

Belton City Council Meeting
May 28, 2019 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Wayne Carpenter and Councilmembers David K. Leigh, Craig Pearson, Dan Kirkley and John R. Holmes, Sr. Councilmember Guy O'Banion was absent. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Brandon Bozon, Chris Brown, Matt Bates, Paul Romer, Bob van Til, Bruce Pritchard, Wes Gilbreath, Angellia Points, Charlotte Walker, Cynthia Hernandez, Judy Garrett, Kim Kroll, Cheryl Maxwell and Kelly Atkinson.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember David K. Leigh, and the Pledge of Allegiance to the Texas Flag was led by Director of Public Works Angellia Points. The Invocation was given by Bruce Lovesmith, Associate Pastor of Fellowship Baptist Church.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:32 p.m.
2. **Public Comments.**

There were none.

Consent Agenda

Items 3-6 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.

3. **Consider minutes of May 14, 2019 City Council meeting.**
4. **Consider approving a contract with Control Panels USA for the installation of SCADA infrastructure at the new Dawson Ridge and Hubbard Branch lift stations.**
5. **Consider authorizing a Façade Improvement Grant (FIG) request to Robert Gaines, 102 East Central Avenue.**
6. **Consider an ordinance amending Chapter 2, Article II, Section 2-26 of the Code of Ordinances regarding the number of board members serving on the Board of Directors for the Lena Armstrong Public Library.**

Upon a motion by Councilmember Leigh and a second by Councilmember Holmes, the Consent Agenda, including the following captioned ordinance, was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-26 OF THE CODE OF ORDINANCES REGARDING THE NUMBER OF MEMBERS SERVING ON THE LIBRARY BOARD OF DIRECTORS; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Regular Agenda

7. Hold a public hearing and consider an ordinance adopting the updated Public Works Design Manual.

Director of Public Works Angellia Points said the City adopted the Public Works Design Manual on May 8, 2018. She explained that City Staff held a stakeholder meeting to discuss proposed revisions to the Design Manual on April 16, 2019, following a review that started in March 2019. Comments were received at the stakeholder meeting, and revisions resulting from the meeting were distributed to the stakeholders via email with a request for additional review and comment. No comments were received after the revisions were distributed.

Mrs. Points summarized each of the proposed revisions:

- General Requirements
 - Global name change from Design Manual to Public Works Design Manual.
 - Add tree trimming and pruning requirements.
 - Add environmental assessment and clearance requirements by reiterating the Texas Antiquities Code.
- Transportation
 - Add doweling requirements.
 - Modify curing compound notes.
 - Clarify valley gutter detail.
- Drainage
 - All safety end treatments for pipes 36 inches and less shall be precast.
 - Subdivisions must have erosion control along each lot prior to the City accepting the subdivision. Inlet protection is also required. Owner of the lots must maintain the erosion control through the home building process.
- General Utilities
 - Minimum clearance around utilities shall be 12 inches. When this is not possible, the pipeline must be encased.
 - Modify the air and vacuum release valve.
- Water
 - Clarify meter type, service poly line material.
 - When a bypass line is used, it needs to be metered.

- Wastewater
 - Offsite manhole reflectors must be green, yellow, or orange in color.
 - Water-tight manholes need to have a trowel-able sealant or approved equivalent around the joints and rings.

Mrs. Points said that Staff believes the revisions are acceptable to the stakeholder community given the responses at the stakeholder meeting and because no additional responses were received following distribution of the revised documents.

Mayor Grayson asked if the products required to be purchased by homeowners are readily available. Mrs. Points said they are available at pipe supply companies such as ACT. Mrs. Grayson said she doesn't want to approve the manual if it requires homeowners to use items that they cannot readily purchase.

Mayor Grayson opened the public hearing.

Marty Janzcak, 12 N. 5th Street in Temple, representing homebuilders in the area, said he appreciates the stakeholder meeting. The attendance at the meeting was a good mixture of builders and developers, and the comments were incorporated into the manual. He also noted that the State legislature recently passed HB852 related to the way permits are issued, and added that HB2439 is sitting on the Governor's desk waiting to be signed. This bill deals with specifications of product specific mandates. He cautioned that the City may need to change specific product types in the future to more generic specifications.

Seeing no one else wishing to speak, Mayor Grayson closed the public hearing.

Councilmember Leigh said there may be additional costs for some requirements that are possibly not adding value. He used the City logo requirement on manhole covers as an example. He asked if there was an additional cost this requirement. Mrs. Points said that the manufacturer has assured her there is no additional cost for the logo. Councilmember Holmes explained that he has been told that the logo costs extra. Mrs. Points said when the requirement was included in the original Design Manual, the manufacturer said there was no additional cost. She added that she will verify this with the manufacturer.

Mr. Leigh suggested that Staff take comments and suggestions from the homebuilder community, as well as homeowners, all throughout the year, and bring those suggestions or revisions to the Council. Councilmember Kirkley suggested that these be addressed at work sessions as they arise.

Mayor Grayson asked if the pending legislation will have an effect on the Design Manual, and wondered if approval of the manual should be delayed until any effect is known. Mrs. Points said that she would like to go ahead and wrap up these changes since there is buy-in from the stakeholder community. She added that if the new laws affect the requirements in the manual, then Staff would bring proposed revisions to the Council at that time.

Mayor Pro Tem Carpenter asked about the tree trimming requirements. He was concerned about the “butchering” that had occurred in the past. He asked if there is any additional type of enforcement to ensure that oak trees are treated properly and to ensure that oak wilt is not spread. Mrs. Points said Staff provides the contractors with the requirements when they apply for permits, but the only enforcement is just to monitor it as time permits. She explained that she couldn’t put an inspector on it full-time due to limited staff.

Councilmember Holmes asked if the requirements were for a developer, or for someone contracted with the City. Mrs. Points said it is not intended for developers. It is mainly for those who do contracted tree-trimming. She added that the way it is currently proposed, it would apply to homeowners although that was not the intent.

Mayor Grayson said it bothers her that the City is making a rule it really can’t enforce. Councilmember Leigh said it is more for the ROW, and not necessarily tree-trimming on private property. He added that the City needs to notify the utility companies about the requirements for tree-trimming and possibly consider making them post a bond to prevent damage to the area trees prior to tree-trimming.

Mrs. Points said she would revise the tree-trimming requirements to only apply to those trimming trees in the ROW. She added that she would look into possibly requiring a bond in the future.

Councilmember Kirkley said it looked to him like some of the personnel trimming the trees were not trained. Councilmember Carpenter added that some homeowners have spent a lot of money to keep their oak trees alive, and they don’t want to lose them.

Councilmember Leigh thanked Mrs. Points for bringing revisions to the Design Manual in a timely manner. Councilmember Pearson thanked the stakeholder community for their participation in the process.

Councilmember Leigh made a motion to adopt the updated Public Works Design Manual with a change for the tree trimming requirement applying only to those trimming trees in the ROW, and to bring other ancillary items discussed back to the Council at the next review. The motion was seconded by Councilmember Pearson, and Item #7, including the following captioned ordinance, was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2019-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ADOPTING THE REVISED PUBLIC WORKS DESIGN MANUAL; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

8. **Hold a public hearing and consider a zoning change from Retail District to Retail District with a Specific Use Permit to allow Used Car Sales on approximately 0.9 acre comprising lots 0009, 0008, 0007, and 0006, Block 2 of Belton Lake Estates at 3286, 3292, 3298, and 3304 Lake Road, on the north side of Lake Road (FM439), east of Lake Ridge Drive.**

Director of Planning Cheryl Maxwell said that this property was annexed in 2006 and is currently zoned Agricultural. A zoning change to Retail District was approved for this property in April, 2018. At that time, this property was for sale and under contract for purchase to develop a convenience store with gasoline pumps and beer/wine sales. The proposed purchaser, Mr. Sharma, planned to relocate his store, Nomads, to the north side of the road. The sale did not go through, and Mr. Sharma withdrew his request prior to the Planning Commission meeting. However, the property owner, Mr. Babcock, reapplied for the zoning change to Retail District, and it was approved. The owner has another party interested in the property and is now requesting a zoning change to add a Specific Use Permit to allow used car sales. The Retail Zoning District will remain as the base zoning district.

Mrs. Maxwell said most of the properties on the north side of Lake Road are outside the City limits and, therefore, have no zoning. This includes the adjacent properties to the north that are residentially developed. Adjacent properties to the west are in the City limits, are zoned Planned Development-Office 1 District, and are currently undeveloped. The adjacent properties to the east are outside the City limits; two seasonal fireworks stands are located there and are currently not in use. East of this are two undeveloped Multi-Family District lots that are inside the City limits. Properties on the south side of Lake Road near this site are zoned Agricultural. The convenience store, Nomads, is located there. East of Nomads is Shady Meadows Mobile Home Park. Other properties in this area are currently undeveloped.

Maxwell explained that the requested SUP is in addition to the current Retail Zoning District. Therefore, all of the uses identified below will continue to be allowed by right, with the additional use of used car sales.

- Any use permitted in the NS or Office Districts
- All alcoholic beverage sales with 50% or less revenue from alcohol
- Auto Parts Sales
- Clinic
- Convenience Store with Gas Pumps
- Discount, Variety or Department Store
- Food or Grocery Store
- Furniture and Appliance Store
- Gasoline or Service Station
- Home Improvement Center
- Laboratory
- Nursing Home
- Restaurant

- Shopping Center and other Retail Uses; Bakery; Clothing and Apparel Store; Fabric Store; Key Shop; Kiosk; Pet Shop; Sporting Goods Store
- Telephone or Utility Business Office
- Wholesale Clubs or Department Stores – no outside storage

Maxwell stated that Staff believes the requested SUP satisfies the criteria for the SUP request. Development must comply with the City's Design Standards including building materials, landscaping requirements, dumpster requirements, lighting, and signage. A site plan has been provided showing the general layout of the proposed business, including landscaping to enhance the visual appearance. Specific site development details will be addressed with the building permit. The business anticipates having two employees with hours of operation generally 10 a.m. to 7 p.m. Monday through Saturday, and 1:00 p.m. to 7 p.m. on Sunday. Perimeter fencing and lighting is proposed for security purposes, and will comply with all requirements in the Zoning Ordinance and Design Standards.

The Future Land Use Map (FLUM) identifies this area primarily as residential use; however, this has already been modified with the Retail zoning that was approved for this tract in 2018. The addition of the requested SUP for used car sales appears appropriate along this major arterial roadway.

Water service to this area is provided by 439 Water Supply Corporation through its CCN for water service. The north side of FM 439 is not in the City's sewer CCN, and no sewer service is currently provided. This property is already platted, and the proposed building location satisfies setback requirements for the Retail Zoning District; however, if the new building envelope crosses a platted lot line, a replat of the property to consolidate lots is required.

The Planning and Zoning Commission met on May 21, 2019, and unanimously recommended approval of this zoning change from Retail District to Retail District with a SUP for used car sales, subject to the conditions below. Staff concurs with their recommendation.

1. The use and development of the property shall conform to the Retail Zoning District in all respects.
2. In addition, a specific use permit is authorized for used car sales, subject to the attached general site plan.
3. The development of the property shall conform to the attached general site plan and all applicable Design Standards per Ordinance 2014-17.
4. Driveways and public parking areas shall be asphalt or concrete.
5. Sign standards shall conform to Ordinance 2008-11.

6. Fencing shall comply with requirements as stated in the Zoning Ordinance and Design Standards (Ordinance 2014-17).

Mayor Grayson said it looks like there is some residential property behind the area. Mrs. Maxwell said that property is outside the City limits, so there is no zoning.

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

Councilmember Leigh pointed out to one of the parties who protested the zoning change that the property is already zoned Retail. The Council will just be adding the SUP to allow for the car lot. He said he isn't a huge fan of used car lots, but they can be made to look nice.

Upon a motion by Councilmember Holmes and a second by Councilmember Pearson, Item #8, including the following captioned ordinance, was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2019-23

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM RETAIL TO RETAIL DISTRICT WITH A SPECIFIC USE PERMIT FOR USED CAR SALES ON A 0.9 ACRE TRACT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

9. Hold a public hearing and consider a zoning change from Planned Development –Single Family One District to Planned Development—Single Family One District with a Specific Use Permit to allow an Accessory Dwelling Unit on Lot 5, Block 3, Dawson Ranch Subdivision, Section I, Phase I, at 3209 Loving Cove, west of Dunns Canyon Road and north of Chisholm Trail Parkway.

Director of Planning Cheryl Maxwell said that this property, and the surrounding properties to the south, east and west, are developed with detached single family homes and were rezoned to a Planned Development District with a Single Family One base zoning district in 2004. The adjacent properties to the north are also zoned SF-1, and are part of The Bluff at Dunn's Hollow Subdivision Phases I and II, currently undergoing development with detached single family homes that are located on the lots backing to the applicant's property.

Mrs. Maxwell explained that the applicant wishes to construct an Accessory Dwelling Unit (ADU) for an elderly parent to reside on-site. The Zoning Ordinance was amended in October 2018 to allow ADUs in certain zoning districts and established basic standards for this use. A newly constructed ADU without a kitchen is allowed

by right as an incidental use on the same lot as the main dwelling unit. However, an ADU with a kitchen requires approval of a Specific Use Permit.

The requested SUP appears to satisfy the required criteria, and the proposed development plan meets all standards for an ADU. The applicant is providing three additional parking areas on site (2 in extended driveway and 1 in the new garage) to accommodate parking needs and minimize any impact to the neighborhood.

At the Planning and Zoning Commission meeting on May 21, 2019, several property owners in this vicinity spoke in opposition to the applicant's request, expressing concerns with the potential for increased traffic, parking concerns, and the ADU becoming a rental unit. Some comments focused on the ADU concept in general, with concerns of increased densities in single family neighborhoods. The Planning and Zoning Commission unanimously recommended approval of this zoning change from PD (SF-1) to PD (SF-1) with an SUP for an ADU, subject to the following conditions:

- The use and development of the property shall conform to the SF-1 Zoning District in all respects.
- In addition, a specific use permit is authorized for an accessory dwelling unit with a kitchen, subject to standards identified in Ordinance 2018-36 and the attached site plan, floor plan and elevations.
- The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17.

Staff concurs with the P&Z recommendation.

Mayor Grayson opened the public hearing.

Barbara Tatom, 3202 Loving Cove: Mrs. Tatom said she lives within 200 feet, and she is perfectly fine with the applicant adding the ADU. She thinks it will look nice.

Cari Starritt-Burnett, 3104 Dunn's Canyon: Ms. Starritt-Burnett spoke in favor of the rezoning to allow the ADU with an SUP. She read an email for a neighbor who was unable to attend the meeting. The neighbor is Barbara Shaw, who lives on Loving Cove, and she is also in favor of the rezoning.

Maria Hall, applicant: Ms. Hall explained that she is the applicant. She asked if the interior floor plan could be redesigned to accommodate her father's request to have the bedroom and bathroom connected since he has mobility issues. She was told that it will be allowable.

Seeing no one else wishing to speak, Mayor Grayson closed the public hearing.

Councilmember Kirkley commended the neighbors for speaking up for the applicant.

Councilmember Holmes said he attended the P&Z meeting on this item. He said that the HOA will not allow for an accessory rental unit, so that should alleviate that concern. He added that HOA is strict on parking as well, so that should not be an issue either. He said he is glad to see that the ordinance is working well because he believes the City will begin to see more of these as more people begin caring for their aging parents.

Councilmember Leigh said that there is a level of ignorance of the restrictions with these types of structures. He said if you sell a piece of property, and you don't like these type of units, you can restrict them through deed restrictions or through an HOA. Mr. Leigh added that ADUs are becoming more popular, He said they are good for the community because the more densely populated a city is, the greater sense of community you have because you are closer to each other. He believes also believes the City will start seeing more of these units, which may lead to more Airbnb properties. He asked if the City has any regulations governing the rental of these type properties. Mr. Listi said that regulations have been considered for bed and breakfast type facilities, but it has not been included in the ordinance yet for Airbnb properties. Councilmember Leigh said it would be good for the City to get ahead of that possible trend.

City Manager Listi added that the ordinance does specifically state "floor plan, site plan and elevations," but he doesn't believe Staff is concerned about the interior layout of the property. The concern is the exterior, so he suggested adding "flexibility in the floor plan" to the motion.

Councilmember Holmes made a motion for approval of the zoning request with flexibility in the floor plan design. The motion was seconded by Councilmember Kirkley, and Item #9, including the following captioned ordinance, was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2019-24

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT-SINGLE FAMILY ONE TO PLANNED DEVELOPMENT-SINGLE FAMILY ONE DISTRICT WITH A SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

- 10. Consider a final plat of Ramirez Addition, a replat of Lots 13, 14, and 15, Block 4, Belton Lake Estates, comprising 0.539 acre, located on the east side of Wild Wood Drive, near its intersection with Cedar Crest Drive, north of FM 439, in Belton's ETJ.**

Director of Planning Cheryl Maxwell said this property is located in Belton's ETJ, so there is no zoning. This replat combines three lots into one, comprising 0.539 acres. These lots are part of Belton Lake Estates, which was originally platted in 1962. A 25' building setback line and 10' utility easement are provided along the street frontage.

Mrs. Maxwell provided a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

Water: This property is located within the 439 Water Supply Corporation (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is a 6" water line along Wild Wood Drive that provides service to this lot.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. 439 WSC estimates the flow of the existing 6" line to be 400 – 750 gpm; therefore, the applicant is requesting a variance to this requirement, and Staff supports this request. The existing fire hydrant locations are satisfactory.

Sewer: No sanitary sewer is available to serve this subdivision. A septic system is proposed, subject to approval by the Bell County Public Health District. The lot exceeds the minimum 0.5 acre required for a septic system.

Drainage: With just one single family residence on this site and three lots being consolidated into one, minimal impact, if any, is anticipated regarding drainage. Since this property lies in Belton's ETJ, the City is not responsible for drainage and will defer to Bell County and their requirements.

Streets/Sidewalks: The adjacent street, Wild Wood Drive, is under County maintenance up to the northern property line of Lot 8, Block 6, Belton Lake Estates, on the west side of Wild Wood Drive, approximately 100' north of Cedar Crest Drive, where it transitions to private maintenance. Therefore, this subdivision has approximately 100' of public street frontage, which exceeds the minimum 20' required by the City and 50' required by the County. The public portion of Wild Wood Drive is a local street with 60' existing ROW. Existing pavement width on the public section varies from approximately 17' to 20'. No additional ROW is needed.

The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding three lots. Staff supports this request since this property is in Belton's ETJ in an area that is mostly developed already with no curb/gutter or other improvements. This area is outside the City limits, and the County is satisfied with the current facilities, which are under their maintenance. Since Wild Wood Drive is a local street, sidewalks are not required.

Parkland Dedication/Fee: Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With only one lot the dedication would be 0.01 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$200 for this subdivision. A variance to the parkland dedication/fee requirement is requested. Staff supports the variance request since there are no City parks within a one mile radius, and this replat will result in a reduction in density from three lots to one.

Mrs. Maxwell added that since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments that have been addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval. We have reviewed the plat and find it acceptable as a final plat, subject to approval of requested variances.

The Planning and Zoning Commission met on May 21, 2019, and unanimously recommended approval of this final plat, subject to the following conditions:

- Approval of variance to water flow requirement of 1,000 gpm for fire protection;
- Approval of variance to the perimeter street improvement requirement for Wild Wood Drive; and
- Approval of variance to the parkland dedication/fee requirement.

Mrs. Maxwell said Staff concurs with the P&Z's recommendation.

Upon a motion by Mayor Pro Tem Carpenter, and a second by Councilmember Kirkley, Item #10 was unanimously approved by a vote of 6-0.

11. **Consider a final plat of Royal Heights Addition, Replat No. One, comprising 6.293 acres, located on the northwest side of Loop 121, west of its intersection with FM 436.**

Director of Planning Cheryl Maxwell explained that this plat consists of 55 residential lots, four green tracts totaling 0.559 acres, and one drainage/utility tract consisting of 1.109 acre. This property was platted as a one lot subdivision for an apartment complex in 2009. In November, 2017, this property was rezoned to Planned Development (PD) Multiple Family for attached townhomes. The PD zoning that was approved for this property in November 2017 included exhibits showing four Green Space areas providing 28 off-street parking spaces. The preliminary plat was approved by the City Council in September 2018, and was consistent with the PD zoning exhibits. The final plat is consistent with the preliminary plat. An updated Overall Layout has been provided that shows the same 28 parking spaces in the Green Space areas, but slightly redistributed.

Maxwell stated that the residential lots satisfy all area requirements as established in the PD zoning ordinance. Additionally, a note has been provided on the plat requiring a 19' rear yard setback where garage entry is proposed from Allie Way. She added that solid fencing/screening is required between residential and nonresidential zoning districts. The developer's site plan shows an existing 6' fence along the perimeter of the property adjacent to the Single Family-3 Zoning District where the Liberty Hill development is located. A few of these lots do not currently have a fence, so the applicant is required to provide fencing for those lots that are residentially zoned. She added that the applicant is proposing new fencing along the southern edge of the easement where the townhome lots back up to the easement. Along Loop 121, the fencing stops where the string of lots will front on Loop 121. Fencing along Loop 121 is required to be constructed of wood with a capped topped rail and masonry columns spaced every 50 linear feet.

Mrs. Maxwell said two entrances are proposed for this subdivision from Loop 121, and these driveway locations have been approved by TxDOT. The lots with frontage along Loop 121 will face Loop 121, but access via an alley at the rear of the lots is proposed. On-site parking requirements are two spaces per residential unit. Units with a one car garage will provide two parking spaces on site – one space in the garage, and one in the driveway. Units with a two car garage will provide four parking spaces on site – two spaces in the garage and two in the driveway. An additional 28 parking spaces will be provided for general parking for guests and visitors in the complex in the designated green areas.

Maxwell said the applicant provided a traffic study that provides an assessment of existing and projected vehicle operations in this area and proposed driveway locations per TxDOT criteria. The study evaluated existing conditions, trip generation estimates, driveway locations, and deceleration/acceleration lanes, and it concluded there would be minimal impact from this development; no improvement/mitigation measures were recommended in the study.

Mrs. Maxwell provided a summary of the subdivision ordinance requirements as they apply to this subdivision.

Water: An existing 8" water line runs along the north side of Loop 121. The applicant proposes to tap this line and construct an 8" line throughout the subdivision. The 8" line satisfies minimum requirements for fire protection, and the fire hydrant locations are satisfactory. Clearwater Underground Water Conservation District has identified two abandoned wells on this site, and plugging of these wells is required prior to plat signatures.

Sewer: An existing 27" sewer line runs along the north side of Loop 121. The applicant proposes to tie into this line and extend a 6" line throughout the subdivision.

Drainage: A 1.109 acre tract is proposed for drainage/utility needs along the northeast property line. An analysis of pre- and post-development storm water

conditions have been provided and reviewed. No on-site detention is proposed; a drainage channel will be provided and will be owned and maintained by the City. Staff is working with the applicant and TxDOT to resolve issues regarding drainage methodology and calculations. City and TxDOT approval of the applicant's drainage plan is required.

Streets: One roadway and one alley will provide access to the lots in this subdivision. Royal Loop will be constructed as a local street with a 31' pavement width and curb and gutter within a 50' wide ROW. The alley will be constructed with 22' pavement and laydown curb within a 24' wide ROW. No perimeter street improvements are required for Loop 121 since it is a TxDOT roadway.

Loop 121 is a major arterial roadway on the City's Thoroughfare Plan. A minimum 120' ROW is required, and there is currently approximately 120' ROW existing; therefore, no additional ROW is requested by TxDOT.

The Restrictive Covenants prohibit parking on the public streets during the hours between 10:00 p.m. and 6:00 a.m. In addition, "No Parking" signs to this effect will be placed along Royal Loop and Allie Way, and Allie Way will be striped as a fire lane with no parking allowed at any time.

Sidewalks: A 6' wide sidewalk is required along Loop 121, an arterial roadway. The site plan shows a 6' sidewalk along Loop 121 and 5' sidewalk along one side of the local street, Royal Loop. The sidewalk along Loop 121 is currently shown stopping at the drainage/utility easement instead of extending to the property line, due to the difficulty in crossing the easement. Staff agrees this is a reasonable termination point, anticipating the extension of the sidewalk by TxDOT in conjunction with widening of the roadway at some point in the future.

Parkland Dedication/Fees: The parkland fee is \$200 per residential unit. For 55 dwelling units, the fee equates to \$11,000. These funds will be used at Miller Heights Community Park and S. Wall Street Tiger Splash Pad, both within a one-mile radius of the subdivision. These funds are due at the time of plat signatures.

Maxwell said that Staff has reviewed the plat, and finds it acceptable as a final plat, subject to conditions identified in the City letter to the applicant dated May 17, 2019.

At the Planning and Zoning Commission meeting on May 21, 2019, the applicant and their engineering representative, Mitchell Associates, expressed concern with the methodology and calculations used by the City to determine drainage facilities needed for this development. Director of Public Works, Angellia Points, explained the City's process for ensuring drainage needs are addressed for this development and anticipated future development in the drainage basin. The conclusion expressed at the meeting was that it is likely the plat configuration will work, but that TxDOT needed some additional time to review the engineer's calculations.

The P&Z unanimously recommended approval of this final plat, subject to conditions identified in the City's letter to the applicant dated May 17, 2019, including resolution of drainage issues. Staff concurs with their recommendation.

Councilmember Leigh said that he has seen this subdivision several times, and he believes that it is a good development. He asked if the alleys are wide enough for fire truck and garbage truck access. Mrs. Maxwell said that the Fire Department reviewed the plans and had no comments.

Director of Public Works Angellia Points summarized the City's requirements for drainage and offsite run-off. She said she has worked with Mitchell and Associates on this particular project to model the basin and design the channel to handle the 25-year flows. The engineering firm submitted their calculations to the City on May 17th. The City, at that time, believed that the channel was well designed to handle the flows that were coming from upstream. She said the pinch point is the TxDOT culverts that are located at Loop 121. TxDOT requested some information from Mitchell and Associates, and the information is under review by TxDOT. The City also needs additional time to review the most recent submittal as some of the flows have changed. She said that Staff believes, regardless of how the drainage is handled, it will fit within the plat that has been submitted. She recommends approval noting the conditions in the City's letter of May 17, 2019, as long as the City and TxDOT have concurrence on the drainage before the plat is signed.

Councilmember Leigh asked if the proposed drainage structures in this development are supposed to handle drainage from the entire area. Mrs. Points said, "Yes, from the 25-year storm." Mr. Leigh said it is more of a regional issue, and it doesn't seem fair to have the person at the end handle all the stuff from upstream. The developer should only be required to control the drainage from their own development. City Attorney John Messer said the neighboring properties should be holding their own drainage. Leigh said that a lot of the neighboring properties were developed before this drainage policy was in place.

Councilmember Holmes said he has heard the calculations that were used were based on the area being completely developed and as if there had been no detention in those developments. Mrs. Points explained that the City requires developers to model for future land use. Every development upstream will be required to have detention in place, but there will still be a cumulative effect because the times of concentration will change. Points added that she doesn't want to get into the technical aspects because those are addressed at the Staff level. There will be an increase to flow downstream regardless because of the change to the times of concentration. The channel that was proposed on May 17th is wide enough to handle the City's proposed flows within the plat boundary provided by the developer. Councilmember Holmes asked if it was a City requirement, or if it was the developer sending that to the City. Points explained that the utility easement did not change, however the developer originally proposed a narrower channel. The City required the channel to be large enough to accommodate additional flows. Mr. Holmes asked, "On May 17th?" Mrs. Points said, "Yes." Mr. Holmes said, "That's

cutting it kind of close for a developer, don't you think?" Mrs. Points said she would not recommend a smaller channel because there will be a greater chance of flooding in the area. Councilmember Holmes asked if there is a problem with the Liberty Hill subdivision currently. Mrs. Points said, "Yes, there is." "So, we are really trying to fix Liberty Hill's issue with this proposed drainage system," stated Holmes. Mrs. Points assured him that is not the case. She said that what is being done in this development does not fix the Liberty Hill issue, but it will prevent a future problem.

Councilmember Leigh stated that based on these numbers and the cumulative effect being discussed, he believes the City needs to identify a regional retention/detention pond in the area. Mrs. Points said that a retention/detention basin in the area has been discussed. However, she added, making the channel smaller in this development will require the regional structure to be larger requiring more land from surrounding property owners. The larger channel proposed for this development can fit within the utility easement already existing on the property.

Councilmember Holmes asked, "Didn't TxDOT already accept the flows and permit this project?" Mrs. Points explained that when the developer originally submitted their plans for City review, they also submitted them to TxDOT. The flow originally modeled was about half of what the City needed it to be. When TxDOT looked at it, it was around 400-500 cubic feet per second. TxDOT found that acceptable, so they permitted it. She added that TxDOT's responsibility does not include looking at how the basin is modeled; that is the City's responsibility. The City required improvements to the model proposed which increased the flows. This change to the flows requires a new TxDOT review and permit. Mitchell and Associates has given updated information to TxDOT and the City, and both entities need a little more time to complete the review.

City Attorney John Messer said the City paid for a drainage study of the area, and a lot of the numbers are based upon the results of that study.

Councilmember Holmes asked when the City's drainage basin study was completed. Mrs. Points said that it was completed in November 2018. Mayor Grayson asked if the developer's engineer had received a copy of the study. Mrs. Points said that she always likes to see what the developer's engineer comes up with first. Once she saw that the numbers were not correct, she sent them the study to use as a guide. Mayor Grayson asked when the plans were submitted. Mrs. Points answered, "April 12, 2019."

Councilmember Leigh asked if Staff counsels developers that they need to come through the City before going to TxDOT. He wondered if the City asks the developer to do things in a series or in parallel. City Manager Sam Listi referred to a timeline provided by Mrs. Points, stating that there is a comment on the preliminary plat stating, "A drainage report will be required. All drainage will need to be approved also by TxDOT." Mr. Leigh said that sounds like a parallel, not in series.

Mayor Grayson said, "So this is one of those learning curves that we hope not to repeat." Mr. Listi said he believes that everyone is working in good faith toward a solution. He added that Staff believes the project can work in the confines that exist right now. The City just needs to receive TxDOT's final approval on what has been proposed to them.

Mrs. Points added that TxDOT's approval actually occurred prior to the City's submitting their comments on the originally proposed drainage plan. Mr. Holmes said, "My biggest concern is we are a little late to the game with some pretty big demands." Director of Planning Cheryl Maxwell said that the City provided their comments regarding changes that needed to be made after the first review of the plat that had been submitted. The drainage issues were discussed with the developer's engineer as soon as they were identified.

Councilmember Holmes asked if TxDOT looks at the City's recommendation or if they do their own study. Mrs. Points said that TxDOT looks to the City for confirmation on the actual drainage study to verify the flows. She added that the City will work with TxDOT to determine how to proceed together.

Councilmember Holmes asked if there was a big difference in flow. Mrs. Points said Staff is still working through the flow calculations. Mr. Holmes asked if he would be surprised at the numbers if he was the developer and he had already presented the City numbers. He expressed his frustration because it seems to be last minute changes on the City's part. Mrs. Points said she understands the frustration, noting that the City and the applicant are frustrated as well. She added that the project has been pushed forward quickly for approval when normally Staff tries to clear up any issues before presenting the plat to Council.

Councilmember Leigh made a motion for approval, subject to conditions identified in the City's letter to the applicant dated May 17, 2019, as well as approval of the drainage plan by both TxDOT and the City. Mayor Pro Tem Carpenter seconded the motion, and Item #11 was unanimously approved by a vote of 6-0.

Work Session

12. Conduct a work session on Solid Waste to discuss the draft Request for Proposals.

Director of Finance Brandon Bozon presented a draft Request for Proposals (RFP) related to Solid Waste services and reviewed the various pricing schedules as shown in Exhibit A.

Councilmember Leigh asked if the City will be picking and choosing between the various vendors based on the best proposal for each schedule. Mr. Bozon explained that the City will only choose one contractor for all of the work. He also said Staff is looking for Council feedback regarding which services may not need to be

considered. That way Staff can eliminate those before the RFP is issued. City Clerk Amy Casey stated that the RFP process allows for negotiation which will help the City receive the best value for the exact services desired. City Manager Listi added Staff is trying to be as comprehensive as possible.

Mayor Grayson asked about recycling noting that there isn't much of a market for recycling right now. Mr. Bozon explained that under our current contract, recycling must be taken to a recycling facility provided the recycling is not contaminated. It is currently sorted at a facility in Temple, and then sold to a company in the Austin area where it is stacking up in their yard right now because there is no market for recyclables at this time.

Councilmember Leigh asked if the City has the option of trash collection with no recycling. Mr. Bozon said the RFP can be revised to include that option. Mayor Grayson thought that would be good since recycling typically costs more, and it really isn't going anywhere. Mr. Leigh said that recycling is somewhat deceiving since items may not actually be recycled in the long run due to market conditions. He added that the City could possibly have more frequent events for recycling or have recycling only for valuable items like cardboard.

Councilmember Pearson said he would like to see an annual review of the City's recycling. He added that if the market changes, and recycling becomes cost effective again, then the City could add that service again.

Mr. Bozon said Staff is struggling with the internal proposal. He said he received a study from Temple on how they structured their internal proposal. He added that he learned there is a very limited profit margin on residential solid waste. It is usually only feasible for a City to service their own solid waste when it includes the commercial sector as well. He said the City is challenged to come up with a good number that would be competitive, but is not sure what would happen to the budget should Staff miss the mark. He added another challenge is the procurement of garbage trucks given the long lead time needed for production and also the procurement of commercial equipment to service the City facilities included in the RFP. Staff recommendation is to allow the private sector to provide the bids.

Councilmember Kirkley said he is concerned about staffing as it relates to an internal proposal. He said, with all the competition in the area, he isn't sure City Staff should provide a proposal. Councilmember Leigh recommended that City Staff at least provide a simulation bid to ensure that the City knows what is included in the vendor's price proposals and to be able to predict future pricing. If the numbers are close, then Staff will know that it understands this business. He added that the City has a 12% margin whether the contractors make any margin or not. Mr. Bozon clarified with Councilmember Leigh that he wants Staff to provide a benchmark number instead of an actual bid. Mr. Leigh said that is correct.

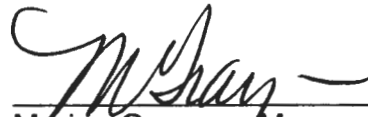
Mayor Grayson said the RFP is very thorough, and Councilmember Leigh thanked Mr. Bozon for his frankness on the internal assessment.

Executive Session

At 7:25 p.m., the Mayor announced the Council would go into Executive Session for the following item:

13. **Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, Personnel.**

The Mayor reopened the meeting at 7:59 p.m., and there being no further business, the meeting was adjourned.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

Solid Waste Collection

COUNCIL WORK SESSION

MAY 28, 2019

EXHIBIT "A"

Current Agreement

The City is currently contracted with Waste Management to deliver residential and commercial hand-cart services to the citizens of Belton and the residents of Three Creeks.

The current Agreement began January 1, 2014, and is set to expire on December 31, 2019, unless there is mutual agreement between the City and Waste Management to exercise the final, one-year extension option outlined in the Agreement.

Waste Management bills the City based on customer count and services, and the City bills customers monthly.

Service Delivery

Garbage

- 96 gallon polycart provided by Waste Management
- Weekly pickup of the polycart and three bulky items or bags under 50 pounds

Recycling

- Single-stream recycling services
- 96 gallon polycart provided by Waste Management
- Bi-weekly pickup of the polycart – no items outside the polycart

Hazardous Waste is handled through “Waste Management At-Your-Door.”

March 13 Discussion

Frequency

- Current model works for most citizens.
- The option of additional containers can alleviate pressure for citizens with greater needs.

Bulky Waste

- Largest service delivery challenge.
- 50 pound limit for garbage is difficult to measure and enforce – driver discretion.
- No bulky pickup for recycling creates challenges with large boxes.

Recycling

- Uncertain future markets.

Other Issues

March 13 Discussion

Immediate-term

- Extend current contract or conduct a request for proposals.

Request for Proposals

- Changes Council would like to see in a new contract.
- Should the City create an internal proposal?

Potential Timeline

- March/April – Input and direction
- May – Request for Proposals development
- June – Request for Proposals release
- August – Proposal scoring
- September – Contract negotiation and award
- January – New contract begins

RFP Development

The RFP is largely modeled off of the 2013 RFP with a few clarification and revisions

The “meat” of the RFP development was focused on service levels based on Council feedback

Services without significant changes

- Weekly containerized trash collection
- Household hazardous waste

Services with requested changes or options

- Containerized recycling – evaluating weekly vs. bi-weekly pickup
- Curbside bulk collection – evaluating four service levels at three alternative frequencies
- Bulk collection events – evaluating two service levels at two alternative frequencies

Scoring Criteria

Scoring Criteria	Possible Points
Responsiveness and completeness of Proposal	10 points
Ability to meet service requirements as demonstrated by prior experience in providing like services to Texas municipalities	40 points
Unit Pricing	40 points
Public Education programs proposed	5 points
Additional services the Contractor proposes, including hazardous waste programs, community development programs, and other programs that benefit the City	5 points
TOTAL POSSIBLE POINTS	100 Points

Unit Pricing – Schedule A

Schedule A must be completed in its entirety, and contains per customer, per month pricing for:

- Residential containerized trash service on a weekly basis
- Residential door-to-truck containerized trash service on a weekly basis (need-based program)
- Commercial containerized trash service on a weekly basis
- Additional trash carts for both residential and commercial customers
- Household hazardous waste disposal on an as-called basis

All services on schedule A will be recommended for Council approval

Unit Pricing – Schedule B

Proposers must provide at least one collection frequency and are encouraged to complete Schedule B in its entirety. Schedule B contains per customer, per month pricing for:

- Residential containerized recycling service on a weekly or bi-weekly basis
- Residential door-to-truck containerized recycling service on a weekly or bi-weekly basis
- Commercial containerized recycling service on a weekly or bi-weekly basis
- Additional recycling carts for both residential and commercial customers

One frequency level will be recommended for Council approval

Unit Pricing – Schedule C

Proposers must provide at least one collection frequency and service level and are encouraged to complete Schedule C in its entirety. Schedule C contains per customer, per month pricing for:

Residential curbside bulk collection on a weekly, bi-weekly or monthly basis with the following options for quantity and item size limitations:

- 2 cubic yards total – 50 pound item limit
- 4 cubic yards total – 50 pound item limit
- No total limitation – 50 pound item limit
- No total limitation – No item limit (“Take-All”)

Commercial curbside bulk collection on a weekly, bi-weekly or monthly basis with the same options for quantity and item size limitations specified above

One frequency and service level will be recommended for Council approval

Unit Pricing – Schedule D

Proposers may provide at least one frequency and service level and are encouraged to complete Schedule D in its entirety. Schedule D contains per customer, per month pricing for:

Four hour bulk-collection events, hosted at the City’s Public Works yard on a monthly or bi-monthly basis, run as either a:

- ‘Turn-Key’ event, meaning the contractor will provide all dumpsters as well as staff capable of safely and efficiently operating the event; or
- Delivery and disposal services for the event only, with City Staff providing the labor to operate the event

One frequency and service level may be recommended for Council approval

Unit Pricing – Total Price

The total price for customers will depend on the final frequency and service level selected for award from each of the schedules A – D

The total price will include the City's 12% franchise and administrative fee

The total price will not include sales tax

Internal Proposal

City Staff has researched the steps to develop an internal pricing model. However, the following challenges make an internal service delivery difficult to pursue at this time:

- Market uncertainty with recyclable goods
- Relatively thin profit margins on residential only collection
- Lack of staff experience
- Hiring and procurement timelines
- Commercial equipment required to service City accounts

Council has already seen one example of the private market's willingness to participate in the City's RFP process. Staff believes this is an indication that there will be a robust, competitive response from the private sector to ensure citizens are provided high quality, cost-effective service through a third-party contractor.

Council Comments Discussion

Scoring criteria

Pricing options

Other RFP elements

Internal Proposal