to maximize the number of participants, so he believes that it would be acceptable. He requested that the development agreements be signed and turned in by noon on the 22<sup>nd</sup> of November. Councilmember Dan Kirkley encouraged all who are eligible to participate. He believes the development agreements are a valuable tool.

Councilmember O'Banion said that the Council has listened to a lot of comments at the three public hearings. He said that the Council has to plan 20-30 years into the future. "Every decision we make can affect people 30 years from now. A future Council may have to work to correct something that this Council created due to our inaction or wrong action. So, we take these things very seriously." He added that the Council looks at many factors when making decisions on zoning and development to ensure that it is done in a quality manner.

No action was required of the Council on this item.

6. **Consider the following alternative annexation ordinances on Area 1:**

- A. **An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 1, approximately 10.96 acres located on the east side of Toll Bridge Road, generally between Shanklin Road and the Lampasas River, in the 5000 block of Toll Bridge Road; or**
- B. **An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 1, approximately 5.312 acres located on the east side of Toll Bridge Road, generally between Shanklin Road and the Lampasas River, in the 5000 block of Toll Bridge Road.**

City Manager Sam Listi said Study Area 1 contains three (3) parcels – properties owned by James and Delores Kincaid, Ernest Wade Markham, and Landon and Martha Alford. These properties are all subject to the conditions of Development Agreements signed by the Kincaids and the Alfords last year (2016). When their Development Agreement was signed in 2016, the Kincaids owned 7.7 acres, comprising the southern and middle tracts of Annexation Study Area 1.

- The Kincaids conveyed the middle parcel to the Markhams in 2017, in conflict with Section 2(c) and 2(e) of the Agreement (division less than 20 acres, no plat, lost ag exemption status per Tax Appraisal District)
- This action triggers a voluntary annexation petition in Section 3(a), with no action required by the owner, yet recognizing this, the Kincaids took the additional step of submitting an annexation petition in May 2017 for their property, the

southernmost 5.312 acres, for Council consideration. The Kincaid property is currently vacant.

The Alfords divided the western 2.88 acres from a larger tract that extends to the east.

- The larger adjacent Alford tract totals over 40 acres.
- This division in 2016 conflicts with Section 2(c) and 2(e) of the Agreement (division less than 20 acres, no plat, lost ag exemption status).
- This action triggers a voluntary annexation petition in Section 3(a), with no action required by the Alfords.

Options for the Council include annexing all, some or none of the parcels in Study Area 1. There are several reasons to consider Annexation of the entire 10.96 acre tract, including:

- Respect for previously executed and recent Development Agreements, which trigger annexation consideration based on Agreement terms
- Location of parcels along Toll Bridge Road, just east of the City limits
- The Kincaid property is outside the City, vacant, and not subject to building permits
- Belton water/sewer CCN service areas
- Proposed extension of sewer and water in the immediate vicinity
- IH-35/Shanklin Road interchange just to north, with projection eastward on the Thoroughfare Plan
- Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road
- Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35

Mr. Listi said the Staff recommends the annexation of all three parcels.

Councilmember Leigh asked how large the Alford property is that is covered by the development agreement. Mr. Listi said that the entire property is 40-50 acres. Councilmember John Holmes asked how many acres does the development agreement allow before it is considered a violation. Mr. Listi said that a division resulting in a tract of less than 20 acres would be a violation of the agreement, and it would come back to the Council for annexation consideration. Councilmember O'Banion said this is an important distinction; annexation is not automatic. The Council still has the ability to vote against annexation at that point.

Mr. Leigh asked if the development agreement is still valid on the entire property. City Attorney John Messer explained that the development agreement goes with the land, and Council has until the end of the term of the Development Agreement to act on the breach. Mayor Pro Tem Pearson asked if there will be some type of action to recognize the breach by the Alfords, and asked if the piece was split off for a family member. Mr. Listi said that the Alfords split off a piece of their property for a family

member. Mayor Grayson asked if that wasn't allowed. Mr. Listi said the split has to be a minimum of 20 acres.

Upon a motion by Councilmember Leigh to approve Ordinance 6A (entire 10.96 acres) on first reading, and a second by Councilmember Paul Sanderford, the following captioned ordinance was unanimously approved on first reading by a vote of 7-0.

Councilmember Sanderford said Area 1 is the outlier and has nothing in common with Areas 2-4. Mayor Pro Tem Pearson asked for more information on the Alford property, and Mr. Listi said that at second reading the annexation area could result in a smaller annexation boundary. Mr. Leigh clarified that, on second reading, Council can reduce the amount of area to be annexed, but the area cannot be increased. Mr. Listi said that is correct.

**ORDINANCE NO. 2017-32**

**AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 10.96 ACRES LOCATED ON THE EAST SIDE OF TOLL BRIDGE ROAD, GENERALLY BETWEEN SHANKLIN ROAD AND THE LAMPASAS RIVER, IN THE 5000 BLOCK OF TOLL BRIDGE ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.**

**7. A. Consider approval of non-annexation Development Agreements in 2017 Annexation Study Area 2, including:**

	PROPERTY OWNER(S)	PROPERTY ID	MAP ID
1	ALVARADO, JULIAN ETUX VALERIE	2249	21
2	ANDERSON, MICHAEL ALBERT & SUSAN LYNN ELROD	186773	54
3	ANDERSON, MICHAEL ALBERT ETUX	186681	60
4	ANDERSON, MICHAEL ALBERT ETUX SUSAN LYNN ELROD	2826	50
5	BROOKS, JAMES F ETUX DOTTIE L	22080	71
6	BROOKS, JAMES F ETUX DOTTIE L	22081	88
7	BURR, JAMES A JR ETUX ROBIE L	198363	11
8	FROSCH, BRIAN J & KATIE E	56787	110
9	GAGE, JIMMY DON	38799	52
10	GAGE, JIMMY DON	38800	35
11	GOLDEN, GILBERT FRANK ETUX	41513	94
12	GRILLO, VINCENT & NELDA GRILLO	94294	96
13	HARMON, RAYFORD C ETUX CARLA J	101742	78
14	HOOVER, HARLEY BENNETT	51675	61
15	HOOVER, HARLEY BENNETT	51676	34



16	LEWIS, HOLLIS C JR &	64701	51
17	LEWIS, HOLLIS C JR ETUX	64702	10
18	LONG, BILLY J	65816	37
19	LONG, BILLY J	412155	37
20	MCKEE, RANDALL D & TAMARA G	99803	45
21	MEIER, LORE	170519	5
22	ROSE, LEON E	101016	25
23	SCHUMAN, DAVID M JR ETUX ALISON	132158	90
24	SMITH, CARWYN LYNN	24804	112
25	SMITH, CARWYN LYNN	24806	69
26	TAYLOR, M E	114706	36
27	TAYLOR, M E	114707	NA
28	VERRANDO, SALLY	6761	89
29	ZUEHLKE, JAMES R & THERESA LONG	49063	44

City Manager Sam Listi said property owners representing 29 parcels within Area 2 signed Non-Annexation Development Agreements for a 10-year period, and they are recommended for approval and recordation. The Agreements represent, in most cases, very developable land located in a prime growth area. Signed Development Agreements provide the bridge to timely annexation and development, will trigger a consideration for voluntary annexation when development is desired and, until that time, the City will have no obligation for Municipal Services on these properties. The Development Agreements should be approved and recorded in the Bell County Courthouse since they are:

- Legally required
- Facilitate long range planning
- Protect current and future development
- Avoid establishment of incompatible land uses
- Avoid premature annexation and need to extend city services

Mr. Listi stated there are 18 eligible property owners who have not signed the development agreements, but the City will give them until noon on November 22<sup>nd</sup> to sign the agreement and return it to City Hall. These additional development agreements will be presented to the Council for approval at the November 28, 2017, Council meeting.

Mr. Listi said Staff's recommendation is to approve these Non-Annexation Development Agreements and their recordation for Area 2.

Councilmember Sanderford thanked Mr. Listi and City Staff, stating that they have done a good job doing what the Council has asked them to do. He said that the Council has been looking into the future, more than just a couple years out, trying to figure out how the City is going to grow. He said that there were good comments made during the public hearings. He said that one or more speakers questioned

what had changed since the Council's Strategic Planning workshop in July. Some of the speakers reminded the Council of comments they made about focusing on the core of the City and making sure the City provides the basic services as best as possible. Mr. Sanderford thanked the speakers for reminding the Council of their comments. He said elected government officials need to be reminded of what they say as a way to hold them accountable. He explained what has changed since the meeting three months ago, including: (1) BISD purchased a large tract of land along Shanklin and Loop121 for a future school site, and (2) the change in the municipal annexation law. He said he studied the law and how it came to be. He reviewed the arguments for and against the law. He said that everyone recognizes this as an attempt to get one last annexation in before the law change. He added that he put himself in State Representative Hugh Shine's place, and thought about how he would have voted on the law change. He said that he would have voted in favor of the law change. He said he was surprised, and disappointed, in the position of the Texas Municipal League which is the primary advocacy group for cities in the State of Texas. He determined that TML's position on the law was that the Legislators need to understand the economy trumps personal property rights. He said this statement, and other statements he read, didn't sit well with him. He said it would be hypocritical for him to support this annexation. He said that citizens of Texas are subject to four layers of government: (1) Federal government; (2) State government; (3) County government; and (4) School District. Citizens of Texas should be able choose to be ruled by a City government or not. He said that there are areas he believes need to be annexed, but he would prefer to do it by voluntary annexation. He believes the Council should let this annexation opportunity pass, let the new law take effect, and let it all play out.

Councilmember Leigh said he respects Mr. Sanderford and his "conservatarian" beliefs. Mr. Leigh said he aligns in a lot of ways with Mr. Sanderford. Mr. Leigh added that he grew up in the country, not in the city. He said his family has been in the area since the 1800s and has always believed in public service. He believes that the Council should be planners, should be responsible, and he believes "we should all come together." He, too, has been disappointed in the demagoguery that Councilmember Sanderford mentioned. He was also disappointed in some of the name calling that has taken place during this process, such as when the Council was referred to as Nazis. Some of his family fought against Nazis in the war. He said, "It's hard to listen when someone insults you, and it's hard to sit there and not want to defend yourself." He said, "We are here to plan 10, 20, 30 years... honestly we are here to plan 100 years." He added that the City buys water from Lake Belton 50 years in advance in order to be responsible to ensure that future citizens have water. He said he agrees with everything Paul said, except some of the TML comments. Mr. Leigh said, "If someone [*outside the city limits*] is a resident, but they don't own the property, they don't have the choice [*to be in the city limits*]." He believes that everyone should be represented regardless of who owns the property. He added, "We have put into play millions of dollars for water and sewer to go to unannexed areas. It doesn't make sense for us to put that in if it's not going to be in the City limits. Why spend millions of dollars to service people who are not in the City?" He agrees with Councilmember Sanderford about the push to get the

annexation in before the “deadline.” He said, “If it’s the right thing to do, then it’s the right thing to do regardless of the date.” He said he is very much in favor of development agreements. He said, “They are a good thing, because it allows for good development.” He added that he is not in favor of annexing the entire area, but he is in favor of annexing something less than that because of the school site.

Councilmember Holmes said he has a problem with the timing of the development agreements. He feels the process has been rushed trying to meet a deadline. He recognized that there is confusion about the development agreements. He said, “It’s awful tough to just sit here, and listen to three sessions of people just kind of letting you have it. I think we did a good job of it. I’m not that kind of person; I take it all to heart.”

Councilmember O’Banion agreed with Councilmember Leigh about the emotions. He said, “We are human, just like everybody in this room. I would leave these meetings, quite frankly, mad.” He said that he would talk himself down as he went home, and when he got home he would be much less mad. He reminded himself that the speakers were also human, and some know how to communicate better or more positive than others. He said it would not be the best thing for the people at the meeting for the Council to act out of emotion. He added, “For the people who are asking if the Council has already made a decision, I’ve changed my mind about ten times or more in this whole process. That’s why we have these discussions where everyone speaks their mind. I think generally we come up with decisions that are best for the City. Sometimes I get voted against, and vice versa.” He said that Councilmember Sanderford makes some very valid points. He said that the development agreements are a good thing in that they are a bridge to annexation. He said the process is a little rushed, but he feels that some of that heat should be placed on the State Legislature. He said, “If we wanted to be greedy, and say we need to think of everything we could possibly need for the next twenty years, we would go around and clean up all kinds of annexation lines, squaring things off, making things look nice and symmetrical because this is the way things should be. We are truly looking at areas where we know... these areas have a strong potential for development, and so we have to guard these areas somewhat and that’s what brings us to this discussion.” He said the Council is looking ahead so that in 20-30 years from now, that Council won’t look back and say why did they do that or why didn’t they do that. He added that the development agreements give the City some assurance that these areas will be developed properly.

Councilmember Kirkley said the Council has asked Staff for these recommendations. He said the Council has been able to look back in time and see where prior Councils have made very good development decisions, and also some poor development decisions. “We desire, above all things, to do the absolute best we can for our community as a whole, both you all who are not in it, and those who are already in it.”

Mayor Pro Tem Pearson said, “One of the downsides of the Texas Open Meetings Act with which we adhere to very, very rigorously, is that we don’t get the benefits of



these discussions prior to this. We have all done our own homework. We've all spent a lot of time on this. This is very, very important. This is the fourth time that I've been on Council that we have considered annexation, and it is the most difficult, gut-wrenching time ever, and we take it very, very seriously. I think the development agreements are a good thing. I think they are a bridge. I think they are a protection. We don't know what is going to happen in the next ten years. There is going to be 4-5 more sessions of the Legislature. There is going to be a very high turnover, if not 100% turnover, here on this Council. So we don't know what's coming down the road, but you do know for sure, if you do what you say you want to do, and you have an annexation agreement, you will not be annexed. That's the right thing to do. Conversely, if something changes, and you or your heirs begin to develop extensively which would cause the need for resources from the City, then you could be annexed. If you break off a piece for a relative, it doesn't mean you will be annexed. It means it comes back up here, and we do a sanity check." He added that the development agreements are a good thing to help protect property owners from less than desirable developments. He said they also help the Council better represent the citizens of Belton by having an assurance that when growth comes in those areas, then the City will have an opportunity to annex those areas and help control that growth, getting the developments built to City standards. He supports the development agreements, and he will support annexing as small of an area as possible to meet the needs of the growth that is expected.

Mayor Grayson said one of the charges of the City Council is to hire the City Manager. It is his job to keep the Council informed, and to guide them through the growth, protection and well-being of the community. "It is because of that, that we have this growth study. He [Listi] understands the values of the areas that we are studying, and the areas that could see some growth sooner rather than later, and how we are going to budget for that. Besides the annexation portion of it, we have to plan ahead for water, sewer and roads. Some of the things that were said to us during the three hearings, I would like to address briefly. One is about the grab for taxes. That's not at the top of our list because honestly the taxes that are going to come in are not enough to cover the cost of the infrastructure that we would build for those areas. It is protection, and to be prepared for those areas, and to protect you, the property owners as well." She said that some mentioned the Council should have annexed west Temple in the past because it is all in Belton ISD before annexing in the south. She explained that 40-50 years ago, the Council at that time made the decision for Temple and Belton to be separated by the Leon River, although the School District was larger than that. North Main Street and 439 were all considered to be "in the country," but there has been significant growth in these areas. "Those people said, 'We're never going to sell.' In the last 5-7 years, that area has gone from residential to commercial development because that is the demand." Developers saw the potential for growth and offered the property owners more than they thought they could ever get. She explained that is what it looks like will happen in the annexation areas as well. The Mayor discussed the growth of the Belton School District. "We are using the demographics from the school district because: (1) they've been taking headcounts from all of the developments that are already asking the City for permitting or platting, and (2) TxDOT and the County are

guessing what demographics are going to change for them based on the growth coming this way.” “For those of you who said, ‘Your minds are already made up,’ you can see that is not the case. I’m not sure that Mr. Listi even knows where this is going. I don’t, because we have different concerns and understanding of where we are at today and how is this going to affect tomorrow.” The schools are coming, and the City needs to be able to plan for infrastructure growth. Mayor Grayson asked Mr. Listi how he would like to proceed. Mr. Listi said he would like for the Council to consider the development agreements and then the annexation ordinance alternatives.

Councilmember Holmes reiterated that he still has concerns with requiring the development agreements prior to the Council making a decision on annexation. “I think when we went out and said we were going to possibly annex 10% of our City, the maximum amount we can annex, that area was pretty big. The only alternative people had was to sign a development agreement, and now we have the possibility of really reducing the area we are going to annex and still holding those development agreements.”

City Manager Listi explained that the development agreements are an integral part of the law. “Our goal is to do the analysis and planning for the areas, yet the owners genuinely do not see development coming in the near future.” He added that the development agreements allow for a reduction in the area for annexation. “We started at over 1300 acres, and we are down to less than 500. That’s a good thing. It helps us plan, and the elements are integrated. They relate very closely to one another. There is nothing in the law that says you have to do the development agreements first, but it would seem backwards to do the annexation recommendation first, and to come forward without a sense of what is really happening in the area. From a Staff standpoint, the development agreements are meaningful; they are significant. They relate to annexation, and...” Councilmember Holmes asked, “Do you think if the citizens knew they weren’t going to be annexed, they would sign a development agreement?”

Mr. Listi said, “The non-annexation development agreements are a two-way street. We started out looking at five [years], but the Council went with ten. We, as a Staff, have encouraged people to come in. We went out and met with people to try to maximize the folks that are participating in development agreements to limit the boundary of annexation. These provisions in the current law – annexation and non-annexation development agreements – work in tandem; they work hand-in-hand. I think we would do a disservice to the community if we did annexation first, and not deal with the opportunity in the law to secure the development agreements. The legislature has been criticized a lot, but that is a component of the current law. It can work well and effectively in helping us manage the growth. Absent development agreements, we’re left with kind of a vacuum. It’s kind of similar to an HOA. This is least gives us an opportunity to hear what the people think, what they want to do with their property, and if they aren’t interested in developing, we accept that at face value, and say ‘hands off’ for ten years. It seems like a long time, but it’s fine. Things

may happen sooner than that, but it will take care of itself. I think that's what the law envisioned."

Councilmember Leigh said that he has development agreements with Temple. He said, "I'm glad that we have development agreements in north Temple. The reason is for my neighbors, as well as myself." He said the development agreements provide surety that what happens on the property next to him won't be detrimental to his property. He said there is confusion, and there is ignorance as to what municipal law is. He said it changes with every legislature. He said in years past, cities could do what is termed "limited annexation" where a property is annexed into the city, but is not required to pay taxes for a period of time, but that was changed by a previous legislature. He believes that development agreements are an integral part of the annexation process, but he is concerned with the timing. He believes that most people are okay with the development agreements, but seem to be more concerned about what the Council will do in ten years when the agreements expire. Mr. Leigh added that the Council is not allowed to discuss this item between themselves outside of a public meeting. He is in favor of the development agreements, but asked if on second reading, the Council could change the decision. Mr. Listi responded that the Council will act on the development agreements at this meeting, and then they are complete. Mayor Grayson asked, "If we are extending development agreements until noon tomorrow, how does that affect that?" Mr. Listi said that any additional development agreements will be presented to the Council at the November 28<sup>th</sup> meeting.

Councilmember Kirkley said, "We don't want to annex anything more than we know is critical for what we see before us. In order to do that, folks that have the development agreement, reducing the amount that we annex is a critical partnership." He added that the City needs to do the development agreements in order to annex what needs to be annexed. He said, "I think the development agreements are the most critical part of this process."

Mayor Pro Tem Pearson said he liked that Staff was going to extend the deadline for returning development agreements allowing more people to participate. Councilmember O'Banion said that property owners who are eligible for a development agreement, but that haven't signed, will be able to see where the annexation is heading during the meeting, and choose to sign if it looks as if their property will be annexed. Mr. Listi said that Staff would notify remaining eligible property owners of the extension. Mr. O'Banion said the development agreements are truly a bridge to annexation. "If you don't approve the agreements, and we start talking about annexation, then we are talking about a whole other map and a lot bigger potential for annexation."

Councilmember Sanderford said he liked the utility and function of the development agreements, but he wished the Council was considering this annexation in 2018 after the new law has taken effect. He said that the law allows for development agreements outside the context of annexation. He said his objection is still the timing aspect. Mr. Sanderford explained that a win-win situation would include having a

County-wide vote regarding annexation where the citizens of Belton have a say. “If it’s so clear and easy to explain why this area should be annexed... then we ought to be able to convince the City dwellers to leave annexation [alone] because it is of no benefit.” He said that if it goes to a ballot, and it doesn’t pass, then the Council will come right back to this area to consider annexation.

Upon a motion by Councilmember Kirkley and a second by Councilmember O’Banion, the non-annexation Development Agreements for Area 2 were approved by a vote of 5-2 with Councilmembers Holmes and Sanderford providing the dissenting votes.

**B. Consider the following alternative annexation ordinances on Area 2:**

- (1) An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 2, approximately 472.42 acres located generally west of IH-35, east of Rocking M Lane, south of Auction Barn Road, and north of the Lampasas River; or**
- (2) An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 2, approximately 284.46 acres located generally along N/S Shanklin Road South of Loop 121, extending generally south to the intersection of E/W Shanklin Road and along and north of E/W Mesquite Lane, extending approximately 1,530 feet west of the Belton city limits.**

City Manager Sam Listi summarized the reasons that annexation in Study Area 2 is important to Belton’s future planning and development. These include the school, the infrastructure, facilities and I-35. He said the N/S Shanklin corridor and the E/W Mesquite corridor are the two critical areas the City is trying to provide for. He said the development agreements have provided a boundary, and Staff is recommending a boundary that is much less than everything that could be annexed. He explained that the Council has two ordinances for consideration. The first ordinance includes all properties in the Study Area that are not covered by a development agreement. The second ordinance provides for annexation of a Shanklin Road (N/S) corridor of properties to provide an important minor collector street, between the BISD School site and Shanklin Road (E/W), and Mesquite Road/Lane (E/W), extending west of the current city limits. A 10.23 acre tract, along and north of Mesquite Road/Lane, is proposed to preserve that important corridor of properties to provide for extension of a minor collector street, ultimately projected to extend westward to Shanklin Road (N/S).

Mayor Pro Tem Craig Pearson asked if it was possible to approve the E/W Mesquite area on first reading, but limit it to just the road on the second reading. Mr. Listi said, “That is certainly a possibility. We’ve done some preliminary work on the Mesquite alignment. There is some ROW that we found in the western portion. We certainly would like to see a projection of Mesquite westward to the first development agreement boundary for a future extension to the west, and if it is the Council’s interest to not include the residential properties, we could certainly look at being able

to define a boundary by the second reading that would be just essentially the road ROW.”

Councilmember O'Banion said there was some concern expressed at the public hearings that the road would be built on top of a house, but he said he would never approve that. He added that if the Council annexes just the street ROW, it limits the flexibility of where the road can be built. Mr. Listi said Staff projects a straight line alignment of the road, but he said the property to the north is County property which might also be a possibility. Mr. O'Banion stressed the importance of flexibility in the location of the road, and felt it was important to annex the area that is needed to allow this flexibility.

Councilmember Leigh said a straight line projection makes sense, but he discussed a possible different alignment utilizing some of the school property instead of residential property as part of a Thoroughfare Planning process. He added that if Council goes forward with the annexation, the City will need to significantly improve Mesquite. He said that the Staff has presented two options, but Council can modify the recommendation to have more options. Mr. Leigh said that due to its topography, Shanklin Road is not a good road, and he recommended the possibility of using Mesquite for an east-west corridor. He said his option 3 would be just around the school. He said if the Council thought more should be done, then look at that in 2018 or 2019. He added that if the City doesn't work with BISD, then BISD will build outside of Belton, and Belton residents want Belton schools in Belton.

Councilmember O'Banion agreed with Mr. Leigh as to being more restrictive, but his concern is the need for more traffic flow through the area as the school is built. Mayor Pro Tem Pearson said that if the plan is to use Mesquite as the E/W corridor, then he would suggest looking into using the County property to the north of that which would eliminate the need to annex the southwest corner near the school property. Mr. O'Banion believes that it could be problematic to not have any control over the property so close to the school. Mr. Leigh said the Council could annex just Shanklin Road and leave the properties. He commented that the Council can reduce the acreage to be included on second reading of the ordinance, but the Council cannot increase the acreage to be annexed. He added that the annexation is not as much the issue as it is the timing. He ended by saying that he would prefer to annex just around the school site.

City Attorney John Messer reminded the Council, “We can't go back from anything we do tonight.” Mayor Grayson said, “We can just shrink what we do tonight.” Mayor Pro Tem Pearson said the Council could approve option 2 tonight, and come back with changes on second reading.

Councilmember Leigh made a motion to approve on first reading the annexation of 284.46 acres (option 7B2) with a directive to Staff to look at restricting that area generally east-west toward Mesquite excluding the Roy Meade property at map id 74. The motion was seconded by Councilmember O'Banion. The following captioned



ordinance was approved on first reading by a vote of 5-2 with Councilmembers Sanderford and Holmes providing the dissenting votes.

**ORDINANCE NO. 2017-34**

**AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 51.48 ACRES LOCATED GENERALLY ALONG OLD GOLF COURSE ROAD AND THE EASTERN PORTION OF AUCTION BARN ROAD WEST OF THE EXISTING CITY LIMITS; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.**

**8. A. Consider approval of non-annexation Development Agreements in 2017 Annexation Study Area 3, including:**

	PROPERTY OWNER(S)	PROPERTY ID	MAP ID
1	CHOUCHANE, HATEM	101311	201
2	DULANEY, RANCE ETUX JANIE	183657	160
3	GRAHAM, DORIS	42607	137
4	HABEL, JULIUS W ETUX LINDA L	169250	187
5	HARDIN, WILLIAM J ETUX BLYTHE J	114709	132
6	HARDIN, WILLIAM J ETUX BLYTHE J	363834	196
7	HUCKABEE, MARY LOUISE	74607	192
8	LARSON, KAY	15866	116
9	MILLER, DON MICHAEL	74262	173
10	PARKER, JIMMY F ETUX CAROLINE	186978	157
11	PARKER, JIMMY F ETUX CAROLINE	331149	151
12	PARKER, JIMMY F ETUX CAROLINE	333736	129
13	POTTS, JOHN MARK ETUX ROBIN	129314	179
14	POTTS, JOHN MARK ETUX ROBIN	424123	150
15	POTTS, JOHN MARK ETUX ROBIN	424124	181
16	POTTS, JOHN MARK ETUX ROBIN	424125	193
17	SAVAGE, RICHARD D ETUX (0.468 ACRE ACCESS PORTION OF A 9.669 ACRE TRACT)	103041	189
18	SAVAGE, RICHARD DANIEL	123195	178
19	SPEIGHTS, HAROLD F ETUX CARRIE	75273	159
20	SULLIVAN, HUGH M ETUX JO ANN	149567	188
21	SWINDOLL, CHARLES B	1622	122
22	SWINDOLL, CHARLES B	113700	197
23	SWINDOLL, CHARLES B ETUX	113701	126
24	SWINDOLL, CHARLES B ETUX	113702	118
25	SWINDOLL, CHARLES B ETUX	113704	119

26	TAYLOR, M E (1.94 ACRE PORTION AND 0.221 ACRE ACCESS PORTION OF A 33.706 ACRE TRACT)	135948	183
27	WHARTON FAMILY TRUST	353230	163
28	WOOLEY, SONNY PROPERTIES LTD	130769	127
29	WOOLEY, SONNY PROPERTIES LTD	130770	210
30	WOOLEY, SONNY PROPERTIES LTD	467756	172
31	YOUNG, ROBERT N JR	131709	200
32	YOUNG, ROBERT N JR	131711	182
33	YOUNG, ROBERT N JR	467770	213
34	YOUNG, ROBERT NATHAN JR	131712	149

City Manager Sam Listi said property owners representing 34 parcels within Area 3 signed Non-Annexation Development Agreements for a 10-year period, and they are recommended for approval and recordation. He said that if any additional development agreements come in, they will come forward to Council at the next meeting. Staff recommends approval of the development agreements.

Upon a motion by Mayor Pro Tem Pearson and a second by Councilmember Kirkley, the non-annexation Development Agreements for Area 3 were approved by a vote of 5-2 with Councilmembers Sanderford and Holmes providing the dissenting votes.

**B. Consider the following alternative annexation ordinances on Area 3:**

- (1) An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 3, approximately 160.27 acres in two parcels located generally south of US 190 (IH-14), east of FM 1670, west of Old Golf Course Road, and along both sides of Auction Barn Road; or
- (2) An annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 3, approximately 51.48 acres located generally along Old Golf Course Road and the eastern portion of Auction Barn Road west of the existing City limit.

City Manager Sam Listi said that the alternate ordinances speak to the street infrastructure and close relationship of this property to the City limits and also the school site. Water service bisects the area with the western portion being served by Dogridge WSC, and the eastern portion being served by the City. Listi explained that the first of the ordinances represents all of the properties not included in development agreements. The second ordinance is the recommended annexation area which was shaped by the development agreements. The recommended area totals 51.48 acres

Councilmember O'Banion said if Council considers annexation of this area, he wants a swift resolution to issues that have been presented during the public

hearings regarding this area. Mayor Pro Tem Pearson asked for improvement plans in all annexation areas by the last Council meeting in February.

Councilmember Leigh said that the majority of the issues presented in Area 3 deal with water service. Mr. Listi explained that the problem appears to stem from an old Dogridge line that the City acquired. He added that there are plans to extend a waterline from US 190 to Auction Barn Road. Mr. Leigh asked if it would include enough water to allow for fire protection. Mr. Listi said that it would be an 8-inch waterline so it would allow for fire protection. Mr. Listi said another important issue is the connection of Hellums Road southward to vacant property that provides opportunity for development.

Councilmember Sanderford said the protection of the large developable properties makes sense, but there doesn't seem to be much to protect in this area. "Pull out the section of already developed homes, and bring them into the City. If you are concerned about Hellums Road, you can take in that parcel and deal with the connectivity that you need." The Mayor said it is the waterline that is the interest. Mr. Sanderford said that is already a City waterline.

Mayor Grayson said that the area is very close to the City limits, so some will receive Belton Fire/EMS and others will receive the volunteer departments in the area.

Councilmember O'Banion said the connectivity from Loop 121 to the school site tying to Hellums Road is a crucial point. He doesn't believe that development is the rationale of this area. It is the proximity to Loop 121 and the school, as well as connectivity.

Councilmember Leigh said in the area along Old Golf Course Road if these properties had been under development agreements, there most likely wouldn't be a large number of driveways coming into one road that may have high traffic. The way this property is developed is more like City living and not country living, especially along Loop 121. He said this area really needs fire protection through fire hydrants. Mr. Listi agreed and said, "It is really an urban area outside of the City limits."

Mayor Pro Tem Pearson made a motion to approve on first reading the annexation of 51.48 acres (option 8B2). Councilmember O'Banion seconded the motion. The following captioned ordinance was approved on first reading by a vote of 5-2 with Councilmembers Sanderford and Holmes providing the dissenting votes.

#### **ORDINANCE NO. 2017-34**

**AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 51.48 ACRES LOCATED GENERALLY ALONG OLD GOLF COURSE ROAD AND THE EASTERN PORTION OF**



**AUCTION BARN ROAD WEST OF THE EXISTING CITY LIMITS; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.**

9. A. Consider approval of a non-annexation Development Agreement in 2017 Annexation Study Area 4, including:

	PROPERTY OWNER(S)	PROPERTY ID	MAP ID
1	LOVORN, JAY	66293	47

- B. Consider an annexation ordinance on first reading instituting annexation proceedings in 2017 Annexation Study Area 4, approximately 4.348 acres located along Airdale Road, extending North of IH14/US190 approximately 400 feet.

City Manager Sam Listi said that Jay Lovorn has signed a 10-year Non-Annexation Development Agreement for his approximately 52 acres and has expressed no interest in developing the property in the near future. Annexing the remaining 4.348 acre tract does not seem appropriate or important at this time.

Councilmember Leigh said looking at a map, it makes sense to annex Area 4. However, after listening to the stories of the Area 4 residents, it doesn't make sense to annex the area. Councilmember O'Banion agreed.

Upon a motion by Councilmember Leigh and a second by Councilmember Kirkley, the non-annexation Development Agreement for Area 4 was approved by a vote of 5-2 with Councilmembers Sanderford and Holmes providing the dissenting votes.

Councilmember Leigh made a motion to not annex any of Area 4. The motion was seconded by Mayor Pro Tem Pearson, and was unanimously approved by a vote of 7-0.

**Miscellaneous**

10. Hold a public hearing and consider an addition to Chapter 23 as Article II, Division 5, Fats, Oils, Grease and Grit Program, of the Code of Ordinances regarding the City's protection and management of the public sanitary sewer system.

Director of Public Works Angellia Points said that this item was presented in detail at the last Council meeting. She reviewed the purpose and details of the Fats, Oils, Grease and Grit Program as shown in Exhibit "B." She explained that the proposed ordinance would add a section to Chapter 23, Article II, as Division 5, "Fats, Oils, Grease and Grit Program." The program is commonly known as the FOG Program. She added that a change recommended by Councilmember O'Banion at the last

meeting was included which modifies the cleaning frequencies to allow for longer periods between cleaning of grit traps based on the amount of grit produced. She also said that Staff reviewed area cities to determine if they had grit programs, and they do; however, they may not be enforcing their ordinances.

Mrs. Points stated that existing businesses will have one year to come into compliance. This will also give Staff an opportunity to educate businesses on the requirements and need for the program.

Mayor Grayson opened the public hearing on Item 10. Seeing no one wishing to speak, she closed the public hearing.

Councilmember Leigh said he has been working on a development, and asked how this will affect businesses like JNeeley's. Assistant Director of Public Works Jeremy Allamon said that Staff will work with all businesses on a case-by-case basis. He said that JNeeley's presented a state-of-the-art grease trap that he had never seen before. After a review of the product, it was allowed to be installed.

Upon a motion by Councilmember Sanderford and a second by Councilmember Holmes, the following captioned ordinance was unanimously approved by a vote of 7-0.

#### **ORDINANCE NO. 2017-36**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE DISCHARGE OF FATS, OILS, GREASE AND GRIT INTO THE CITY OF BELTON'S SANITARY SEWER SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SERVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

**11. Hold a public hearing and consider the following:**

**A. An addition to Chapter 23 as Article IX, Water Cross Connection Control Program, of the Code of Ordinances regarding the City's protection of the public water system; and**

**B. Amending Chapter 23 as Article VIII, Installation of Irrigation Systems, of the Code of Ordinances regarding the City's protection of the public water system.**

Director of Public Works Angellia Points said this item was presented in detail at the last Council meeting. She explained that backflow is the undesirable reverse flow of non-potable water or other substances that can contaminate the drinking or public water system due to a cross connection in the piping. Preventing backflows is crucial to protecting drinking water quality. She added that TCEQ requires water



suppliers to manage backflows and cross connections to protect the public water system. She explained that the City currently has an abbreviated cross connection control program; however, a cross connection program needs to include all water connections, not just irrigation system, so Staff has developed a comprehensive backflow program for all connections into the City's water supply system as shown in Exhibit "C."

Councilmember O'Banion suggested partnering with all irrigation companies to help educate the public on the need for backflow preventers. Councilmember Leigh wondered about other proactive ways to educate the public about the requirement. Mr. O'Banion added that irrigation companies will be incentivized to install them since they will make money off the installation, so they will most likely be educating the public about them as well.

Mayor Grayson opened the public hearing on Item 11. Seeing no one wishing to speak, she closed the public hearing.

Upon a motion for approval of items A and B by Councilmember O'Banion and a second by Councilmember Leigh, the following captioned ordinances were unanimously approved by a vote of 7-0.

**ORDINANCE NO. 2017-37**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM FOR THE CITY OF BELTON POTABLE WATER DISTRIBUTION SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

**ORDINANCE NO. 2017-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 20, ARTICLE VIII OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE INSTALLATION OF IRRIGATION SYSTEMS; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

**12. Hold a public hearing and consider the following:**

- A. A Small Wireless Facility Siting Ordinance, as an addition to Chapter 20, as Article IX of the Code of Ordinances, regarding the City's requirements for small wireless facilities;**

- B. An Ordinance amending Chapter 20, Article VIII, of the Code of Ordinances regarding management of the City's Rights-of-Ways; and**
- C. A Resolution adopting an appendix to the City's Design Manual for Installation of Network Nodes and Node Support Poles.**

Director of Public Works Angellia Points said that this item was presented in detail at the last Council meeting. She explained that Senate Bill 1004 allows a type of cellular technology called "network nodes" or "small cell" to locate by law in the City's rights-of-way. The bill provides certain allowances for municipalities to adopt criteria to encourage, and in some instances, limit the placement, design, and configuration of associated equipment and support poles. The language of the bill is not intended to prohibit the allowance of small cell equipment, but it does recognize the need to protect public health, safety, welfare, and in some instances, aesthetics of the City through the establishments and maintenance of rights-of-way ordinances. The intent of these proposed ordinances and documents is to not prohibit the construction of the wireless infrastructure, as the City recognizes the need for additional availability to wireless network utilities for the citizens of Belton, but to preserve and protect the use of City rights-of-ways and Belton's Scenic City aesthetics (see Exhibit "D").

Mrs. Points said that Staff recommends the proposed ordinance, ROW ordinance amendments, and design manual appendix for Small Wireless Network Facilities in order to equip Belton with adequate tools to manage and protect the City's rights-of-ways.

Mayor Grayson opened the public hearing on Item 12. Seeing no one wishing to speak, she closed the public hearing.

Upon a motion by Councilmember Holmes and a second by Councilmember Leigh, the following captioned ordinances and resolution were unanimously approved by a vote of 7-0.

#### **ORDINANCE NO. 2017-39**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES ESTABLISHING UNIFORM RULES AND REGULATIONS GOVERNING THE STANDARDS FOR NETWORK NODES AND NODE SUPPORT POLES IN THE PUBLIC RIGHT-OF-WAY IN THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

#### **ORDINANCE NO. 2017-40**

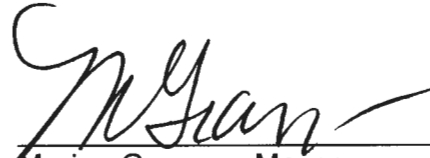
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 20, ARTICLE VIII, OF THE CODE OF ORDINANCES REVISING UNIFORM RULES AND REGULATIONS GOVERNING THE**

CONSTRUCTION AND USE OF CITY RIGHTS-OF-WAY, AND MAY BE KNOWN AS THE "CONSTRUCTION IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE;" PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

RESOLUTION NO. 2017-34-R

A RESOLUTION OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE ADOPTION OF AN APPENDIX TO THE CITY OF BELTON DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES.

13. Adjourn. There being no further business, the Mayor adjourned the meeting at 8:31 p.m.

  
\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

  
\_\_\_\_\_  
Amy M. Casey, City Clerk



# City Council Meeting Growth Management

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NOVEMBER 21, 2017



City of Belton Strategic Plan Goal  
Action Plan  
FY 2018

Goal Category:	Governance	
Goal 1b:	Implement Growth Management Strategy	
Applicable Outcome Statement(s):	Belton's governance is fair, transparent, and fiscally responsible	
Project Year:	FY 2018	
Team Leader:	Assisted By:	
City Manager	Director of Planning, Director of Public Works	
Outcome Description(s):	<ul style="list-style-type: none"><li>Develop and implement orderly future annexation planning in south and west Belton</li></ul>	
Performance Indicator(s):	<ul style="list-style-type: none"><li>Identify total acres of land annexed into the City limits</li><li>Project increase in total population</li><li>Pursue MOU with Temple on ETJ</li><li>Public infrastructure extensions to newly annexed areas anticipated</li><li>Linkage to Updated Comprehensive Plan</li><li>Anticipate new BISD site and opportunity to serve new residential development through infrastructure extensions</li><li>Council reaches consensus and draws urban service boundary</li></ul>	
Challenges/Barriers:	<ul style="list-style-type: none"><li>Reaching consensus on growth boundary</li><li>Cost for serving growth – infrastructure, staff, etc.</li><li>Legislative challenges to City annexation completed in 2017 Session are effective 12/01/17</li></ul>	
Partners:	N/A	
Timeline for Implementation		Expected Completion Date
FY 2018		Fall 2017
Cost		Funding Source(s)
Staff Resources and \$10,000 in Boundary Mapping		General Fund

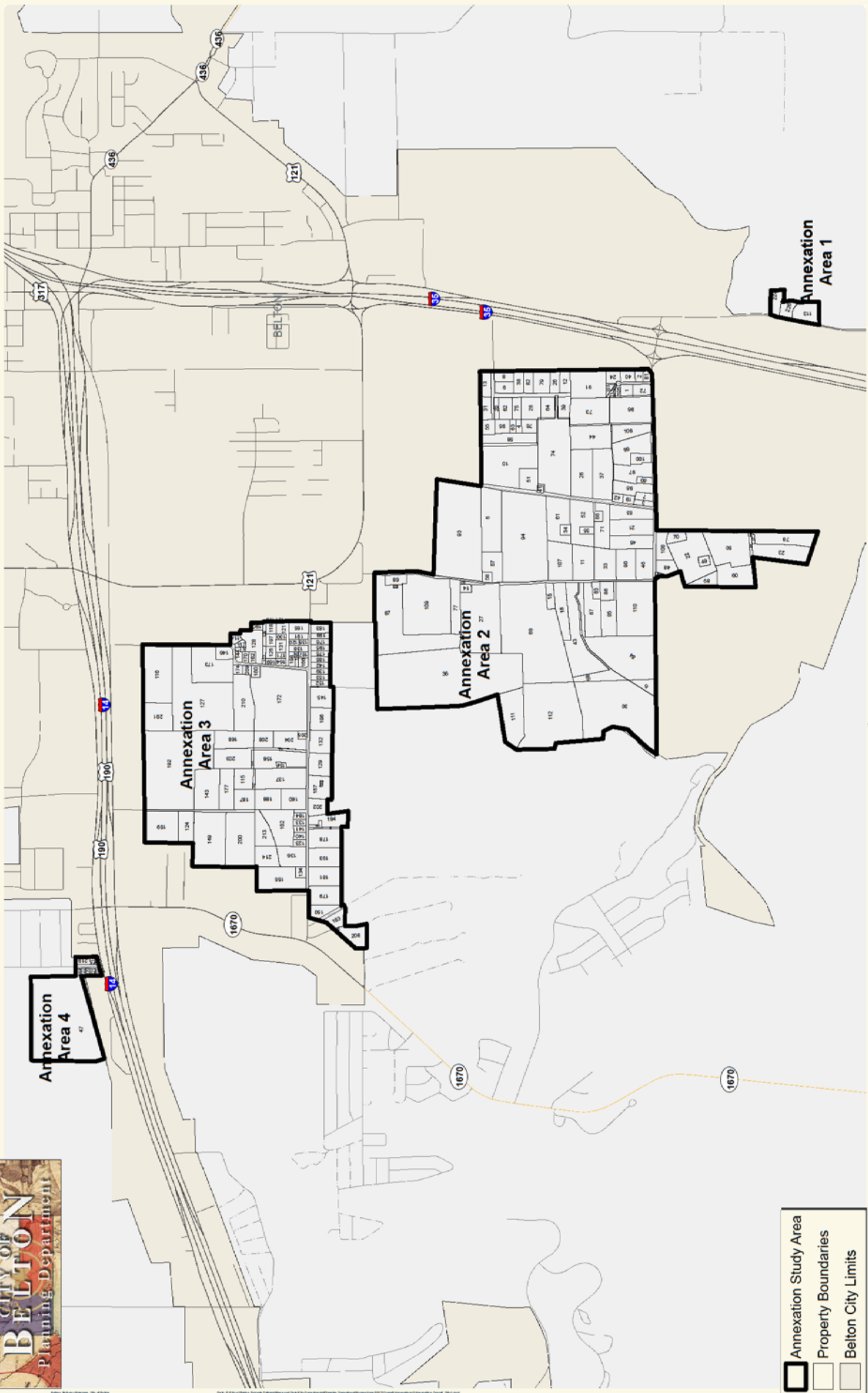


# **Key influences that guided the Growth Management Study boundaries included:**

- Completed IH-35 widening and City's planned utility extensions along IH-35
- Near term widening of Loop 121 – within 5 years
- Acquisition of BLS D school site on Shanklin Road and Voluntary Annexation Petition
- Bell County Expo Center expansion – Equestrian Center underway
- Three Creeks Subdivision Development
- Need to protect major street corridors to accommodate future traffic
- Non-Annexation Development Agreements with Property Owners
- Municipal Service Plan Obligations and extension of City services



Area 1 - 10.96 Acres // Area 2 - 845.47 Acres // Area 3 - 455.08 Acres // Area 4 - 56.32 Acres



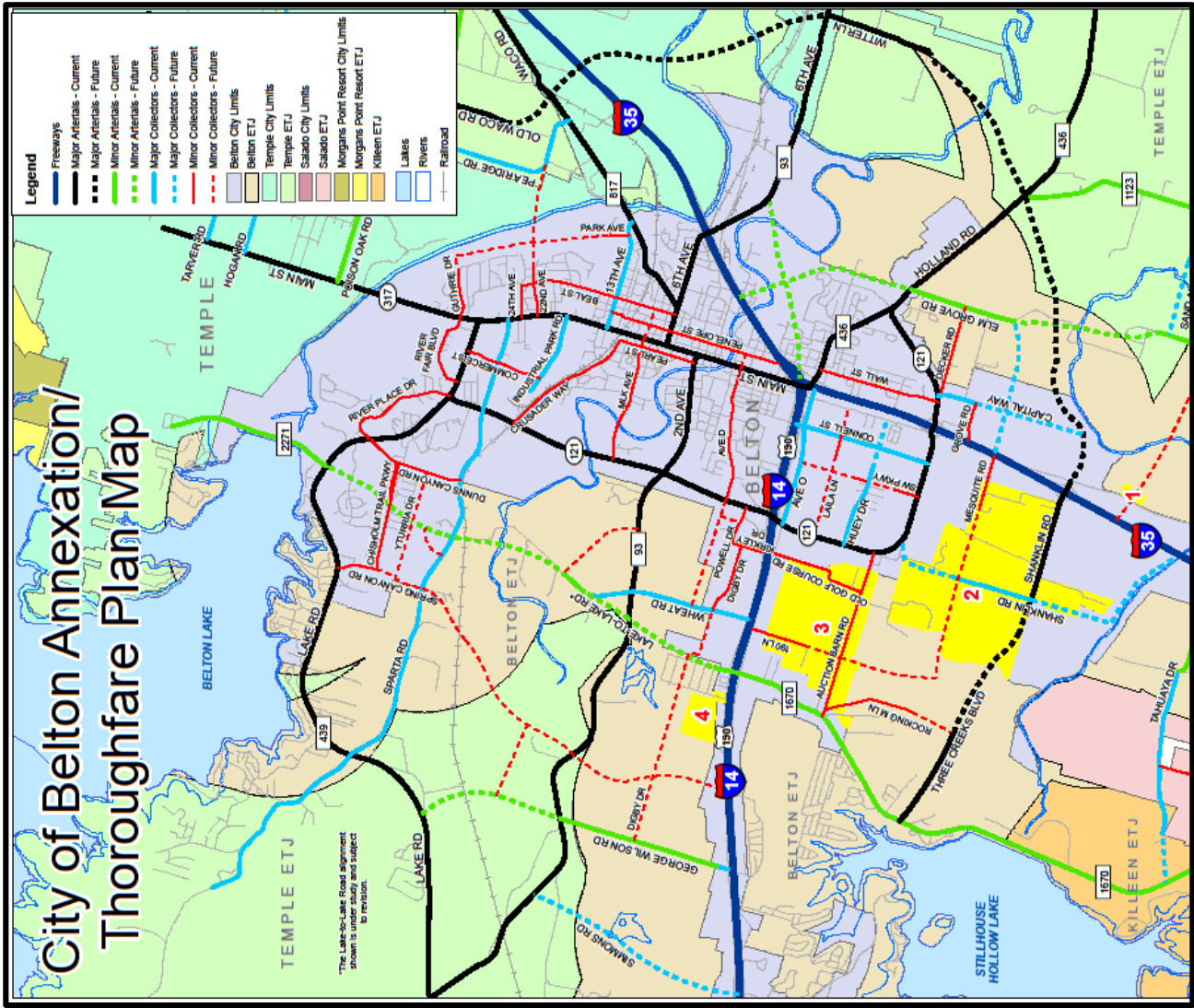
- Annexation Study Area
- Property Boundaries
- Belton City Limits

Map Date: 11/21/2017

For informational purposes only. Boundaries are approximate and not legally binding.

# Annexation Study Areas In Relation to Thoroughfare Plan

- 4 ↑
- 3 ↑
- 2 ↑
- 1 ↑



City of Belton

2017 Growth Management Study

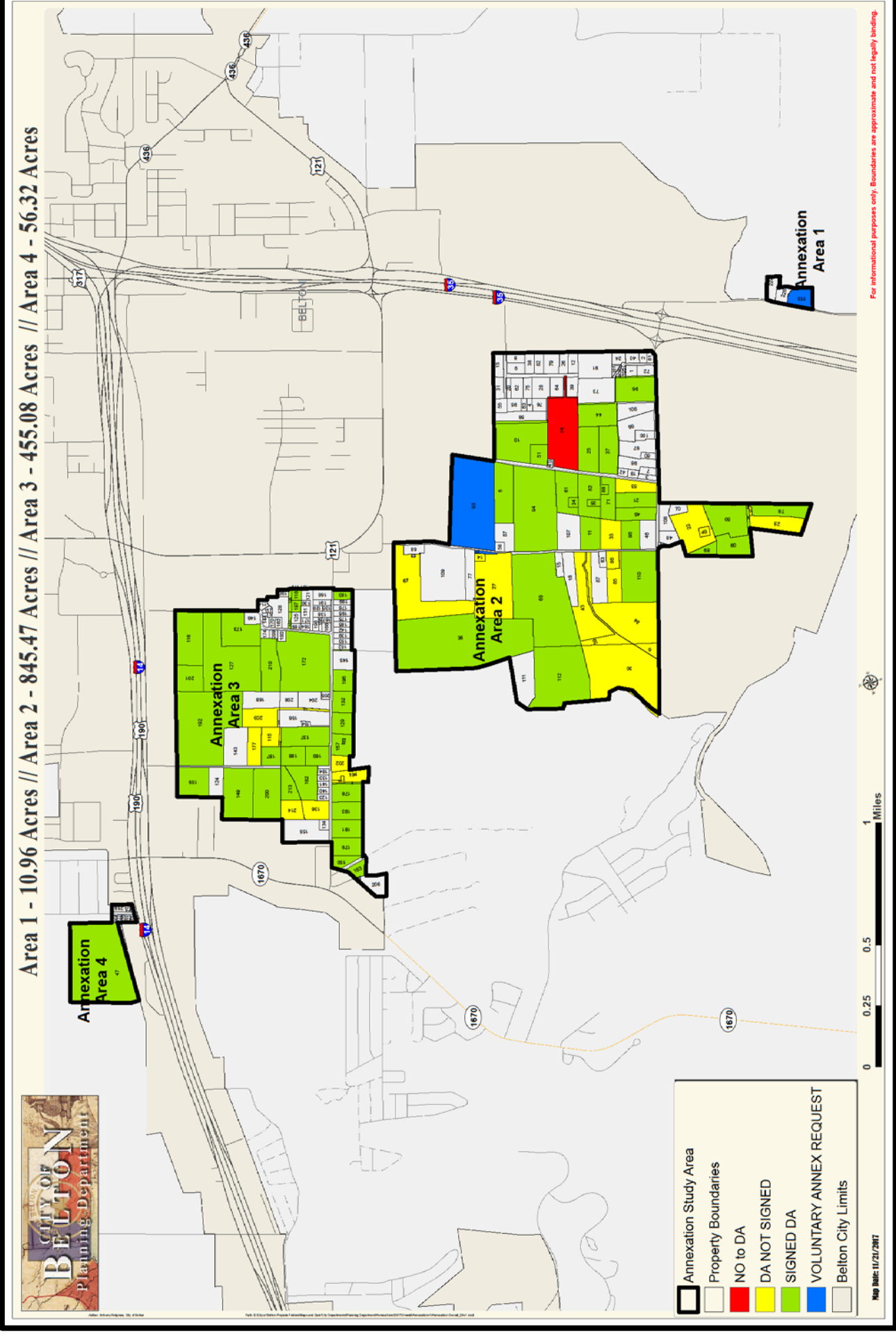
Municipal Services Plan Overview

Provision of Services to Annexed Areas is required (43.056 LGC) in three parts. City must develop, and make available, a Municipal Services Plan that provides services that are equal or superior to services provided in the area prior to annexation:

- A. Basic Services – Police, Fire, EMS, Street Maintenance, Public Park Maintenance, if any, and extension of currently provided services.
- B. Full Municipal Services – Extension of all city services, but a uniform level of services is not required based on existing topography, land use, and population density.
- C. Capital Improvement Plan (CIP) project listing based on known commitments, as well as inclusion in CIP planning for future capital needs. The City of Belton will provide the following services immediately upon the effective date of annexation. All services will be provided at a service level equal or superior to the level of service provided prior to annexation.

POLICE PROTECTION, SERVICES	ANIMAL CONTROL SERVICES
FIRE AND EMERGENCY SERVICES (EMS)	FIRE PREVENTION SERVICES
PLANNING, ZONING AND DEVELOPMENT REVIEW	CODE ENFORCEMENT SERVICES
LIBRARY SERVICES	PARKS/RECREATION SERVICES, FACILITIES, PROGRAMMING
STREETS & STORM DRAINAGE MAINTENANCE	SANITATION
BRUSH COLLECTION	RECYCLING COLLECTION
ENVIRONMENTAL HEALTH	UTILITIES (WATER DISTRIBUTION/WASTEWATER COLLECTION)
SERVICES, FUNDING AND CITY POLICIES	

# Development Agreement Participation

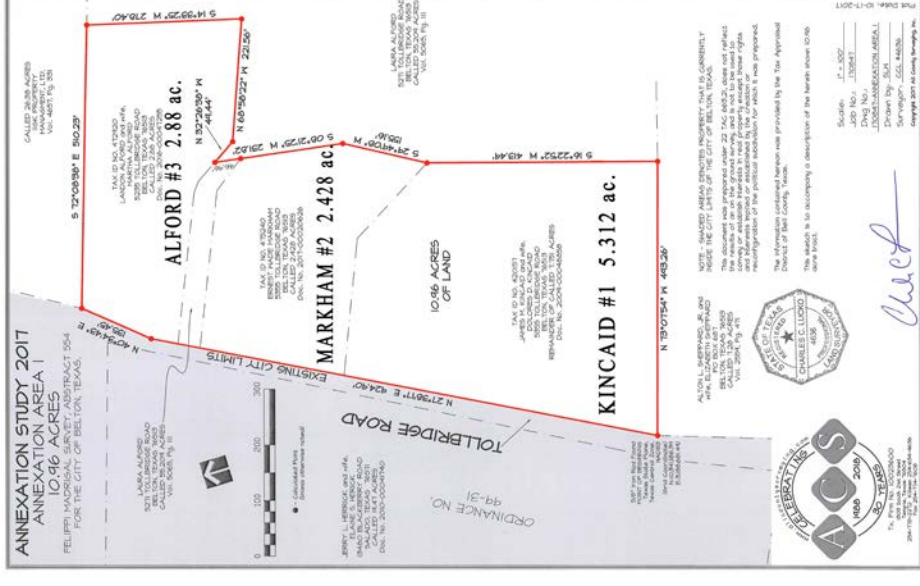






**Growth Management Study Area 1 - Agenda Items 6A and 6B**  
**Special City Council Meeting**  
**November 21, 2017**

- Reasons to consider Annexation of entire 10.96 acre Study Area 1 include:
  - ✓Respect for previously executed, and recent Development Agreements, which trigger annexation consideration based on Agreement terms
  - ✓Location of parcels along Toll Bridge Road, just east of the City limits
  - ✓The Kincaid property is outside the City, vacant, and not subject to building permits
  - ✓Property in Belton water/sewer CCN service areas
  - ✓Proposed extension of sewer and water in the immediate vicinity
  - ✓IH-35/Shanklin Road interchange just to north, with projection eastward on Thoroughfare Plan
  - ✓Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road
  - ✓Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35



# Growth Management Study Area 1 - Agenda Items 6A and 6B

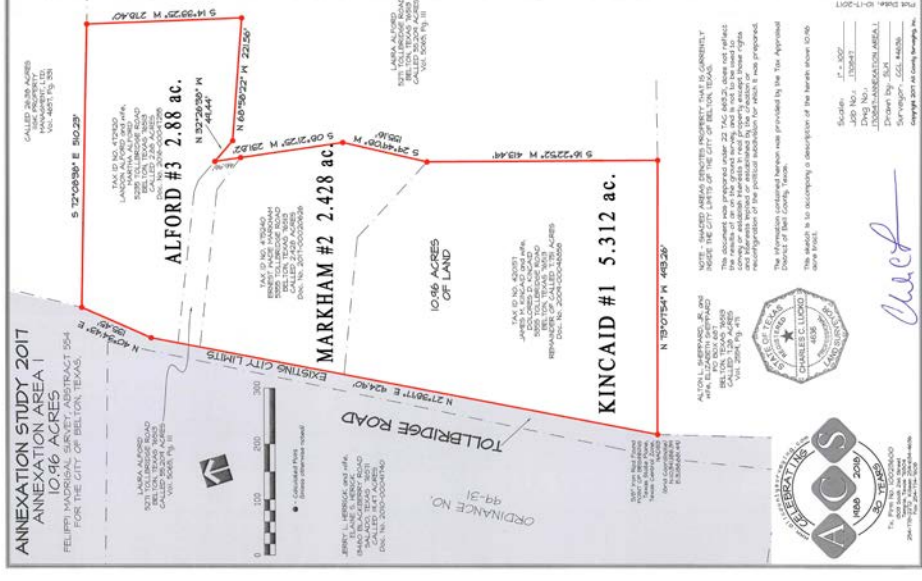
## Special City Council Meeting

### November 21, 2017

- Council may consider annexation of all, some, or none of this Study Area.
- Two Ordinances provided for your consideration:
  - 6A: All of Area 1 – 10.96 acres - Recommended
  - 6B: Kincaid portion, Tract 1 – 5.312 acres

### Recommendation:

Recommend Ordinance 6A on 1<sup>st</sup> Reading, annexation of 10.96 acres, with Second Reading on November 28, 2017.



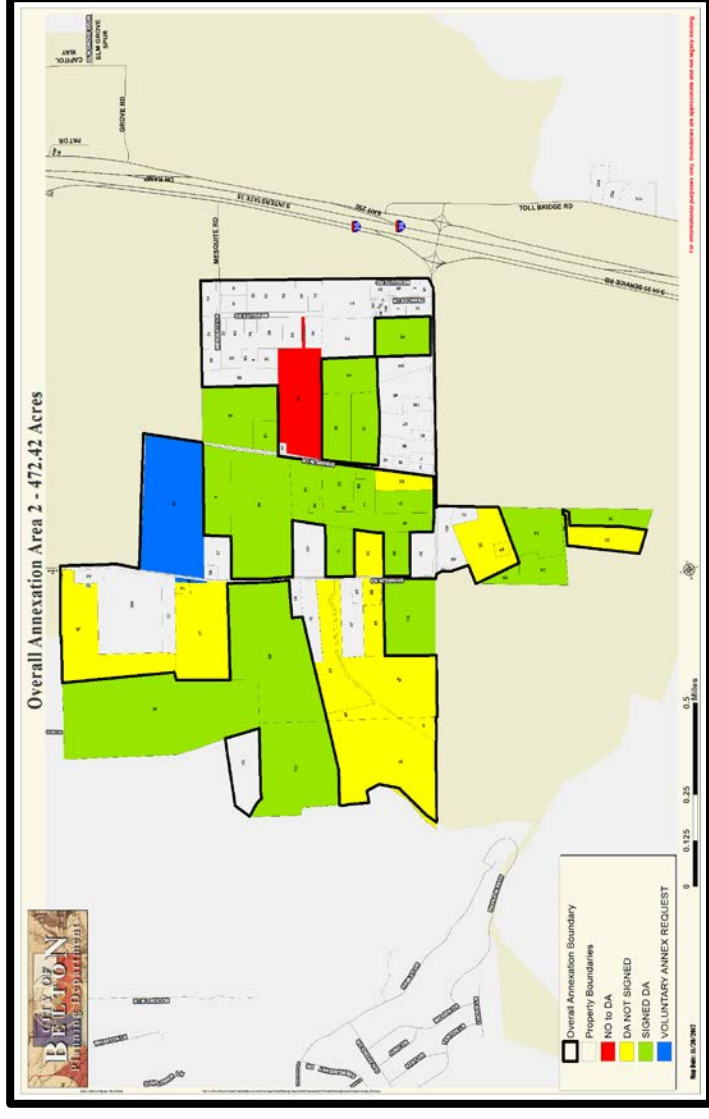
# Growth Management Study Area 2 - Agenda Items 7A

## Special City Council Meeting

### November 21, 2017

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- 29 property owners within Area 2 signed Non-Annexation Development Agreements for 10 years, owners of 18 parcels did not sign, and 1 owner declined to sign.
- Development Agreements represent, in most cases, developable land located in Belton's prime growth area – south of Loop 121 and BIRD school site, west of IH-35, east of the Three Creeks Subdivision Development, and along Shanklin Road and Shanklin Lane.
- Non-Annexation Development Agreements are a bridge to timely annexation and development, and will trigger annexation review when development desired. No city service obligation will be required to these tracts until that time.





# Growth Management Study Area 2 - Agenda Items 7A

## Special City Council Meeting

### November 21, 2017

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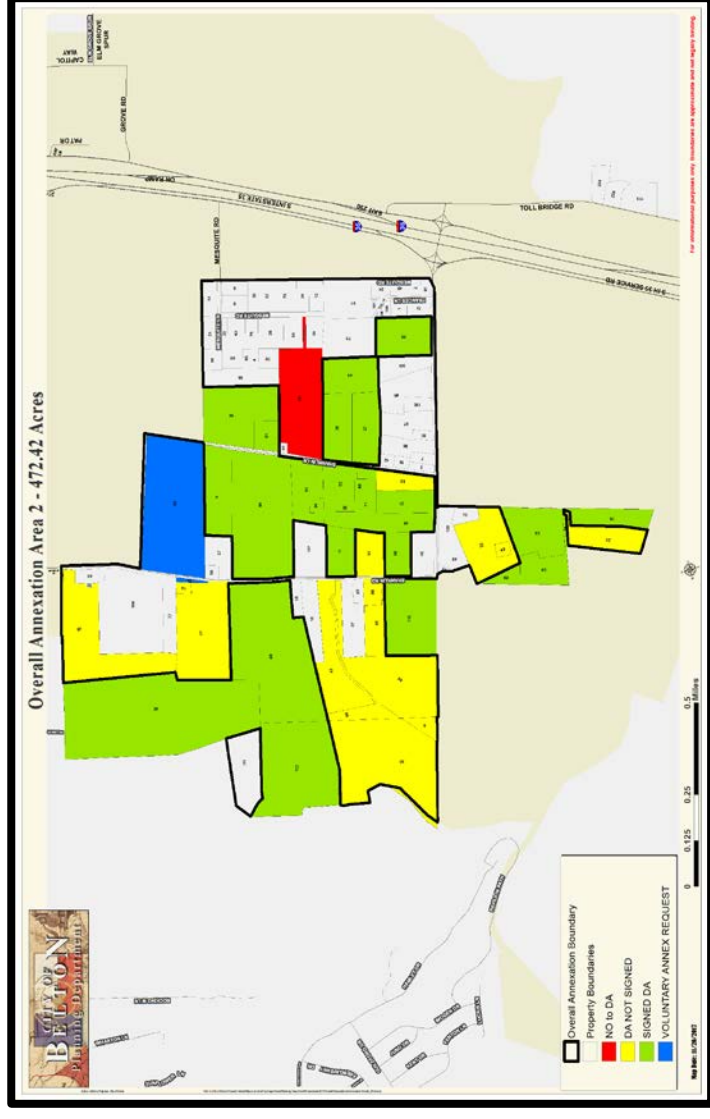
- Development Agreements help us limit the annexation recommendation in Area 2, and they should be approved for recording since they are:

- ✓ Legally required
- ✓ Facilitate long range planning
- ✓ Protect current and future development
- ✓ Avoid establishment of incompatible land uses
- ✓ Avoid premature annexation and need to extend city services

- Submissions by noon November 22, 2017 could be presented November 28, 2017.

### Recommendation:

Recommend approval of executed Development Agreements and recordation.



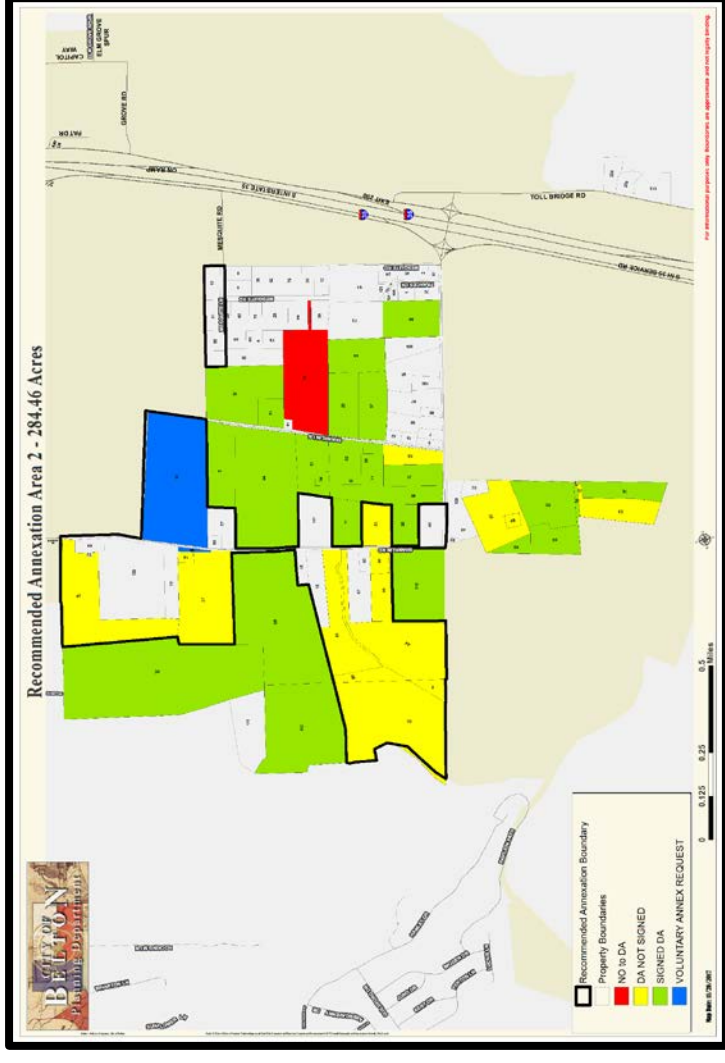
# Growth Management Study Area 2 - Agenda Items 7B

## Special City Council Meeting

### November 21, 2017

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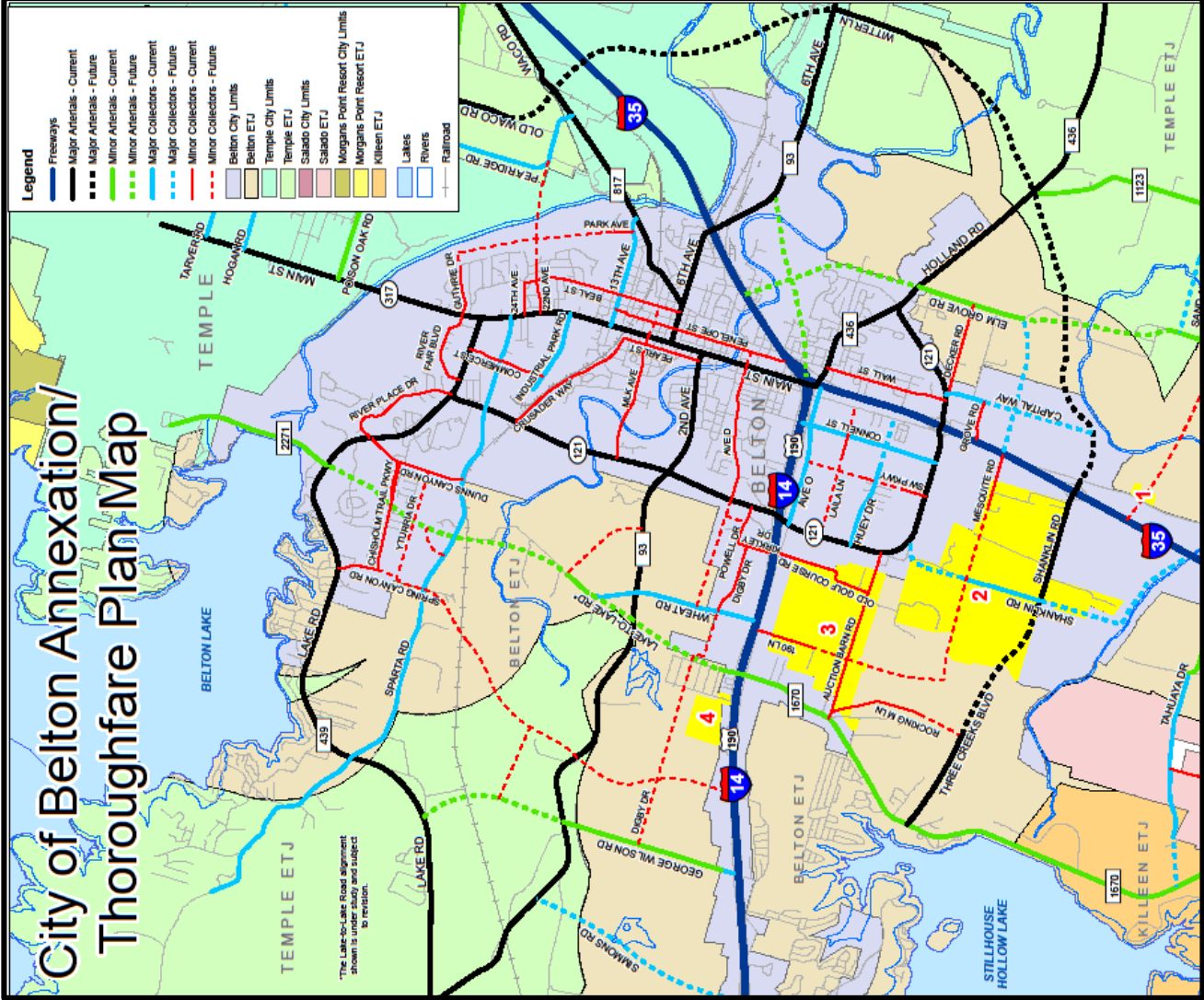
- Consider Alternate Annexation Ordinances on Area 2.
- Area 2 is important to the City's future growth and development for a number of reasons:
  - ✓ Belton city limits surrounds Study Area 2 on 3 sides
  - ✓ Loop 121 to the north, IH-35 to east, with new interchange at IH-35/Shanklin
  - ✓ Future BISD school campus site located on Shanklin Road at its north end, and Bell County Expo Equestrian Center located adjacent to the north
  - ✓ Three Creeks Subdivision with projected 1,500 homes, located to the west
  - ✓ Planning critical for future infrastructure needs – roads, water, sewer, drainage in this southwest Belton quadrant
  - ✓ Property in Belton's water and sewer service area
  - ✓ Thoroughfare Plan projects Shanklin Road (N/S) and Mesquite Road/Lane (E/W), for future extension between IH-35 and Shanklin (N/S)
  - ✓ Annexation appropriate consideration to preserve corridors like Shanklin and Mesquite
  - ✓ Balance of properties NOT subject to Development Agreement, may be considered for Annexation by Council





# City of Belton Annexation/ Thoroughfare Plan Map

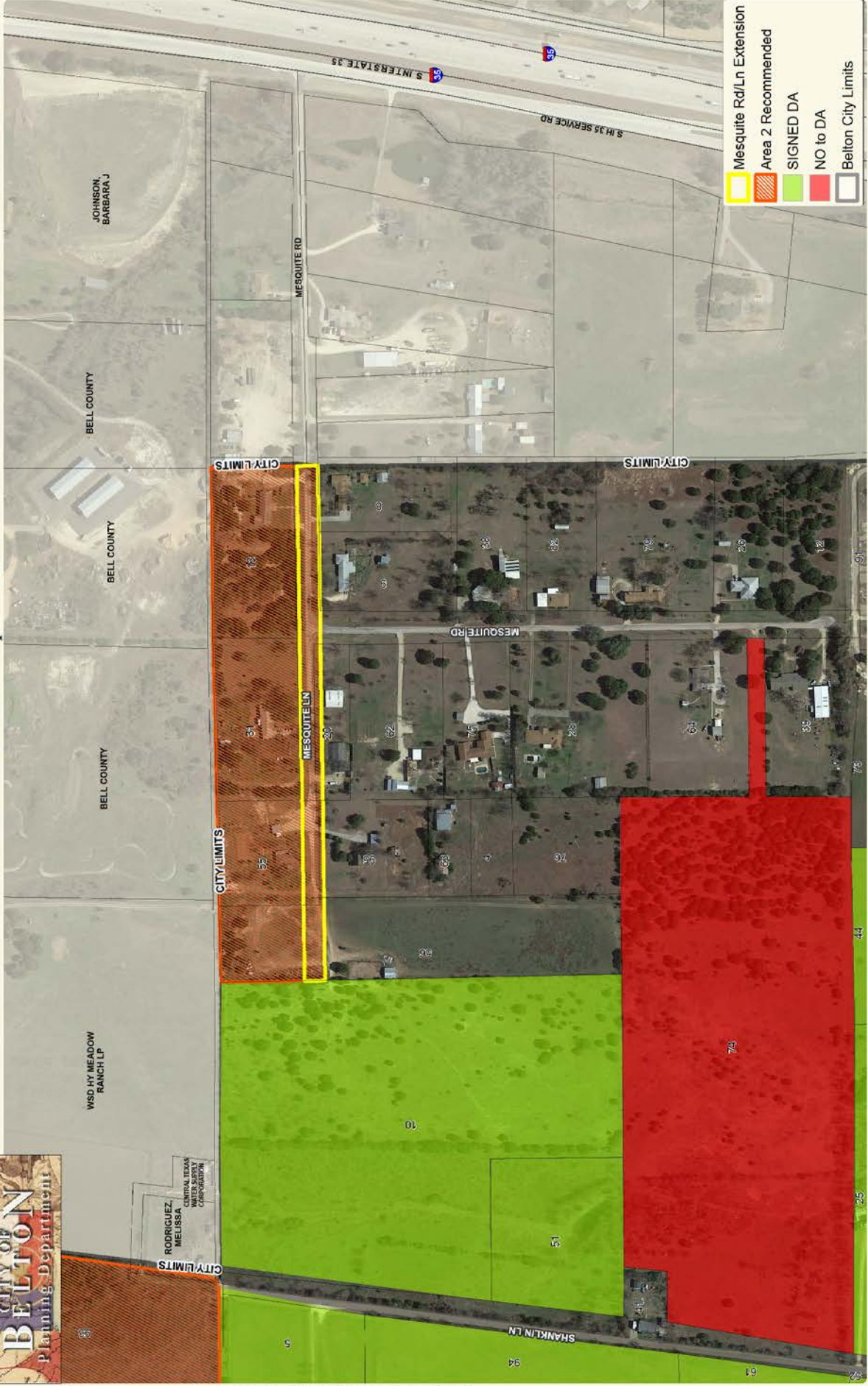
The Lake-to-Lake Road alignment shown is under study and subject to revision.



Annexation 2017 - Mesquite Ln Area



RODRIGUEZ,  
MELISSA  
CENTRAL TEXAS  
WATER SUPPLY  
CORPORATION



Map Date: 11/21/2017

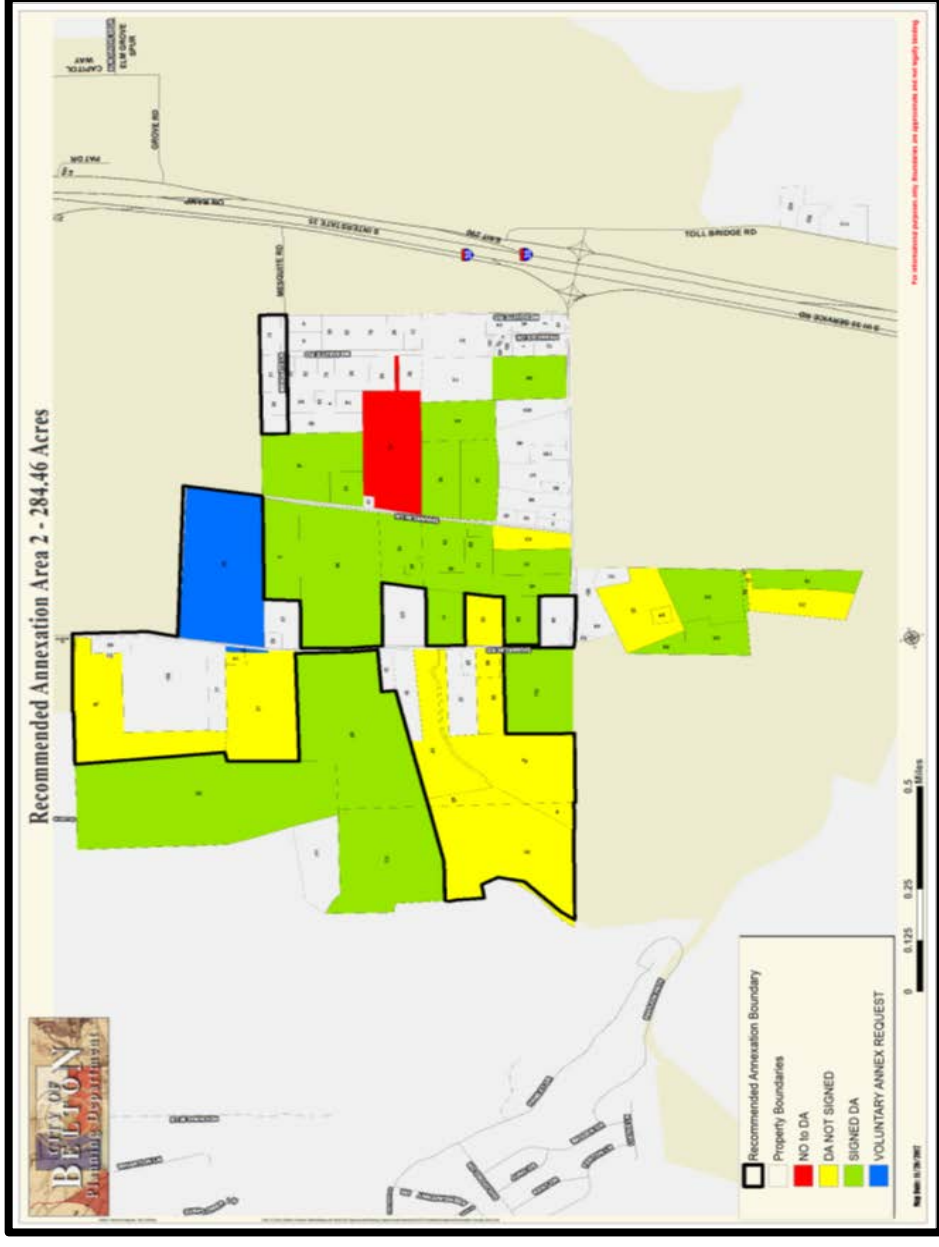
For informational purposes only. Boundaries are approximate and not legally binding.

# Growth Management Study Area 2 - Agenda Items 7B

## Special City Council Meeting

### November 21, 2017

- Executed Development Agreements suggest more limited boundary, focused on Shanklin Road (N/S) and Mesquite Road/Lane (E/W)
- Addresses City's planning objectives for future including:
  - ✓ Shanklin Road (N/S) corridor, important collector street between BISD school site and Shanklin (E/W)
  - ✓ Mesquite Road/Lane (E/W) preserves important corridor of properties to provide for minor collector street, projected to extend from IH-35 to Shanklin Road (N/S).





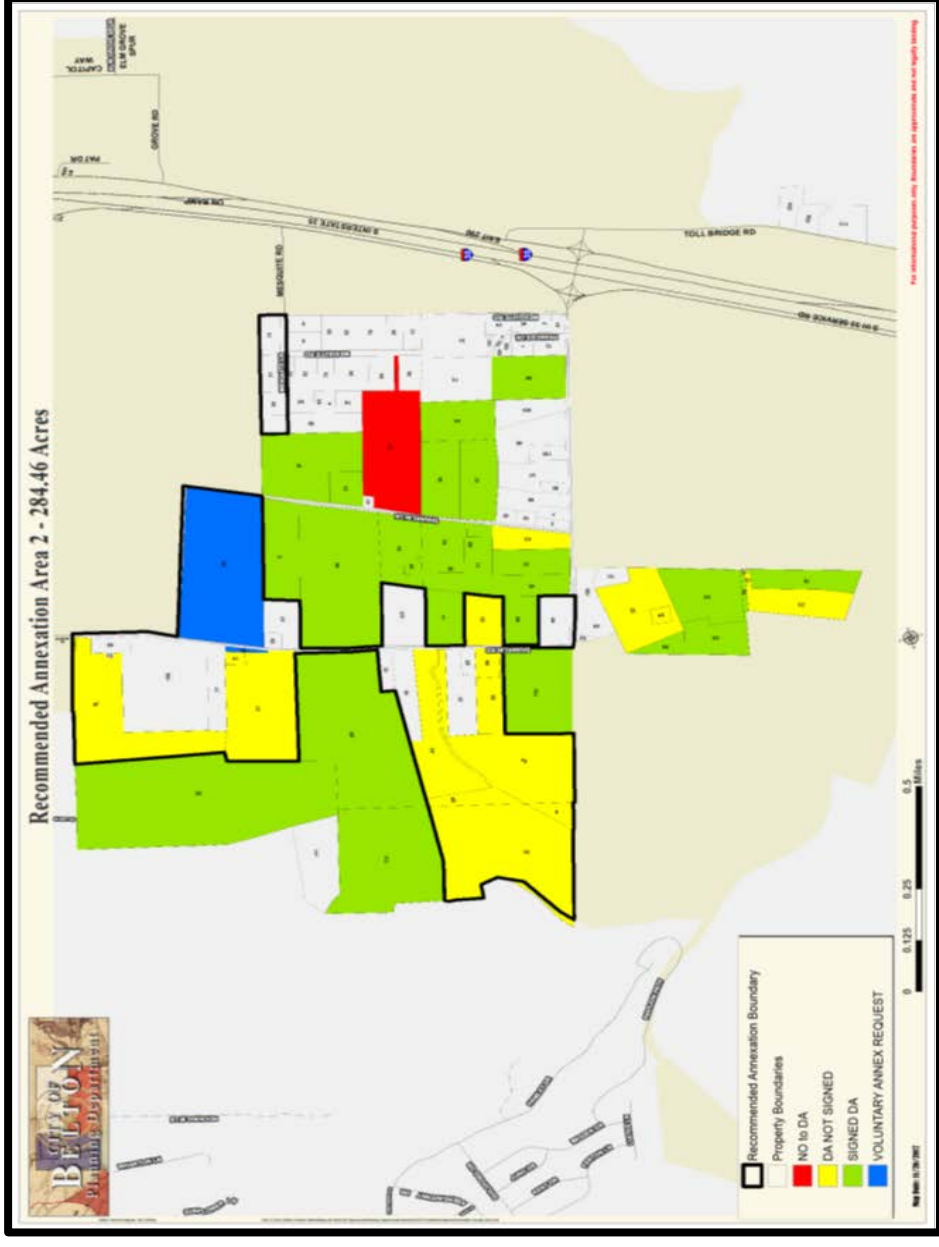
# Growth Management Study Area 2 - Agenda Items 7B

## Special City Council Meeting

### November 21, 2017

- Key reasons to consider Annexation of this reduced portion of Area 2 include:

- ✓ The BISD site, located at the north end of the proposed boundary, is a voluntary annexation petition
- ✓ Proposal represents a focus on the most critical corridors of Shanklin (N/S) and Mesquite (E/W), located just south of Loop 121 and west of IH-35
- ✓ Extension of City services to area is realistic
- ✓ City water and sewer CCN is in place
- ✓ Development Agreements on large nearby tracts will facilitate future planning as development occurs, and substantially eliminates the need to include Shanklin Lane and Lampasas Lane, and adjoining properties, in annexation recommendation at this time.
- ✓ The single rejected Development Agreement (red), on property owned by Roy Meade (23 ac), could be considered for annexation.



# Growth Management Study Area 2 - Agenda Items 7B

## Special City Council Meeting

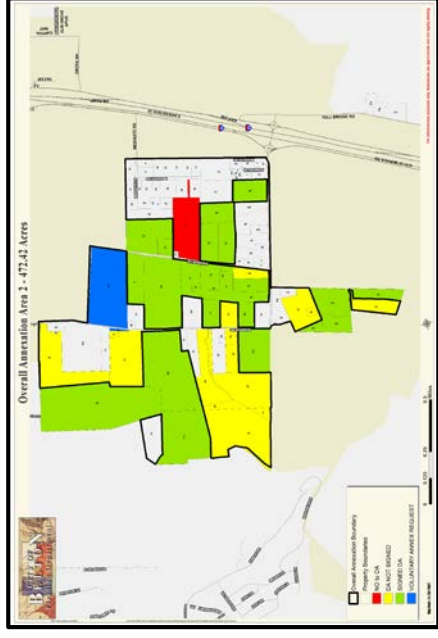
### November 21, 2017

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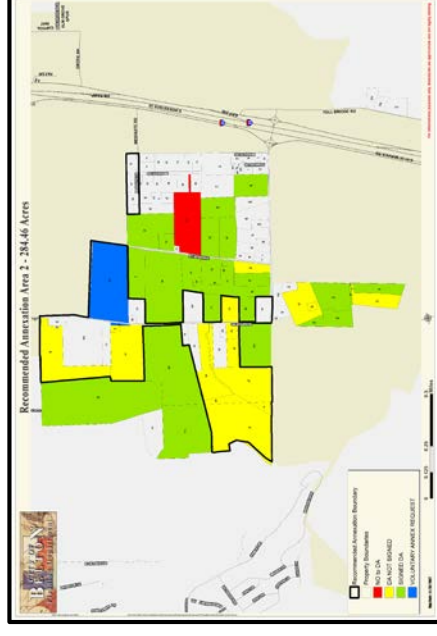
#### **Recommendation:**

Council may consider annexation of all or any portion of the 472.46 acre tract not covered by a Development Agreement.

Ordinance 7B(1) would annex all 472.46 acres and is not recommended.



Ordinance 7B(2) would annex 284.46 acres and is recommended with 2<sup>nd</sup> Reading on 11/28/17. Also, seek Council consideration of annexing the Roy Meade tract on Lampasas Lane, a 23 acre tract.

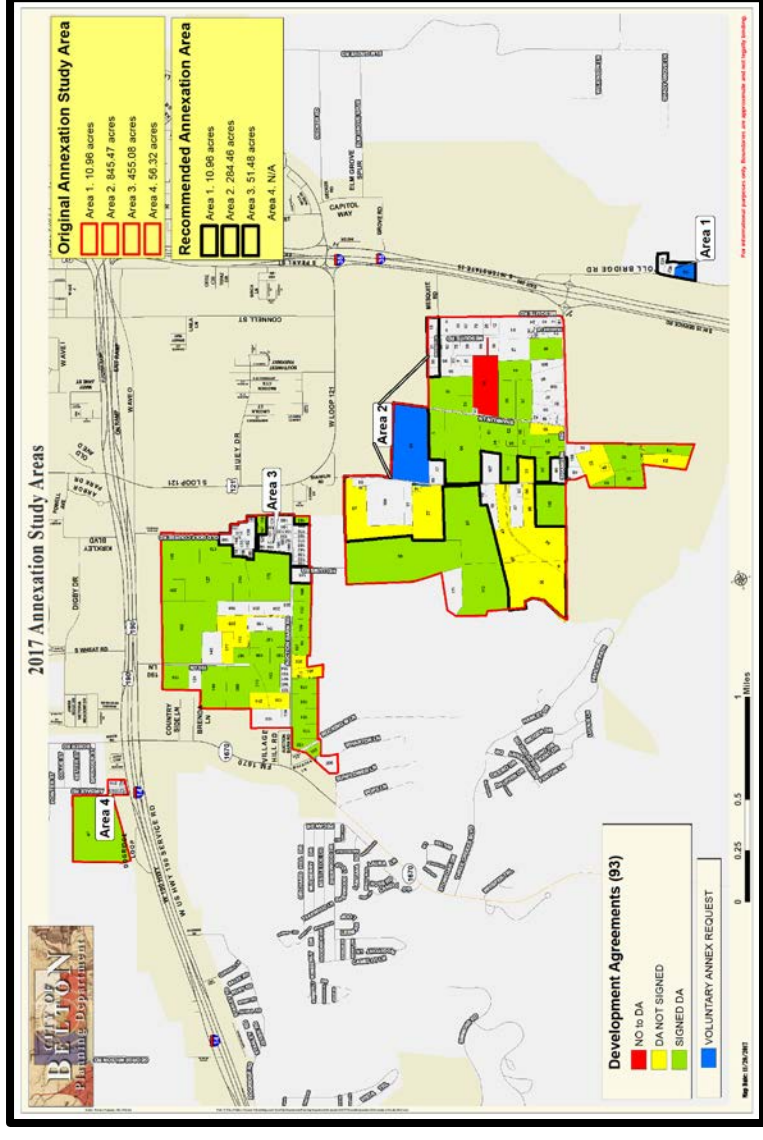


# Growth Management Study Area 3 - Agenda Items 8A

## Special City Council Meeting

### November 21, 2017

- 34 property owners within Area 3 signed Non-Annexation Development Agreements for a 10 year period, owners of 10 parcels did not sign.
- Development Agreements represent, in most cases, developable land located in Belton's prime growth area – along and south of IH-14/US-190, east of FM 1670, north of Auction Barn Road, and west of Old Golf Course Road.
- These Non-Annexation Development Agreements provide the bridge to timely annexation, and development will trigger a consideration for voluntary annexation when desired and, until that time, the City will have no obligation for Municipal Services here on these properties.





# Growth Management Study Area 3 - Agenda Items 8A

## Special City Council Meeting

### November 21, 2017

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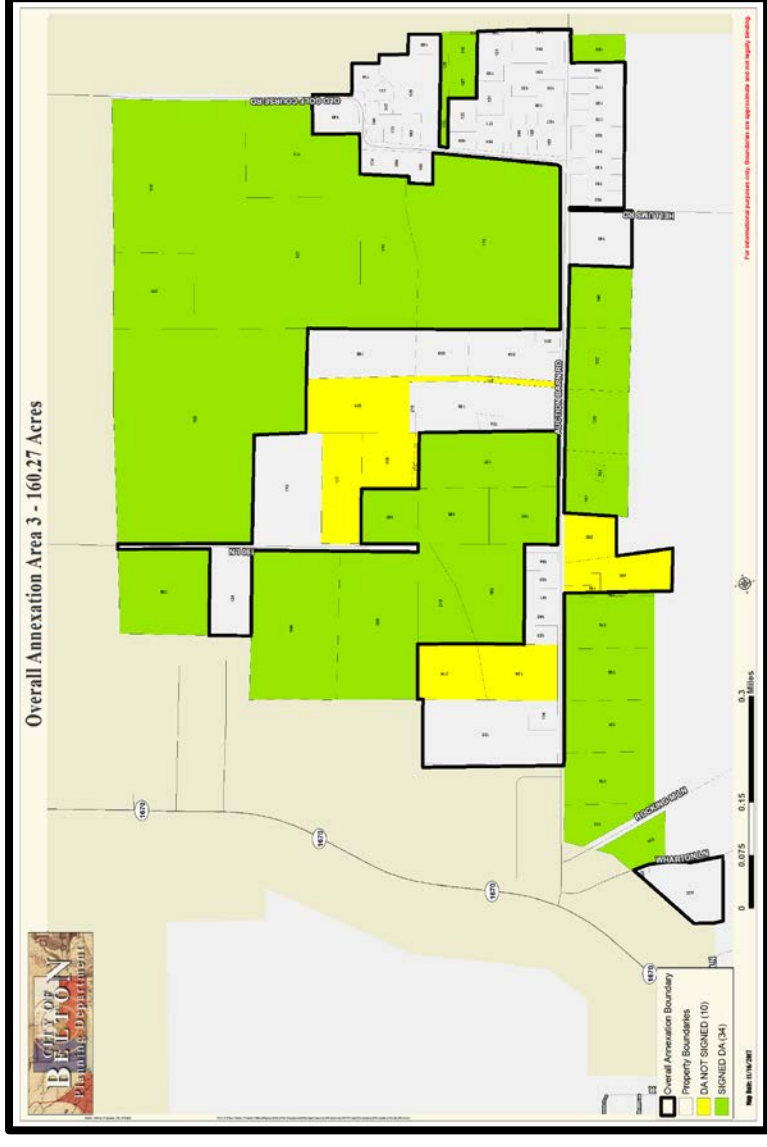
- Development Agreements help us limit the annexation recommendation in Area 3, and they should be approved for recording since they are:

- ✓ Legally required
- ✓ Facilitate long range planning
- ✓ Protect current and future development
- ✓ Avoid establishment of incompatible land uses
- ✓ Avoid premature annexation and need to extend city services

- Submission by noon November 22, 2017 could be presented November 28, 2017.

### **Recommendation:**

Recommend approval of executed Development Agreement and recordation.





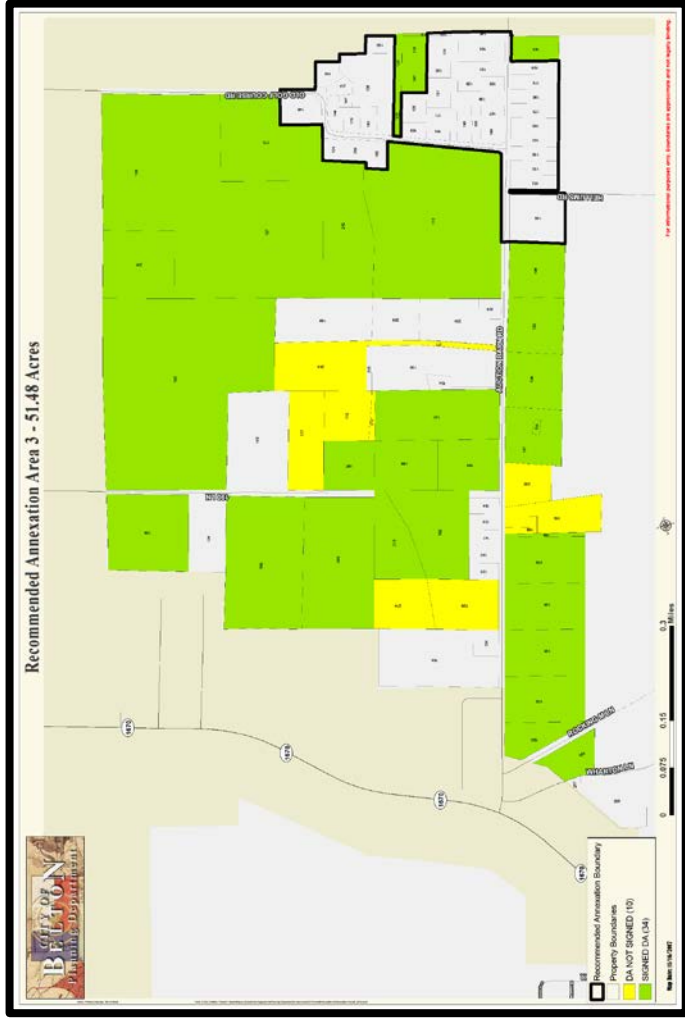
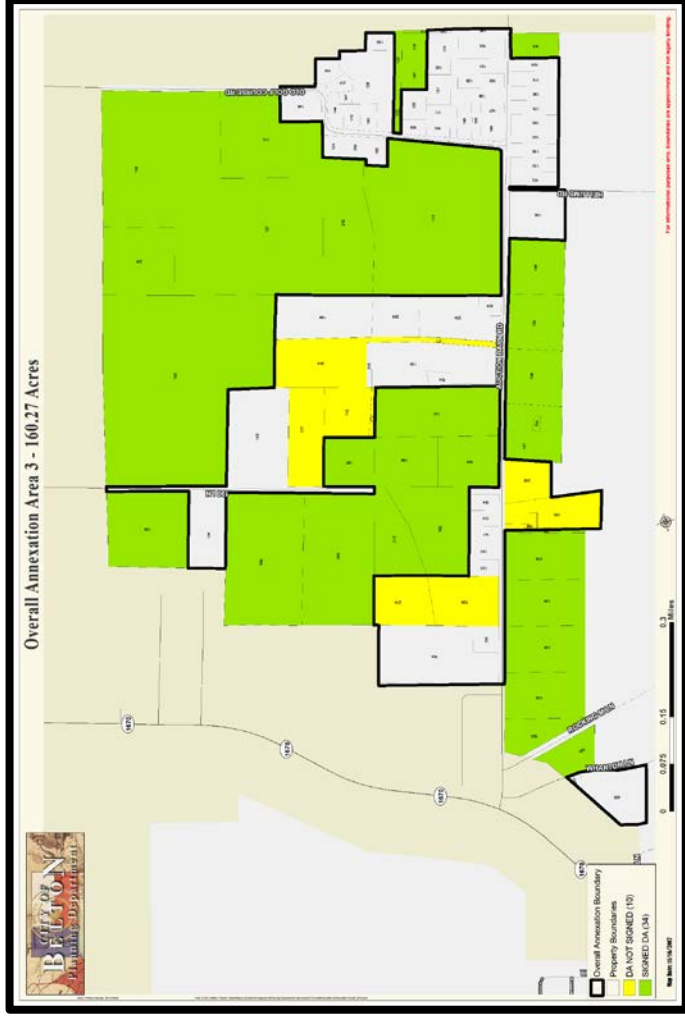
# Growth Management Study Area 3 - Agenda Items 8B

## Special City Council Meeting

### November 21, 2017

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- Properties not subject to Development Agreements may be considered for annexation and total 160.27 acres: 8B(1)
- Executed Development Agreements suggest a more limited boundary, a total of 51.48 acres: 8B(2)



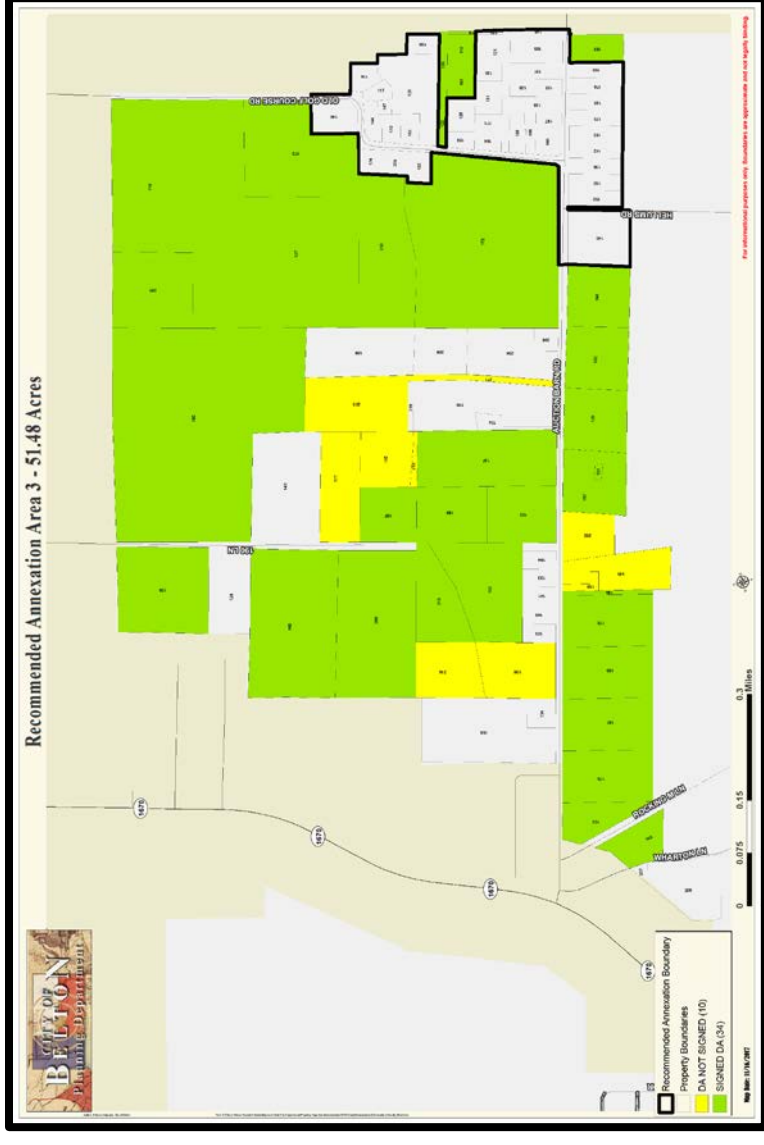
# Growth Management Study Area 3 - Agenda Items 8B

## Special City Council Meeting

### November 21, 2017

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- Key reasons to consider Annexation of this reduced portion of Area 3 totaling 51.48 acres include:
  - ✓ Close proximity to the City Limits on two sides
  - ✓ Anticipated nearby development – Expo, BISD, Loop 121 Expansion
  - ✓ Belton Water and Sewer CCN
  - ✓ Logical extension of city services and opportunity for enhanced services to property owners – Police, Fire, EMS, Water
  - ✓ Thoroughfare Plan importance of Auction Barn Road (minor collector between Loop 121 and FM 1670/Lake to Lake Road) and Old Golf Course Road (minor collector between IH-14/US-190 and Auction Barn Road)
  - ✓ Preservation of the Auction Barn/Hellums Road corridor for street circulation to future development to south
  - ✓ Development Agreements on large nearby tracts will facilitate future planning





# Growth Management Study Area 3 - Agenda Items 8B

## Special City Council Meeting

### November 21, 2017

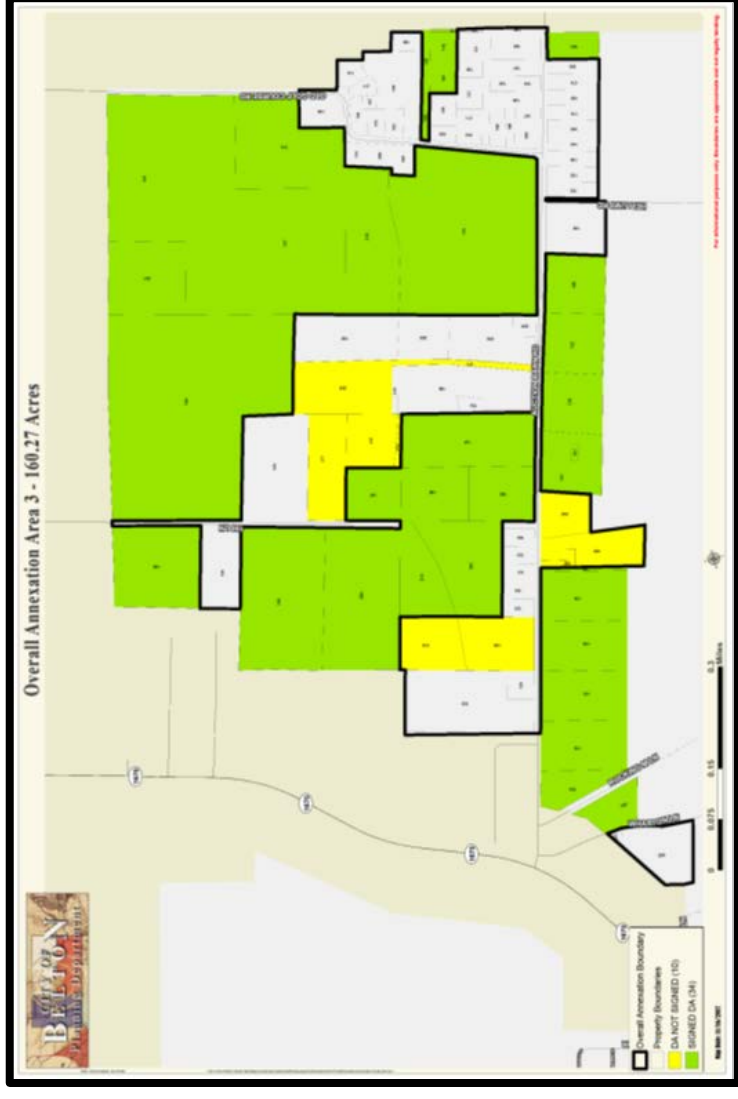
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#### Recommendation:

Council may consider annexation of all or any portion of 160.27 acres not covered by Development Agreements.

Ordinance 8B(1) would annex all 160.27 acres and is not recommended.

Ordinance 8B(2) would annex 51.48 acres and is recommended, with 2<sup>nd</sup> Reading on 11/28/17.



- Jay Lovorn has signed the Development Agreement for his approximately 52 acre tract.
- Mr. Lovorn has expressed no serious development interest in the property in the foreseeable future, and seeks Council approval of Development Agreement.
- The 4.348 acre remainder was included in the Study Area due to some development potential and to align the existing city limit boundary west and east along IH-14/US-190 in a similar manner.
- This 4.348 acre tract is located outside Belton's water service area (DRWSC).
- If not annexed, the 4.348 acre tract will not be subject to the City's Development Standards and Code Enforcement.





# Growth Management Study Area 4 - Agenda Items 9A and 9B

## Special City Council Meeting

## November 21, 2017

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### Recommendation:

9A: Approve Development Agreement and recordation.

9B: Recommend disapproval of Ordinance annexing 4.348 acre remainder.



# Fats, Oils, Grease and Grit Program

City Council

November 21, 2017

EXHIBIT "B"

# Purpose of the FOG Ordinance

- Protect the City's sewer infrastructure
- Reduce risk of sewer overflows in the street and back-ups into businesses and homes
- Maintain/reduce sewer washing operations
- Work with businesses to ensure compliance



# FOG Program Summary

## Who?

- Applies to all new & existing non-residential generators of FOG & transporters of grease and grit waste

## Grease/Grit Trap Sizing

- Uniform Plumbing Code Formula; Minimum sizing requirements for car washes
- Will allow for self-cleaners and alternative treatments
- Staff will work with existing business to allow smaller sized units, but more frequency cleaning cycles may be required

## Cleaning Frequency

- Grease Traps: Every 90 days, Grit Traps: Every 180 days, Exceptions can be made to allow for extensions in cleaning frequencies up to once per year; Waste manifest to City within 10 days of cleaning

## Enforcement

- City Inspections (Environmental Specialist Technician)
- A violation of any provisions of this ordinance will result in a Class C Misdemeanor

# How does this affect existing businesses?

- Existing businesses which are “waste generators” will need some sort of grease/grit/hair traps.
  - Typical locations for these types of traps: Restaurants, pet grooming facilities, hair salons, car washes, automotive or heavy machinery repair, etc.
- Staff will work with them on accommodating smaller units with more frequent cleaning cycles.
- Up to 365 days to come into compliance.
- Public education, flyers, notifications, letters, site visits

**Recommendation: Conduct a public hearing and approve the ordinance.**



# Cross Connection Control and Backflow Prevention Program

City Council

November 21, 2017

EXHIBIT "C"

# Backflow

- Backflow is the undesirable reverse flow of non-potable (non-drinkable) water.
- Preventing backflows is crucial to protecting drinking water quality.
- TCEQ requires the City to manage backflows and cross connections.
- The City currently has an abbreviated program that pertains to irrigation only.
- A comprehensive program for ALL connections is required.
- In August, TCEQ performed an inspection of the City's water system. The inspector noted that a backflow ordinance and program is required in order to maintain compliance with TCEQ.

# Backflow Program Summary

## Who is required to have backflow devices?

- Where potential backflow or cross connection hazard exists.
- Backflow devices are not required at any residence or facility where there is no actual or potential contamination hazard.

## Authority

- TCEQ requires the City to provide a backflow program and manage backflow and cross connections.
- City may refuse to initiate water service or discontinue present water service if a potential hazard exist and/or adequate protection has not been provided or reported.

## Customer Responsibilities

- All backflow prevention assemblies shall be tested by a certified tester upon installation, repair, alteration, relocation, **annually** and prior to being placed into service; installation of the device and testing is at the customer's expense.

## Testers

- Testers must be certified by the State.
- Testers must be registered with the City. Registrations are valid for 1 year.

# Backflow Program Summary Continued

## Types of Devices Required

- TCEQ Minimum Standards are Required. Examples are air gaps, atmospheric vacuum breakers, double check valve, pressure vacuum breaker, reduced-pressure principle backflow assemblies.

## New and Existing Facilities

- All new facilities are required to comply with the requirements of this policy.
- All existing facilities must come into compliance with this policy within 180 calendar days.

## Enforcement and Penalties

- Environmental Compliance Position
- Violation of any provisions of this ordinance will result in a Class C Misdemeanor
- At any time, the City may terminate water services due to non-compliance

# What's Next?

1. Educate public, flyers, water bill notifications, revise the new water customer application
2. Develop database of existing customers with the understanding that it will take time to be fully aware of all devices. Staff will utilize the existing testing forms (multiple binders), irrigation meters, multiple metered accounts, building permits, etc.
3. Work with businesses to get the correct backflow device installed and start catching up on the required testing
4. Continue working with new businesses and new developments
5. Amend the current irrigation ordinance

**Recommendation: Conduct public hearing and approve ordinances.**



# **SMALL CELL NODES**



City Council Meeting

November 21, 2017

# SENATE BILL 1004

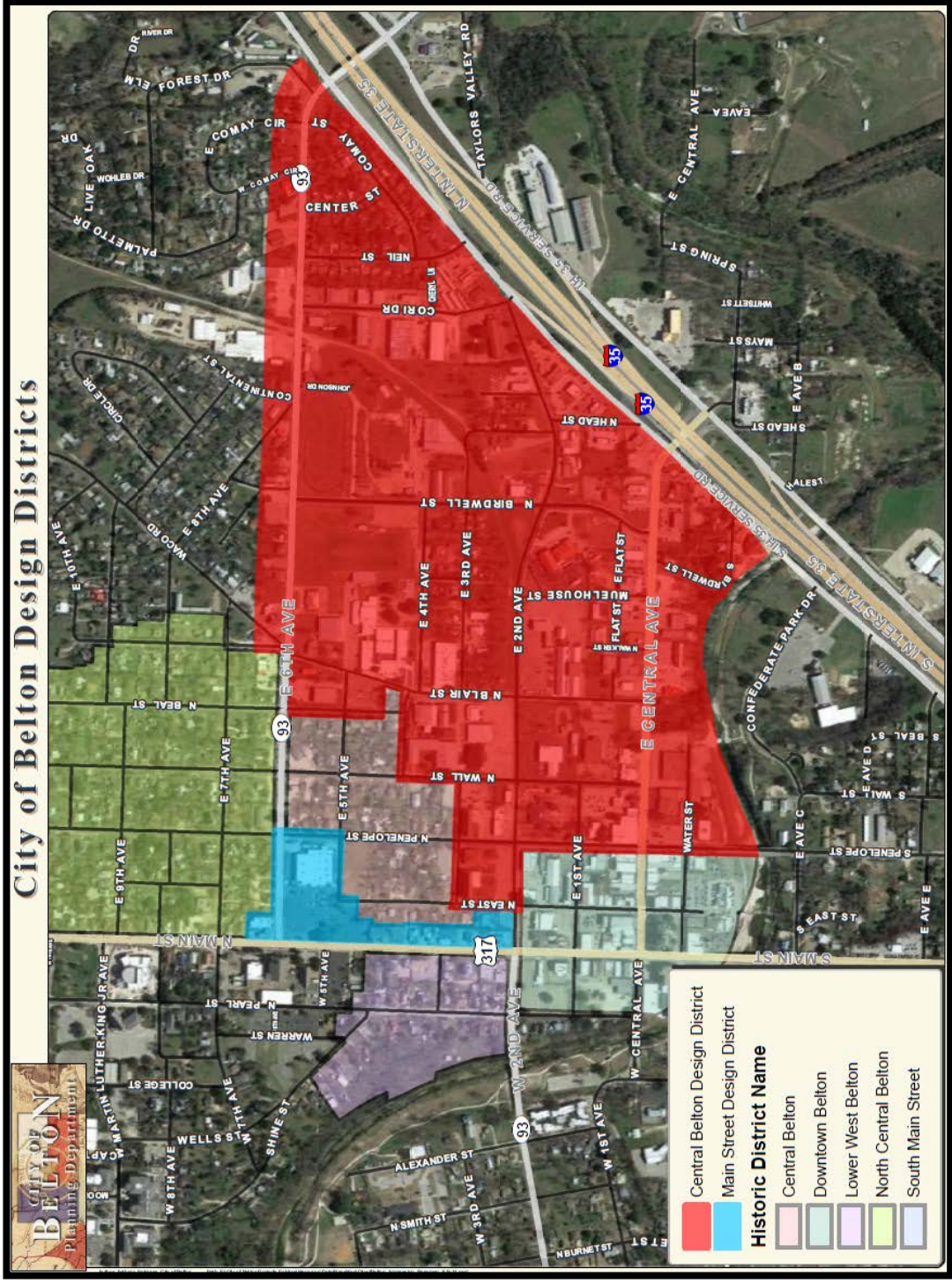
- Senate Bill 1004 (effective September 1, 2017) created Chapter 284. “Deployment of Network Nodes in Public Right-of-Way”.
- Chapter 284 requires municipalities to allow small cells within the public right-of-way and on city infrastructure.
- Important facts about Chapter 284:
  - Mandated access to city infrastructure in ROW.
  - Unless approved by the City, cannot utilize city parks or be placed in the ROW of residential areas if the streets are 50 feet wide or less
  - Special regulations (concealment) for areas within designated design and historic districts
- Includes:
  - Network Nodes – Wireless communication equipment (not the pole)
  - Node Support Poles – New pole to support network node facility
  - Transport Facility – physical fiber or line connection between the network node in the ROW and cellular network’s mobile switching location.
  - Micro Network Node – Strung on lines between poles or node support poles





# PROHIBITED AND PREFERRED LOCATIONS

- Prohibited or Restricted Areas
  - Residential Areas
  - Municipal Parks
  - Historic Districts (5)
  - Design Districts (2) (NEW!)
  - Historic landmarks recognized by the City, state, or federal government
- Allowed/Preferred Locations
  - On existing infrastructure\*
  - Industrial Areas
  - Retail and Commercial Areas



# 1. SMALL WIRELESS FACILITY SITTING ORDINANCE

Purpose: clarify requirements as allowed by law; establish policies and procedures for the placement of node support poles and network nodes in the public ROW.

Included in the ordinance:

- ROW permit is required
- Within 90 notice from the City for construction, repair, maintenance, etc., network provider is required to relocate within ROW
- Removal of node requirements (90 days after their notice of abandonment)
- Fees are required per City's Fee Schedule
- Attachment Service Agreement is required – can be modified as needed
- Must comply with Design Manual



## 2. AMEND RIGHTS-OF-WAY ORDINANCE

1. Include Network Nodes as a “Facility”
2. Facilities placed in a historical or design district may be prohibited or at minimum, be required to be black powdered coated and/or be reasonably camouflaged to match the surrounding environmental and aesthetics.
3. Upon a person’s abandonment of facilities, the person must notify the City and remove the facilities within 90 days.
4. Facilities should not violate ADA requirements.
5. The person shall remove all graffiti on any of its facilities.
6. Any damage done to the ROW due to the installation, maintenance, removal, etc. of facilities shall be repaired at the person’s expense within 10 days.





# 3. APPENDIX TO DESIGN MANUAL

- Purpose: more detailed requirements
- Spacing – 300 feet minimum from other network node poles
- Electrical Supply - Network Provider is responsible for their own electrical service. Generators are not allowed.
- Concealment or camouflage is required, except areas zoned Light or Heavy Industrial, requirements for auxiliary equipment
- Allowed Colors:
  - Historic/Design Districts: black powdered coated and/or be reasonably camouflaged to match the surrounding environmental and aesthetics.
  - Attached to a structure: earth tones or shall match the background of any structure the facilities are located upon.
  - Colors in areas other than in Historic Districts and Design Districts: conform to colors of other installations of telecommunication providers in the immediately adjacent areas.



# RECOMMENDATION

Conduct a Public Hearing and Adopt the Following:

1. Adopt the proposed Small Wireless Facility Siting Ordinance.
2. Approve the amendments to the Rights-of-Way Management Ordinance.
3. Adopt an appendix to the City's Design Manual for Installation of Network Nodes and Node Support Poles.

