City of Belton, Texas

City Council Meeting Agenda
Tuesday, November 10, 2020 - 5:30 p.m.
Wright Room at the Harris Community Center
401 N. Alexander, Belton, Texas

PLEASE NOTE: FACE COVERINGS WILL BE REQUIRED WHERE SOCIAL DISTANCING CANNOT BE MAINTAINED.

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Mayor Marion Grayson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by City Manager Sam Listi.

> *"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."*

Invocation. The Invocation will be given by Councilmember Dan Kirkley.

1. Call to order.

2. Presentation of pay for May 2020-November 2020 to outgoing Mayor.

3. Recognition of outgoing Mayor Marion Grayson.

4. Public Comments.

   Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

Consent Agenda

Items 5-10 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.

5. Consider minutes of October 27, 2020, City Council Meeting.

6. Consider appointments to the following Boards/Commissions:

   A. Belton Economic Development Corporation Board of Directors; and
   B. Library Board of Directors.

7. Consider a resolution appointing Ray Severn to the Board of Directors of the Bell County Tax Appraisal District, as a representative of City of Belton and Belton ISD.

8. Consider authorizing the purchase of a track loader for the Street Department as provided for in the Capital Equipment Replacement Fund.

9. Consider adopting an ordinance reducing the speed limit from 55 MPH to 45 MPH on Loop 121 in Belton City Limits between Sparta Road and W Ave D during construction of the Loop 121 Widening Project.

10. Consider an ordinance amending Sec. 8-71 and Sec. 8-72 of the City of Belton Fee and Rate Schedule related to solid waste collection rates for 2021.

Regular Agenda

11. Hold a public hearing and reconsider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street.

12. Hold a public hearing and consider an ordinance amending Chapter 4, Article VII, of the Code of Ordinances, establishing minimum building standards, dissolving the Housing Board of Adjustment and Appeals, and creating a Building and Standards Commission.

13. Consider appointments to the Building and Standards Commission.

14. Receive an update from the Fire Department, on Recruitment and Retention efforts, to include a schedule change for Fire Personnel.

The Belton City Council will recess the Regular City Council Meeting and convene a meeting of the Belton Employee Benefits Trust.

City of Belton Employee Benefits Trust Agenda

1. Call to Order.

2. Consider minutes of the City of Belton Employee Benefits Trust meeting dated November 12, 2019.

3. Consider action awarding contracts for employee insurance products.

4. Adjourn.

The Employee Benefits Trust will adjourn the City of Belton Employee Benefits Trust Meeting and reconvene the Belton City Council Meeting.

15. Consider approval of funding for employee insurance contracts awarded by the Board of the Employee Benefits Trust, and authorizing the transfer of funds from the City's operating funds to the Employee Benefits Trust account.

16. Consider an ordinance modifying the City's TMRS retirement plan by increasing the employee deposit rate from 6% to 7%.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City of Belton, Texas

City Council Meeting Agenda
Tuesday, November 10, 2020 - 5:30 p.m.
Wright Room at the Harris Community Center
401 N. Alexander, Belton, Texas

OFFICE OF THE CITY MANAGER

PLEASE NOTE: FACE COVERINGS WILL BE REQUIRED WHERE SOCIAL DISTANCING CANNOT BE MAINTAINED.

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Mayor Marion Grayson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by City Manager Sam Listi.

> *"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."*

Invocation. The Invocation will be given by Councilmember Dan Kirkley.

1. Call to order.

2. **Presentation of pay for May 2020-November 2020 to outgoing Mayor.**

   Mayor Grayson will receive her pay for the last six months of service to the citizens of Belton.

3. **Recognition of outgoing Mayor Marion Grayson.**

   Mayor Pro Tem Carpenter will read a proclamation recognizing Mayor Grayson for her service.

4. Public Comments.

   Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes.

Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

Consent Agenda

Items 5-10 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.

5. **Consider minutes of October 27, 2020, City Council Meeting.**

   A copy of the minutes is attached. Recommend approval.

6. **Consider appointments to the following Boards/Commissions:**

   A. Belton Economic Development Corporation Board of Directors; and
   B. Library Board of Directors.

   See Staff Report from City Clerk Amy Casey. Recommend the reappointment of Kari Martin to the Library Board of Directors. Recommend the reappointment of Griff Lord and Stevie Spradley to BEDC.

7. **Consider a resolution appointing Ray Severn to the Board of Directors of the Bell County Tax Appraisal District, as a representative of City of Belton and Belton ISD.**

   See Staff Report from City Clerk Amy Casey. Recommend approval of the resolution appointing Ray Severn to the Tax Appraisal District Board of Directors representing both the City of Belton and Belton ISD.

8. **Consider authorizing the purchase of a track loader for the Street Department as provided for in the Capital Equipment Replacement Fund.**

   See Staff Report from Director of Public Works Angellia Points. Recommend approval of the purchase of the track loader as presented.

9. **Consider adopting an ordinance reducing the speed limit from 55 MPH to 45 MPH on Loop 121 in Belton City Limits between Sparta Road and W Ave D during construction of the Loop 121 Widening Project.**

See the Staff Report from Director of Public Works Angellia Points. Recommend adopting the ordinance temporarily reducing the speed limit on Loop 121 between Sparta Road and W Avenue D.

10. **Consider an ordinance amending Sec. 8-71 and Sec. 8-72 of the City of Belton Fee and Rate Schedule related to solid waste collection rates for 2021.**

    See Staff Report from City Clerk Amy Casey. Recommend adoption of the ordinance providing for a 2.34% increase to the 2021 solid waste rates as provided for in the contract with Waste Management.

Regular Agenda

11. **Hold a public hearing and reconsider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street.**

    See Staff Report from Interim Director of Planning Bob van Til. Recommend holding the public hearing and reconsidering the zoning change requested by Larry Guess.

12. **Hold a public hearing and consider an ordinance amending Chapter 4, Article VII, of the Code of Ordinances, establishing minimum building standards, dissolving the Housing Board of Adjustment and Appeals, and creating a Building and Standards Commission.**

    See Staff Report from Interim Director of Planning Bob van Til. Recommend holding the public hearing and adopting the ordinance amending Chapter 4, Article VII, of the Code of Ordinances as presented.

13. **Consider appointments to the Building and Standards Commission.**

    See Staff Report from City Clerk Amy Casey. Recommend appointing members of the former Housing Board of Adjustment and Appeals to serve as commissioners on the new Building and Standards Commission. (John Corsi, Johner Martin, Timothy Watson, Samantha Crumbaugh and Priscilla Linnemann)

14. **Receive an update from the Fire Department, on Recruitment and Retention efforts, to include a schedule change for Fire Personnel.**

    See Staff Report from Fire Chief Jon Fontenot. Receive presentation; no action is required of the Council.

The Belton City Council will recess the Regular City Council Meeting and convene a meeting of the Belton Employee Benefits Trust.

City of Belton Employee Benefits Trust Agenda

1. Call to Order.

2. **Consider minutes of the City of Belton Employee Benefits Trust meeting dated November 12, 2019.**

   A copy of the minutes is attached. Recommend approval.

3. **Consider action awarding contracts for employee insurance products.**

   See Staff Report from Director of Finance Mike Rodgers and Director of Human Resources Charlotte Walker. Recommend approval.

4. Adjourn.

The Employee Benefits Trust will adjourn the City of Belton Employee Benefits Trust Meeting and reconvene the Belton City Council Meeting.

15. **Consider approval of funding for employee insurance contracts awarded by the Board of the Employee Benefits Trust, and authorizing the transfer of funds from the City's operating funds to the Employee Benefits Trust account.**

    See Staff Report from Director of Finance Mike Rodgers. Recommend approval of the funding as presented.

16. **Consider an ordinance modifying the City's TMRS retirement plan by increasing the employee deposit rate from 6% to 7%.**

    See Staff Report from Director of Finance Mike Rodgers. Recommend adoption of the ordinance increasing the TMRS deposit rate for employees from 6% to 7%.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

Belton City Council Meeting
October 27, 2020 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room of the Harris Community Center. Members present included Mayor Marion Grayson, Mayor Pro Tem Wayne Carpenter and Councilmembers David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Staff present included Sam Listi, Gene Ellis John Messer, Amy Casey, Jon Fontenot, Wes Gilbreath, Paul Romer, Chris Brown, Mike Rodgers, Bob van Til, Larry Berg, Charlotte Walker, Tina Moore, Bruce Ebbert, Carl Macek, Cynthia Hernandez, Judy Garrett and Angellia Points (Zoom).

The Pledge of Allegiance to the U.S. Flag was led by Councilmember John R. Holmes, Sr., and the Pledge of Allegiance to the Texas Flag was led by Director of Finance Mike Rodgers. The Invocation was given by Councilmember Craig Pearson.

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

2. **Public Comments.** *(Audio 2:05)*

   There were none.

3. **Recognitions:** *(Audio 2:10)*

   A. Recognize City Clerk Amy Casey for obtaining her Certified Municipal Clerk designation from the International Institute of Municipal Clerks.

   B. Recognize Fire Chief Jon Fontenot for obtaining his Chief Fire Officer designation from the Commission on Professional Credentialing.

Consent Agenda *(Audio 5:23)*

Items 4-7 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.

4. **Consider minutes of October 13, 2020, City Council Meeting.**

5. **Consider reappointments to the Electrical Board.**

6. **Consider authorizing a Façade Improvement Grant to Arusha's Coffee Company at 126 N. East Street.**

7. **Consider authorizing the purchase of police vehicles as provided for in the Capital Equipment Replacement Fund.**

Mayor Grayson asked that Item 6 be pulled for presentation and discussion.

Upon a motion for approval for Items 4, 5 and 7 by Councilmember Leigh, and a second by Councilmember Pearson, Consent Agenda Items 4, 5 and 7 were unanimously approved upon a vote of 7-0.

Upon a motion for approval for Item 6 by Councilmember Holmes, and a second by Councilmember Kirkley, Consent Agenda Item 6 was unanimously approved upon a vote of 7-0.

Regular Agenda

8. **Consider a resolution supporting roadway and livability project submissions for the Killeen-Temple Metropolitan Planning Organization (KTMPO) 2045 Metropolitan Transportation Plan.** *(Audio 11:57)*

   Councilmember Pearson made a motion for approval of the resolution and project list including a revision to include a dynamic messaging system for the IH-14/IH-35 interchange on project #3. Councilmember O'Banion seconded the motion. Item #8, including the following captioned resolution, was unanimously approved upon a vote of 7-0.

RESOLUTION NO. 2020-29-R

A RESOLUTION OF THE CITY OF BELTON, TEXAS, SUPPORTING THE KTMPO MOBILITY 2045 METROPOLITAN TRANSPORTATION PLAN ROADWAY AND LIVABILITY PROJECT SUBMISSIONS FOR BELTON.

9. **Consider a revised allocation of Coronavirus Relief Fund (CRF) funding to include the reimbursement of public safety expenditures and the authorization of additional funding for the City of Belton's Small Business Grant Program.** *(Audio 22:24)*

   Upon a motion for approval by Councilmember Leigh, and a second by Councilmember O'Banion, Item #9 was unanimously approved upon a vote of 7-0.

10. **Consider authorizing the BEDC Executive Director to execute a contract for the sale of 6.831 acres on Digby Drive to MDC COASTAL 5, LLC, a Delaware limited liability company**. *(Audio 34:09)*

    This item was withdrawn by MDC COASTAL 5, LLC, prior to the meeting, and therefore was not considered.

Work Session

11. **Conduct a work session regarding a proposed minimum building standards ordinance.** *(Audio 34:16)*

There being no further business, the Mayor adjourned the meeting at 6:29 p.m.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item

Agenda Item #6

Consider appointments/reappointments to the following Boards/Commissions:

A. Belton Economic Development Corporation Board of Directors
B. Library Board of Directors

Originating Department

Administration – Amy M. Casey, City Clerk

Background

A. Belton Economic Development Corporation

The terms of Griff Lord and Stevie Spradley end on November 30, 2020. Both have expressed a desire to be reappointed, and the Mayor is recommending they be reappointed to another three-year term.

B. Library Board of Directors

The terms of Valerie Ureste and Kari Martin end on November 30, 2020. Staff has not been able to contact Ms. Ureste in a while; therefore, a replacement will be named at a future meeting. Ms. Martin has expressed a desire to be reappointed, and Mayor Grayson is recommending her for reappointment.

Fiscal Impact: None

Recommendation: Recommend approval of the appointments.

Attachments: None

Staff Report – City Council Agenda Item

Agenda Item #7

Consider a resolution appointing Ray Severn to the Board of Directors of the Bell County Tax Appraisal District.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

This is a position that is jointly appointed by the City and Belton ISD for a two-year term. Barry Harper has served in this role for the last several months, but he has recently resigned for personal reasons. The Mayor is recommending the appointment of Ray Severn to this Board to fill Mr. Harper's unexpired term ending December 31, 2021. BISD will also approve the appointment at their Board of Trustees meeting.

The Tax Appraisal District has requested a resolution for our appointment.

Fiscal Impact

N/A

Recommendation

Recommend approval of the Resolution and appointment of Ray Severn.

Attachments

Resolution

RESOLUTION NO. 2020-30-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPOINTING A REPRESENTATIVE TO THE TAX APPRAISAL DISTRICT BOARD OF DIRECTORS.

WHEREAS, Bell County Tax Appraisal District is governed by a board of seven directors who are appointed by the taxing units that participate in the district in accordance with *Texas Tax Code §6.03(a)*; and

WHEREAS, directors on the Bell County Tax Appraisal District Board of Directors serve two-year terms beginning on January 1 of even-numbered years in accordance with *Texas Tax Code §6.03(a)*; and

WHEREAS, the City of Belton and Belton Independent School District are taxing entities that participate in the Bell County Tax Appraisal District; and

WHEREAS, one member of the Bell County Tax Appraisal District Board of Directors is jointly appointed by the City of Belton and the Belton Independent School District; and

WHEREAS, the City Council of the City of Belton desires to nominate Ray Severn as our representative for the Bell County Tax Appraisal District Board of Directors; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, THAT: Ray Severn is hereby nominated as the City's appointment to fill an unexpired term on the Bell County Tax Appraisal District Board of Directors ending December 31, 2021.

PASSED AND APPROVED this the 10th day of November, 2020.

THE CITY OF BELTON, TEXAS

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item

Agenda Item #8

Consider authorizing the purchase of a track loader for the Street Department, as provided for in the Capital Equipment Replacement Fund.

Originating Department

Public Works – Angellia Points, Director of Public Works/City Engineer

Summary Information

Track Loader
The proposed track loader would replace Unit RS13, an existing 36-year old John Deere 655 track loader that is scheduled to be replaced in FY2021. Unit RS13 is well beyond its useful life. Staff researched the available models of track loaders and determined the John Deere 655K model would be a good fit for the street department's needs and also be within budget.

Under Texas State Procurement Law, products that are quoted through Sourcewell, BuyBoard, HGACBuy, or other cooperatives are not required to be bid, because the cooperatives have already performed the bidding process. Quotes were pursued from RDO-John Deere, a Sourcewell vendor. The track loader was quoted for $230,073.45, which is a Sourcewell quote and under the budgeted amount of $232,023.

Fiscal Impact Amount: $230,073.45

Budgeted: ☒ Yes ☐ No

Funding Source(s): Capital Equipment Replacement Funds

Recommendation

Authorize the purchase of a 2021 John Deere 655K track loader using Sourcewell Contract #31859.

Attachments
Equipment Quote

Retail Purchase Order

JOHN DEERE

RDO Equipment Co.
215 Enterprise
Hewitt TX, 76643
Phone: (254) 666-3900 - Fax: (254) 666-7466

Bill To:
CITY OF BELTON
PO BOX 120
BELTON, TX, 765130120
BELL ()
(254) 933-5825

Purchase Order Date:	3/25/2020
Purchase Order #:	1298012
Purchaser Account #:	5825002
Customer Sales Tax Exempt #:	None
Customer Purchaser Type:	Governmental - City/Town/Village
Customer Market Use:	Underground - Sewer/Water
Location of First Working Use:	BELTON, TX, 765130120
Dealer Account Number:	177418
Sales Professional:	Colin Duecy
Phone:	(254) 666-3900
Fax:	(254) 666-7466
Email:	CDuecy@rdoequipment.com

Comments

Machine includes standard bucket.

City of Belton Sourcewell Member# 31859

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2021 JOHN DEERE 655K	$299,364.01
			MFG Program Sourcewell Contract# 032119-JDC	($83,821.92)
			Freight in	$4,733.65
			Freight Out	$700.00
			Prep / Reconditioning PDI/Setup	$2,535.90
			Other HEI	$463.81
			Warranty -John Deere Power Train & Hyd.-60 Months, 3000 Hours,Deductible: 0, Exp Date: 10/22/2025	$6,098.00
			Equipment Subtotal:	**$230,073.45**

Purchase Order Totals

Balance:	$230,073.45
Tax Rate 3: (TXEG 0%)	$0.00
Sales Tax Total:	$0.00
Sub Total:	$230,073.45
Cash with Order:	$0.00
Balance Due:	**$230,073.45**

Staff Report – City Council Agenda Item

Agenda Item #9

Consider adopting an ordinance reducing the speed limit from 55 MPH to 45 MPH on Loop 121 in Belton City Limits between Sparta Road and W Ave D during construction of the Loop 121 Widening Project.

Originating Department

Public Works – Angellia Points, P.E., Director of Public Works/City Engineer

Background

This request is for a temporary speed limit reduction from 55 mph to 45 mph on Loop 121 between Sparta Road and W Ave D. The request is for worker and traveling public safety during construction of the Loop 121 widening project through Belton. TxDOT officials notified Staff that the project could begin as early as June 2021. The signs will likely not change until construction begins.

If approved by Council, TxDOT will be responsible for the sign replacements to reduce the posted speed limit from 55 mph to 45 mph. They will also be responsible for replacing the signs back to 55 mph post-construction.

Fiscal Impact

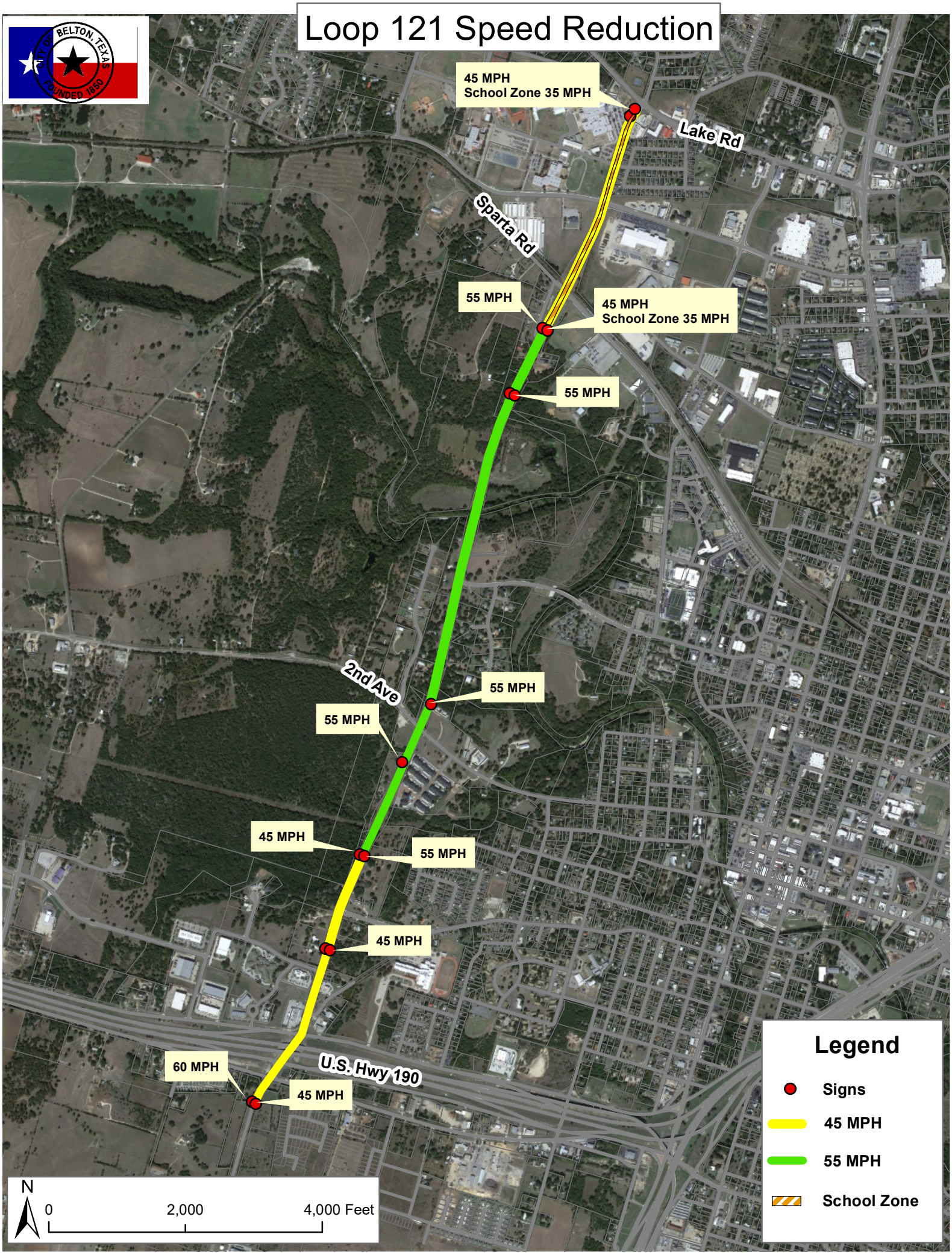
None

Recommendation

Adopt an ordinance temporarily reducing the speed limit from 55 MPH to 45 MPH on Loop 121 in Belton City Limits between Sparta Road and W Ave D during construction of the Loop 121 Widening Project.

Attachments
Existing speed limit map
Ordinance

Loop 121 Speed Reduction



ORDINANCE NO. 2020-39

AN ORDINANCE REGULATING THE RATE AND SPEED OF MOTOR VEHICLES; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Texas Department of Transportation has requested the City of Belton to pass an ordinance to temporarily reduce the speed limit on Loop 121 within the City of Belton city limits between Sparta Road and W Ave D;

WHEREAS, the temporary reduction in speed limit will occur during the duration of the roadway construction and widening along Loop 121;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF BELTON, TEXAS, ACTING BY AND THROUGH ITS CITY COUNCIL:

PART 1: The section of highway described as follows:

Between the Sparta Road and W Ave D in Belton, Loop 121 speed limit shall be 45 MPH. The 45 MPH shall be temporary. The speed limit shall be raised to 55 mph after construction has been completed.

The above limits and speed limit requirements is hereby regulated as to the speed of motor vehicles traveling within said section in any direction, and it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

PART 2: Any person violating any provision of this ordinance shall upon conviction be fined per applicable fine and fee schedules.

PART 3: All ordinances or part of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PART 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED at a regular meeting of the Belton City Council on the 10th day of November, 2020.

THE CITY OF BELTON, TEXAS

_____

Marion Grayson, Mayor

ATTEST:

_____

Amy M. Casey, City Clerk

Temporary Speed Limit Reduction Ordinance

Loop 121 between Sparta Road & W Ave D

Reducing the speed limit on Loop 121

- TxDOT requested to reduce the speed limit from 55 mph to 45 mph for Loop 121 during construction
- Temporary reduction during construction; would go back to 55 mph post-construction
- Widening of Loop 121 is expected to begin in Summer 2021

Ordinance Consideration

- Adopt an ordinance temporarily reducing the speed limit from 55 MPH to 45 MPH on Loop 121 in between Sparta Road and W Ave D during construction of the Loop 121 Widening Project.

Staff Report – City Council Agenda Item

Agenda Item #10

Consider an ordinance amending Sec. 8-71 and Sec. 8-72 of the City of Belton Fee and Rate Schedule related to solid waste collection rates for 2021.

Originating Department

Administration – Amy M. Casey, City Clerk

Summary Information

On October 8, 2019, the City of Belton and Waste Management entered into a new Municipal Solid Waste Collection and Transportation Agreement, granting Waste Management exclusive rights to operate and maintain the service of collection and transportation of residential and small commercial hand-collect garbage, trash and recycling, over, upon, along and across the present and future streets, alleys, bridges and public properties of the City, subject to the terms of the Agreement. The initial contract is for a term of five (5) years with two 1-year renewal options. This will be the second year of the initial contract term.

Per Section 11.01 of the Agreement, beginning January 1, 2021 and continuing annually, Waste Management has the right to adjust the rates by 80% of the percentage as the Consumer Price Index, US City Average for All Urban Consumers, Water, Sewer, Trash, Not Seasonally Adjusted, Base Period December 1983 = 100 (published by the United States Bureau of Labor Statistics, Consumer Price Index) (the "CPI") shall have increased during the preceding twelve months. The index used is the most recently available index prior to the 60 days' notice to the City.

Additionally, per Section 11.02 of the Agreement, beginning January 1, 2021, Waste Management has the right to adjust the base rates by 20% of the average percentage that the price of diesel fuel has increased or decreased from the most recently available period prior to the 60 days' notice period. The average will be computed by calculating the changes in diesel fuel price as determined by reference to the Energy Information Administration of the US Department of Energy Weekly Retail on Highway Diesel Prices for the Gulf Coast each month during the 12-month period of measurement.

The annual CPI/Fuel Adjustment increase will not exceed five percent (5%) in any one year regardless of the index values.

On October 1, 2020, Waste Management notified the City that rates would be adjusted upwards by 2.34% as of January 1, 2021, based on the September 2019 – September 2020 adjustment in the CPI and diesel fuel data.

Solid Waste Collection Rates - Residential	Current Rates	Proposed January 1, 2021 Rates
Curbside Trash and Recycling (includes 1x weekly Trash, 1x biweekly Recycling, Curbside Bulk, Bulk Events and Household Hazardous Waste Collection)	$17.34 per month	$17.75 per month
Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart
Door-to-Truck Service (includes 1x weekly Trash, 1x biweekly Recycling, Curbside Bulk, Bulk Events and Household Hazardous Waste Collection)	$37.98 per month	$38.87 per month
Door-to-Truck Service Additional Cart	$6.18 trash/$12.36 recycling per month per additional cart	$6.32 trash/$12.65 recycling per month per additional cart

Solid Waste Collection Rates – Small Commercial	Current Rates	Proposed January 1, 2021 Rates
Curbside Trash (1x weekly)	$28.10 per month	$28.76 per month
Curbside Recycling (1x biweekly)	$14.05 per month	$14.38 per month
Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart

Fiscal Impact

Solid Waste revenues have been budgeted in the FY2021 budget. The anticipated monthly billings for solid waste services are $116,934 or $1,403,213 annually, which is the amount in the General Fund FY2021 budget for solid waste revenue (billings), and solid waste expenditures (WM contract). The billing and collection fee is 12% of projected billings, or $168,385.

Recommendation

Recommend approval of the attached ordinance amending the City of Belton Fee and Rate Schedule.

Attachments

Waste Management Rate Change Proposal
Proposed ordinance amending Fee and Rate Schedule

October 1, 2020

City of Belton
Susan Allamon-Director of Finance
City of Belton
1502 Holland Road
Belton, Texas 76513

Re: Garbage Collection Agreement / Rate Adjustment

Dear Ms. Allamon:

Provided for your notification is the annual CPI adjustment as stated in Section 11 Modification To Rates Clause, in our solid waste collection agreement. The scheduled annual CPI adjustment will be reflected in our invoicing for January 1, 2021.

The CPI U.S Cities Average Garbage and Trash Index number in September 2019 was 245.549 and has increased to 253.974 as of September 2020. The new rate increase reflects 80% of the change CPI and 20% of the average percentage that the price of diesel fuel has increases or decreased from the most recent available period prior to the notice period. This average is determined by reference to the Energy Information Administration of the US Department of Energy ("EIA/DOE") Weekly Retail on Highway Diesel Prices for the Gulf Coast. The rate for collection services will increase (2.34%) over your current monthly service fee from $16.46 to $16.85.

Please see attached pricing matrix form for complete pricing matrix and backup spreadsheet for CPI/ Fuel Data breakdown.

It is a pleasure to be part of the community team. Should you have any questions or comments please do not hesitate to contact me directly at 512-696-0363 or pdaugere@wm.com

Sincerely,

Paul Daugereau
Public Sector Solutions Manager
Waste Management of Texas
9708 Giles Road Austin, TX 78754

Public Sector Solutions
Opening a world of solutions for your environmental needs.

WASTE MANAGEMENT
Think Green.

©2010 Waste Management, Inc.

9708 Giles Road Austin TX 78754
512-696-0363/ Fax 512-272-8960

City of Belton
January 1 2021
FOR THE CUSTOMER TAB

RESIDENTIAL RATES Iclude 12% FF Fee

Residential Rates	$16.60
Bulk Event	$0.25
AYD Rate	$0.90
Total Rate:	$17.75
Extra Trash Cart	$6.32
Extra Recycle Cart	$6.32
Resi Door to Truck	$37.72
extra trash or rcy cart(door to	$6.32

COMMERCIAL HAND COLLECT Includes 12% FF

	1XWK	2XWK
Cart-PU 96 Gal Trash	$ 28.76	N/A
Cart-PU extra cart	$ 6.32	N/A
Cart PU- Recycling	$ 6.32	N/A
Cart PU-Recycling extra Cart	$ 14.38	N/A
Poly Cart-PU (3 toters)	N/A	N/A
Recycling PU (1 toter)	N/A	N/A

COMMERCIAL RATES

	FREQUENCY PER WEEK							
Container Size / Type	**1XWK**	**2XWK**	**3XWK**	**4XWK**	**5XWK**	**6XWK**	**7XWK**	**EXTRA PU**
2 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8-Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

See Other Charges Or Notes Below

Delivery	N/A
Lock Bar, MONTHLY	N/A
Casters MONTHLY	N/A
Redelivery Charge for non payment **	N/A
Additional Charge	N/A
TEMPOPARY SERVICE	
6 Yard Temp ***	N/A
8 Yard Temp ***	N/A

***** Temporary Service includes delivery, rental and removal, and disposal**

COMMERCIAL FRONT LOAD COMPACTORS*

Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

See Other Charges Or NotesBelow

Delivery	N/A
Lock Bar, MONTHLY	N/A
Casters	N/A
Redelivery Fee for non payment	N/A
Gate or Enclosure Fee	N/A
Snapshot Charge	N/A

****Compactor Rate Does Not Include Rental (Choose one and delete the other)***

****Compactor Rate Includes Rental***

Additional Charge	N/A

COMMERCIAL FRONT LOAD RECYCLING CONTAINERS

Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 Yard FEL (Cardboard)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Yard FEL Cardboard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

See Other ChargesOr Notes Below

Delivery	N/A
Lock Bar, MONTHLY	N/A
Casters MONTHLY	N/A
Redelivery Fee for non payment	N/A
Gate or Enclosure Fee	N/A
Snapshot Charge	N/A
Additional Charge	N/A

ROLL-OFF RATES DOES NOT Include FF

Container Size / Type	Delivery Rate	Rental Rate	*BY Month or Day Rate*	*Hauling Charge (Per Pull + Disp)*	Haul Rate per Pull	Disposal Rate per ton
0	$ -	$ -	0	$ -	$ -	$ -
25 Yard (Open-Top)	N/A	N/A	Day	Charge (Per Pul	$ 450.00	N/A
30 Yard (Open-Top)	N/A	N/A	Day	Charge (Per Pul	$ 460.53	N/A
40 Yard (Open-Top)	N/A	N/A	Day	Charge (Per Pul	$ 460.53	N/A
30 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
33 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
34 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
35 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
40 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
42 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A
TRIP CHARGE RATE:			N/A			

NOTES

Roll Offs are Belton City Rates Only FLAT RATE $450.00 /DOES NOT INCLUDE FF
All other Rates Include 12% FF

ORDINANCE NO. 2020-40

AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021.

WHEREAS, the City of Belton has entered into a Municipal Solid Waste Collection and Transportation Agreement granting Waste Management exclusive rights to operate and maintain the service of collection and transportation of residential and commercial hand-collect garbage and trash and recycling, over, upon, along and across the present and future streets, alleys, bridges, and public properties of the City

WHEREAS, per Section 11.01 of the Agreement, beginning January 1, 2021 and continuing annually, Waste Management has the right to adjust the rates by 80% of the percentage as the Consumer Price Index, US City Average for All Urban Consumers, Water, Sewer, Trash, Not Seasonally Adjusted, Base Period December 1983 = 100 (published by the United States Bureau of Labor Statistics, Consumer Price Index) (the "CPI") shall have increased during the preceding twelve months. The index used is the most recently available index prior to the 60 days' notice to the City.

WHEREAS, per Section 11.02 of the Agreement, beginning January 1, 2021, Waste Management has the right to adjust the base rates by 20% of the average percentage that the price of diesel fuel has increased or decreased from the most recently available period prior to the 60 days' notice period. The average will be computed by calculating the changes in diesel fuel price as determined by reference to the Energy Information Administration of the US Department of Energy Weekly Retail on Highway Diesel Prices for the Gulf Coast each month during the 12-month period of measurement.

WHEREAS, on October 1, 2020, Waste Management notified the City that rates would be adjusted upwards by 2.34% as of January 1, 2021, based on the September 2019 – September 2020 adjustment in the Consumer Price Index, US City Average for All Urban Consumers, Garbage and Trash Collection, Not Seasonally Adjusted, Base Period December 1983 = 100, as well as the Energy Information Administration of the US Department of Energy Weekly Retail on Highway Diesel Prices for the Gulf Coast for the same period.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that section 8-71 and section 8-72 of the Fiscal Year 2021 Fee Schedule effective October 1, 2020, be amended effective January 1, 2021 as follows:

Sec. 8-71:

Solid Waste Collection Rates - Residential	**Current Rates**	**Proposed January 1, 2021 Rates**
Curbside Trash and Recycling (Includes 1x weekly Trash, 1x biweekly Recycling, Curbside Bulk, Bulk Events and Household Hazardous Waste Collection)	$17.34 per month	$17.75 per month

Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart
Door-to-Truck Service (includes Bulk Events and Household Hazardous Waste Collection)	$37.98 per month	$38.87 per month
Door-to-Truck Service Additional Cart	$6.18 trash/$12.36 recycling per month per additional cart	$6.32 trash/$12.65 recycling per month per additional cart

Sec. 8-72:

Solid Waste Collection Rates – Small Commercial	**Current Rates**	**Proposed January 1, 2021 Rates**
Curbside Trash (1x weekly)	$28.10 per month	$28.76 per month
Curbside Recycling (1x biweekly)	$14.05 per month	$14.38 per month
Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart

PASSED AND APPROVED this the 10th day of November, 2020.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

Proposed Changes to FY 2021 Fee and Rate Schedule

Effective January 1, 2021

Sec. 8-71 Solid Waste Fees - Residential

Solid Waste Collection Rates - Residential	Current Rates	Proposed January 1, 2021 Rates
Curbside Trash and Recycling (Includes 1x Weekly Trash, 1x Biweekly Recycling, Curbside Bulk, Bulk Events and Household Hazardous Waste Collection)	$17.34 per month	$17.75 per month
Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart
Door-to-Truck Service (includes Bulk Events and Household Hazardous Waste Collection)	$37.98 per month	$38.87 per month
Door-to-Truck Service Additional Cart	$6.18 trash/$12.36 recycling per month per additional cart	$6.32 trash/$12.65 recycling per month per additional cart

Sec. 8-72 Solid Waste Fees – Small Hand Collect Commercial

Solid Waste Collection Rates – Small Commercial	**Current Rates**	**Proposed January 1, 2021 Rates**
Curbside Trash (1x weekly)	$28.10 per month	$28.76 per month
Curbside Recycling (1x biweekly)	$14.05 per month	$14.38 per month
Curbside Additional Cart	$6.18 per month per additional cart	$6.32 per month per additional cart

<u>Recommendation</u>:

Adoption of the ordinance and corresponding Fee and Rate Schedule for FY 2021effective on January 1, 2021.

Staff Report – City Council Agenda Item

Date: November 10, 2020
Case No.: Z-20-18
Request: **Reconsideration of a Zoning Change from PD (Patio Home) to Amended PD (Patio Home)**
Applicant/Owner: LWG Associates, LLC Larry Guess

Agenda Item #11

Hold a public hearing and reconsider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street.

Originating Department

Planning – Bob van Til, Interim Director of Planning

Current Zoning: PD (PH)

Proposed Zoning: Amended PD (PH) for a reduced rear yard setback from 12 feet to 5 feet

Background/Case Summary

The applicant is seeking a reconsideration of this zone change request to allow for a reduction in rear yard setbacks from 12 feet to 5 feet. City Council held a public hearing to consider this item on September 22, 2020 and, upon a motion to approve the request, voted 3-4 which resulted in disapproval of the requested change (see Council minutes excerpt attached).

This property was zoned PD (Patio Home) in 2013. The original approval allowed a development with six townhomes on six lots configured as one detached dwelling, two attached dwellings, and three attached dwellings. The PD zoning also included conditions to allow a reduction in the front yard setback from 25’ to 22’, and a reduction in the side yard setback from 8’ on one side and 10’ on the other side, to zero feet on both sides.

The applicant believes the intent when originally approved was also to allow a reduced rear yard setback from 12’ to 5’; however, this was not included in the PD conditions and is the subject of this request. The applicant is requesting an amendment to the PD to allow this reduced rear yard setback. The reduced rear yard will allow room for the building plan proposed by the applicant.

Project Analysis and Discussion

Existing Conditions:
The adjacent properties along Estate Drive to the north, east, and west are residentially developed and zoned Single Family – 1 District. Johnnies Cleaners and Tailors is located on the adjacent property to the southwest, zoned Retail District. Property to the south is also zoned Retail District and is owned by HEB for use as a detention pond, and has a large Texas Power and Light (TP&L) easement with power lines running east/west.

Allowable Land Uses:
The current PD zoning with a Patio Home base district allows zero lot line patio homes as well as a detached single family home, and incidental uses to include common open space, community center, and recreation buildings. No change in the number of units or in allowed uses is proposed with the amended PD.

Area & Setback Requirements:
Minimum area and setback requirements for the Patio Home Zoning District are summarized below, along with current and proposed PD conditions:

Zoning Ordinance Requirement		**PD Condition 2013**	**Current Request**
Front Yard	25’	**Reduction to 15’**	**15’**
Side Yard	8”/10’	**Reduction to 0’**	**Zero feet**
Rear Yard	12’	No change	**Reduction to 5’**
Lot Area*	5,000 sq. ft.	No change proposed	No Change
Lot Width*	50’	No change proposed	No Change
Lot Depth*	90’	No change proposed	No change

*Some of the lots in the approved subdivision plat do not satisfy all of the stated area requirements for the PH Zoning District. However, the plat has been approved and the resulting lot sizes are allowed as recorded.

The PD zoning approved in 2013 allowed a reduction in the front and side yard setbacks as shown in the table above in green. The purpose of this request is to reduce the rear yard setback from 12’ to 5’. The proposed reduction in the rear yard setback will be along the south, east, and west property lines. There are no buildings on the adjacent property to the south, owned by HEB. Structures on the properties to the east and west appear to be set back a minimum of 20’ from the property line. In addition, the applicant plans to provide 6’ high solid privacy fencing along the east and west sides. No fencing is proposed on the south side where the adjacent property is owned by HEB and anticipated to remain open space with the detention

pond and TP&L easement. The Zoning Ordinance allows a side yard setback for residential use to be as little as 5'.

Future Land Use Map:
The FLUM identifies this general vicinity near Main Street and Lake Road as a Lifestyle Center with mixed uses to include dense residential use. The proposed patio home (PH)/townhome (TH) development is at a higher density than a typical detached single family development and provides a transition from the retail development to the west along Main Street and the SF1 zoned residential properties to the east. The PD for PH/TH use with reduced front and side setbacks was determined to be appropriate when rezoned in 2013.

The requested reduction in the rear yard setback will allow the proposed PH/TH development to occur as planned, a use that appears to be consistent with the FLUM and compatible with existing mixed uses in this area. Therefore, the proposed amendment appears to be reasonable.

Design Standards Type Area 14: Projected to be primarily single lot residential developments with City sanitary sewer.

Other Consideration:
Property owners within 200' of this development were contacted regarding the reconsideration of this request, as required for zoning cases. The residential properties to the east and west are most affected by the requested reduction in setback. Therefore, we suggest their opinions be considered in determining if the proposed rear yard setback reduction "fits" in this location.

P&ZC Update: The adjacent property owner to the west attended the Planning and Zoning Commission meeting on September 15, 2020 and expressed opposition to the townhouse development, due to concerns with increased traffic. The P&ZC members acknowledged these concerns, but reiterated that this proposed amendment only addresses the reduced rear yard setback, and not the merits of the townhouse development in this location, since the use and number of units has already been evaluated and approved.

A notice was published in anticipation of the public hearing on November 10, 2020. Staff will update Council on responses received at the meeting.

Recommendation

The Planning and Zoning Commission met on September 15, 2020, and with a vote of 6-0, unanimously recommended approval of the zoning change from PD (PH) to amended PD (PH), subject to the conditions below, and staff concurs with their recommendation. The conditions below are the same as those approved in 2013, with the addition of the reduced rear yard setback and fencing requirement. The subdivision plat requirement that has already been completed.

1. The use of the property shall conform to the Patio Home Zoning District in all respects, except as follows:

a. 22’ front yard setback is allowed
b. 0’ side yard setback is allowed
c. 5’ rear yard setback is allowed

2. Landscaping plan providing suitable transition subject to detailed site plan review.

3. 6’ high solid fencing shall be provided on the east and west sides.

4. The development of the property shall conform to the Patio Home Zoning District and all applicable Type Area 14 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
    a. Site Development Standards discussed above
    b. Building Design Standards
    c. Landscape Design Standards

5. Sign Standards shall conform to Ordinance 2008-11.

~~6. Subdivision plat is required.~~

Attachments

Zoning application
Property Location Map
Zoning map
Aerial photo
Map with zoning notice boundary (200’)
Zoning notice to owners
Property owner’s list
Subdivision plat—Lone Oak Estates
Site plan
P&Z Minutes Excerpt
Ordinance
City Council Minutes Excerpt from September 22, 2020
Mr. Guess’ email dated October 21, 2020 requesting reconsideration of the request.

City of Belton
Request for a Zoning Change

To the City Council and the Planning & Zoning Commission

Fee: $250.00

Date Received: 08-17 Date Due: 08-17 **(All plans are to be returned to the Planning Department within 5 working days)**

Applicant: LWG Assoc LLC Phone Number: 254 718 2897
Mailing Address: 202 E Barton Ave City: Temple State: TX
Email Address: Iguess@hot.rr.com

Owners Name: same Phone Number: _____
Mailing Address: _____ City: _____ State: _____
Email Address: _____

Applicant's Interest in Property:
full ownership; construction

Legal Description of Property:
6-lot subdivision

Is this property being simultaneously platted? NO

Street Address: 607 Estates Drive or Lone Oak ST
Zoning Change From PDD to Amended PD
Signature of Applicant: _____ Date: 8/17/20
Signature of Owner (if not applicant): _____ Date: _____

Checklist for Zoning Items to be submitted with application:

- Signed Application
- Fees Paid
- Complete Legal Description of the property to be re-zoned
- Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

Zoning Case # Z-20-18 Location

CITY OF BELTON
Planning Department

ZONING CHANGE:
PD-PH
to
AMENDED PD-PH

LEGAL DESCRIPTION:

LONE OAK ESTATES, BLOCK 1
LOTS 1-6, 0.626 ACRES

PROPERTY OWNER:
GUESS, LARRY

ADDRESS/LOCATION:
2806 - 2827 LONE OAK DRIVE

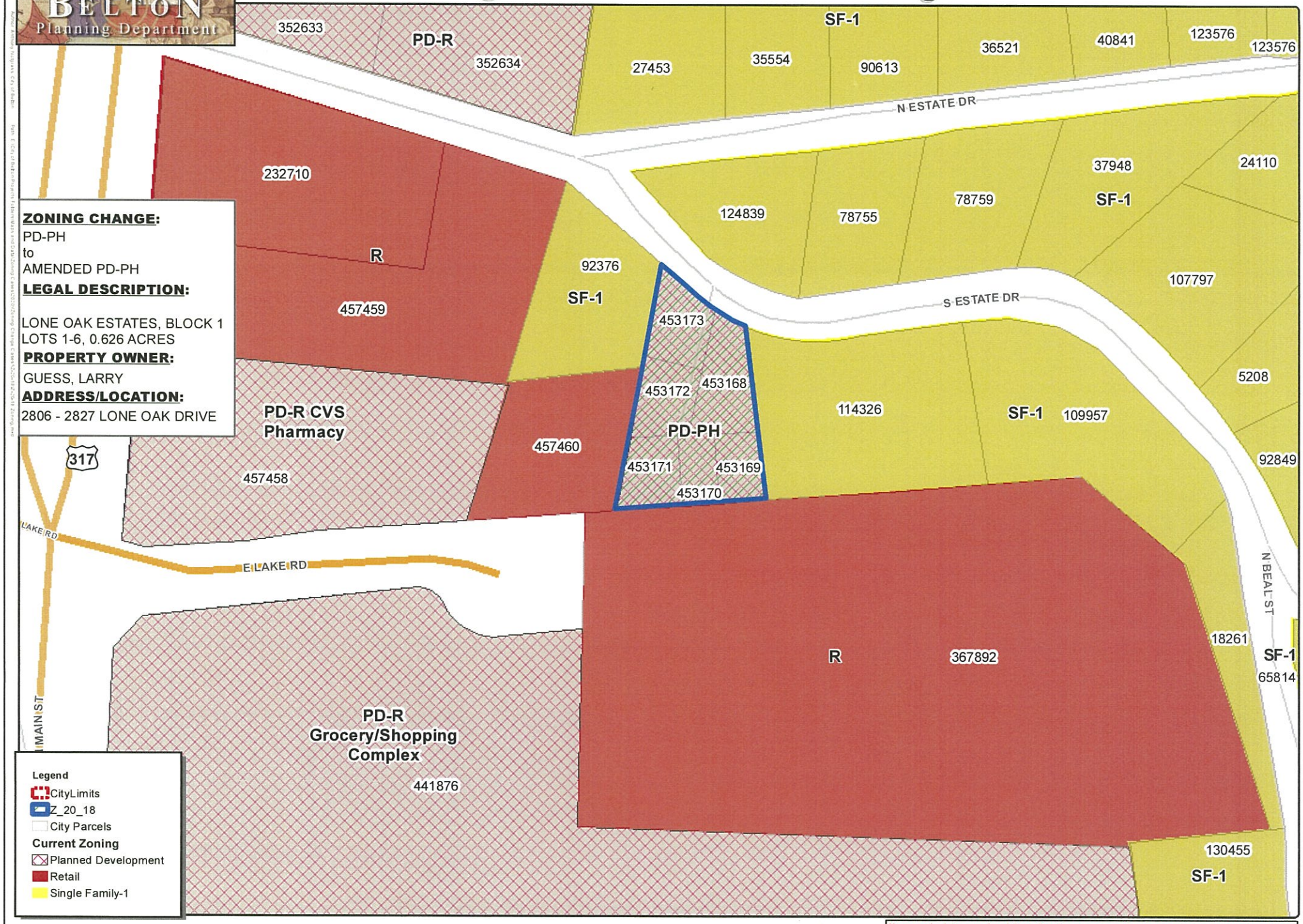
LEGEND
Z_20_18

Map Date: 9/2/2020 Aerial Imagery Date: 2018

0 75 150 300 Feet

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Zoning Case # Z-20-18 Zoning



Zoning Case # Z-20-18 Aerial

Map Date: 9/2/2020 Aerial Imagery Date: 2018

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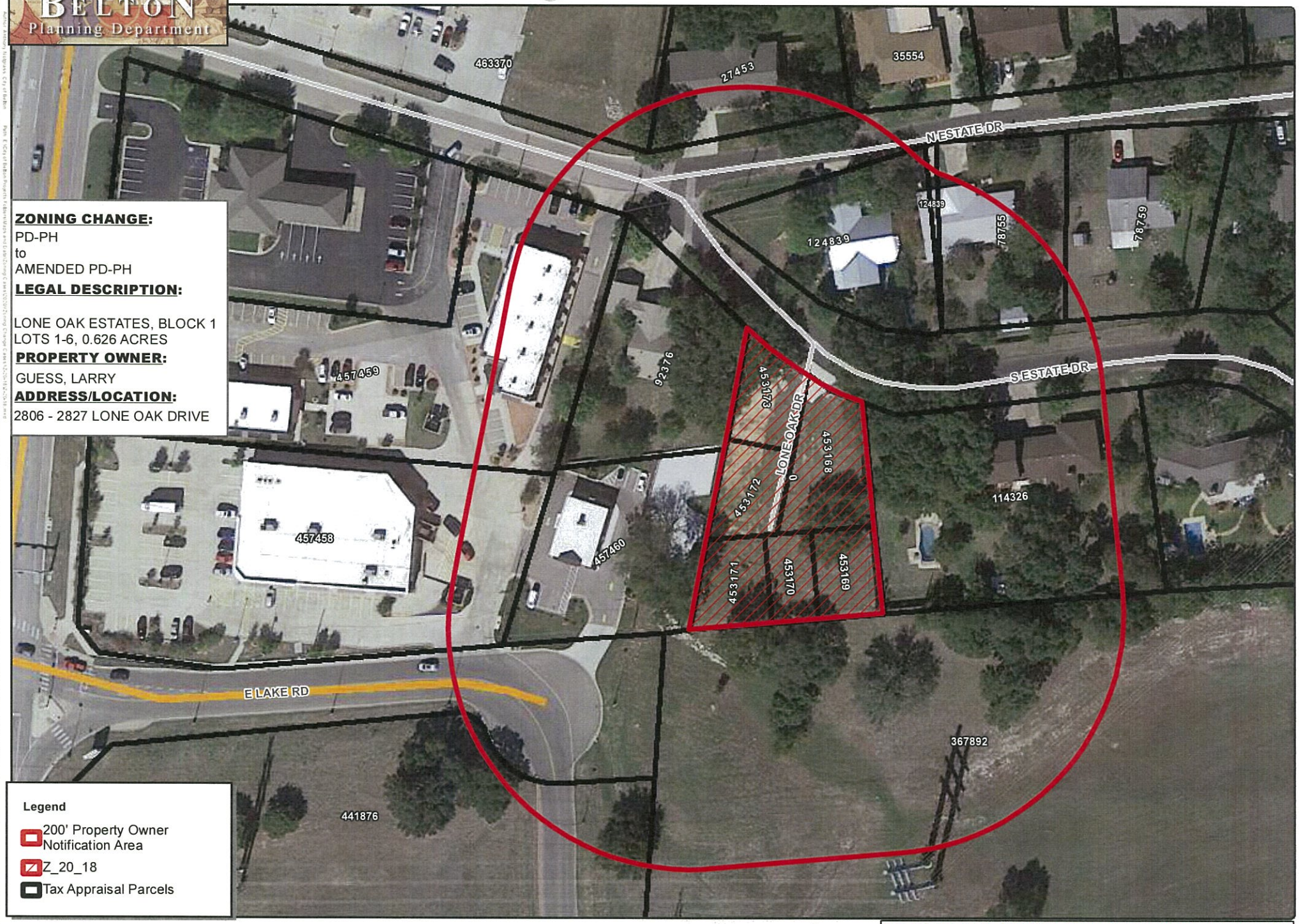
Zoning Case # Z-20-18



Map Date: 9/2/2020 Aerial Imagery Date: 2018

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NOTICE OF APPLICATION FOR AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF BELTON, TEXAS

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: LWG ASSOCIATES LLC,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 2806, 2810, 2811, 2819, 2826, AND 2827 LONE OAK DRIVE,
FROM A(N) PLANNED DEVELOPMENT (PATIO HOME) ZONING DISTRICT,
TO A(N) AMENDED PLANNED DEVELOPMENT (PATIO HOME) ZONING DISTRICT.
TO CONSIDER A REDUCTION IN THE REAR YARD SETBACK REQUIREMENT FORM 12' TO 5'.

THE CITY COUNCIL WILL HOLD A PUBLIC HEARING TO RECONSIDER A PREVIOUS VOTE FOR THIS ACTION AT **5:30 P.M., Tuesday, November 10, 2020,** AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

NOTE: TO MITIGATE THE SPREAD OF COVID-19, THIS MEETINGS MAY BE CLOSED TO IN-PERSON ATTENDANCE BY THE PUBLIC. IF CLOSED, COMMISSION AND COUNCIL MEMBERS WILL ATTEND VIRTUALLY VIA A ZOOM MEETING. CITIZENS MAY JOIN THE ZOOM MEETING BY CALLING (888) 475-4499 AND ENTERING THE MEETING ID THAT WILL BE POSTED WITH THE AGENDA PRIOR TO THE MEETING AT BELTONTEXAS.GOV. STATUS OF THE MEETING, WHETHER IT IS OPEN OR CLOSED TO IN-PERSON ATTENDANCE, WILL BE POSTED ON THE AGENDA AT THIS WEBSITE. CITIZENS MAY PROVIDE WRITTEN COMMENTS ON AGENDA ITEMS TO THE CITY PLANNING DEPARTMENT AT PLANNING@BELTONTEXAS.GOV PRIOR TO 1:00 P.M. ON NOVEMBER 10, 2020.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTEXAS.GOV, PRIOR TO 1:00 P.M. ON NOVEMBER 10, 2020

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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____

2. _____

3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

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THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, September 15, 2020**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, September 22, 2020**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____

2. _____

3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

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AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

NOTE: TO MITIGATE THE SPREAD OF COVID-19, THESE MEETINGS MAY BE CLOSED TO IN-PERSON ATTENDANCE BY THE PUBLIC. IF CLOSED, COMMISSION AND COUNCIL MEMBERS WILL ATTEND VIRTUALLY VIA A ZOOM MEETING. CITIZENS MAY JOIN THE ZOOM MEETING BY CALLING (888) 475-4499 AND ENTERING THE MEETING ID THAT WILL BE POSTED WITH THE AGENDA PRIOR TO THE MEETING AT BELTONTEXAS.GOV. STATUS OF THE MEETING, WHETHER IT IS OPEN OR CLOSED TO IN-PERSON ATTENDANCE, WILL BE POSTED ON THE AGENDA AT THIS WEBSITE. CITIZENS MAY PROVIDE WRITTEN COMMENTS ON AGENDA ITEMS TO THE CITY PLANNING DEPARTMENT AT PLANNING@BELTONTEXAS.GOV PRIOR TO 1:00 P.M. ON SEPTEMBER 15, 2020.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTEXAS.GOV, PRIOR TO 1:00 P.M. ON SEPTEMBER 15TH.

---

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. Too small area for 6 patio homes
2. Access Road Estate too narrow to
3. accomodate Traffic

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 9/15/2020 SIGNATURE: Frances V. Morgan

92376
MORGAN, FRANCES BAGGERLY
2011 DOWNING ST
BELTON, TX 76513-2028

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812

27453
MCDONALD, MARGRET GRACE
802 ESTATE DR
BELTON, TX 76513-1208

78759
JONES, JORDAN ALBERT NEILL
809 ESTATE DR
BELTON, TX 76513-1207

124839
MACKEY, BRIAN J ETUX JOAN M
1271 GOATES RD
TROY, TX 76579-3639

453168
GUESS, LARRY
202 E BARTON AVE
TEMPLE, TX 76501-3371

453171
GUESS, LARRY
202 E BARTON AVE
TEMPLE, TX 76501-3371

457458
9 CHARLES CORP
1012 GRAND CT
HIGHLAND BEACH, FL 33487-5306

463370
NATIONAL RETAIL PROPERTIES LP
PO BOX 1287
TEMPLE, TX 76503

35554
SMITH, LEE W
806 ESTATE
BELTON, TX 76513

92376
MORGAN, FRANCES BAGGERLY
2011 DOWNING ST
BELTON, TX 76513-2028

367892
H-E-B LP
PO BOX 839999
SAN ANTONIO, TX 78283-3999

453169
GUESS, LARRY
202 E BARTON AVE
TEMPLE, TX 76501-3371

453172
LWG ASSOCIATES LLC
202 E BARTON AVE
TEMPLE, TX 76501-3371

457459
FLORES, M L INVESTMENTS LLC
PO BOX 24
TEMPLE, TX 76503

SUPERINTENDENT
BELTON I.S.D.
P O BOX 269
BELTON TEXAS 76513

78755
NESBITT, CAROLENE ANN
805 ESTATE DR
BELTON, TX 76513

114326
TAYLOR, LARRY ETUX ELATA
613 ESTATE DR
BELTON, TX 76513-1203

441876
H-E-B LP
PO BOX 839999
SAN ANTONIO, TX 78283-3999

453170
GUESS, LARRY
202 E BARTON AVE
TEMPLE, TX 76501-3371

453173
LWG ASSOCIATES LLC
202 E BARTON AVE
TEMPLE, TX 76501-3371

457460
FLORES, M L INVESTMENTS LLC
PO BOX 24
TEMPLE, TX 76503

Final Plat of

LONE OAK ESTATES

an addition in the City of Belton, Bell County, Texas, being part of the M. F. CONNELL SURVEY, ABSTRACT NO. 6, in Bell County, Texas.

This 0.626 acre tract is embracing that certain called 0.621 acre tract described in a deed to Larry Guess, of record in Doc. No. 2008-00008556 of the Official Public Records of Bell County, Texas. This sketch is to accompany a Field Note Description of the hereon shown 0.626 acre tract.

LOTS - SIX (6)
BLOCKS - ONE (1)
AREA - 0.626 ACRE

OWNER:
LARRY GUESS
202 EAST BARTON AVENUE
TEMPLE, TEXAS 76501

STATE OF TEXAS

COUNTY OF BELL

THAT, LARRY GUESS, OWNER OF A PORTION OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **LONE OAK ESTATES**, WITHIN THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BY: _____
LARRY GUESS

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LARRY GUESS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 10th DAY OF July 2013.

_____
NOTARY PUBLIC, STATE OF TEXAS

LAURA JEAN LIVINGSTON
Notary Public, State of Texas
My Commission Expires
November 29, 2016

STATE OF TEXAS

COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **LONE OAK ESTATES**, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, HAS APPROVED THIS THE 18 DAY OF July 2013, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELTON, TEXAS.

_____ CHAIRMAN _____ SECRETARY

SAID SUBDIVISION LIES WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, AND SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF BELTON, TEXAS.

WITNESS MY HAND AND SEAL THIS THE 10 DAY OF July 2013.

_____
CITY CLERK

STATE OF TEXAS

COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **LONE OAK ESTATES**, AN ADDITION WITHIN THE CITY LIMITS OF THE CITY OF BELTON, BELL COUNTY, TEXAS, HAS APPROVED THIS THE 23 DAY OF July 2013, BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.

_____ MAYOR _____ SECRETARY

STATE OF TEXAS

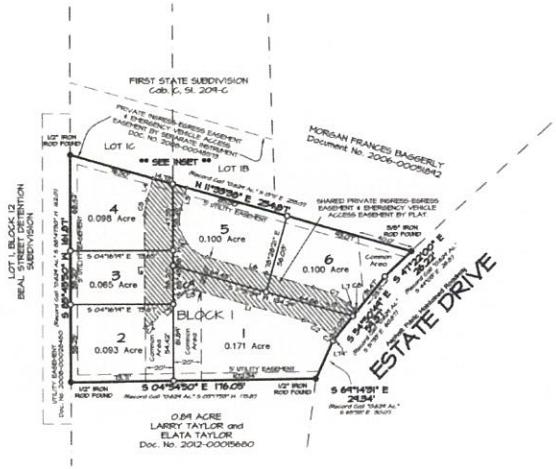
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT HAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

_____
CHARLES C. LUCKO, R.P.L.S.
REGISTRATION NO. 4686

DATE SURVEYED: MARCH 14, 2012

STATE OF TEXAS
REGISTERED
CHARLES C. LUCKO
4686
PROFESSIONAL LAND SURVEYOR



VICINITY MAP - N.T.S.

0 40 80 120

○ 5/8" IRON ROD WITH CAP MARKED "ALL COUNTY" SET

△ CALCULATED POINT

AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE 19 DAY OF July 2013 A. D.

BY: _____
BELL COUNTY TAX APPRAISAL DISTRICT

RECORDATION INFORMATION:
PLAT RECORDED IN CABINET Plat-H SLIDE 9 PLAT RECORDS OF BELL COUNTY, TEXAS

DEDICATION RECORDED IN DOCUMENT NO. 00035744 OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS

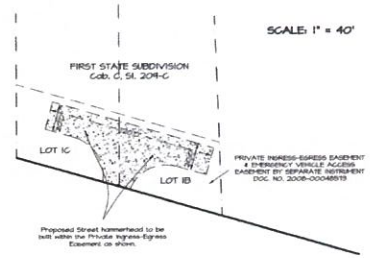
FILED THIS THE 14 DAY OF August 2013.

LINE	BEARING	DISTANCE
L1	S 11°39'56" W	80.80'
L2	S 47°11'56" E	35.00'
L3	S 88°43'56" W	80.10'
L4	N 18°25'21" W	16.11'
L5	N 18°28'21" W	16.30'
L6	N 11°51'54" E	"RUI"
L7	S 32°16'41" W	6.35'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	12.50'	3.54'	3.39'	S 49°24'55" W	15°14'31"
C2	41.50'	22.41'	22.15'	S 29°59'38" W	21°42'18"
C3	1.50'	8.02'	1.54'	S 15°40'06" E	61°14'51"
C4	12.50'	5.59'	5.48'	N 34°17'49" W	25°19'46"
C5	52.88'	10.84'	10.87'	S 84°17'06" E	11°37'24"
C6	27.50'	48.30'	38.84'	N 56°31'34" E	90°00'00"
C7	11.50'	28.12'	21.46'	N 21°56'13" E	20°41'08"
C8	12.50'	1.48'	1.47'	S 27°47'11" W	06°51'51"

INSET

SCALE: 1" = 40'



This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 113 is 01°26'58". The combined correction factor (CCF) is 0.999888. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 113 to the northeast corner of this 0.626 acre tract is S 03°28'33" W, 2535.53 feet. Published City coordinates for project reference point 113 are N. = 10319,24.24 E. = 3141316.33

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027C0880E, dated September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

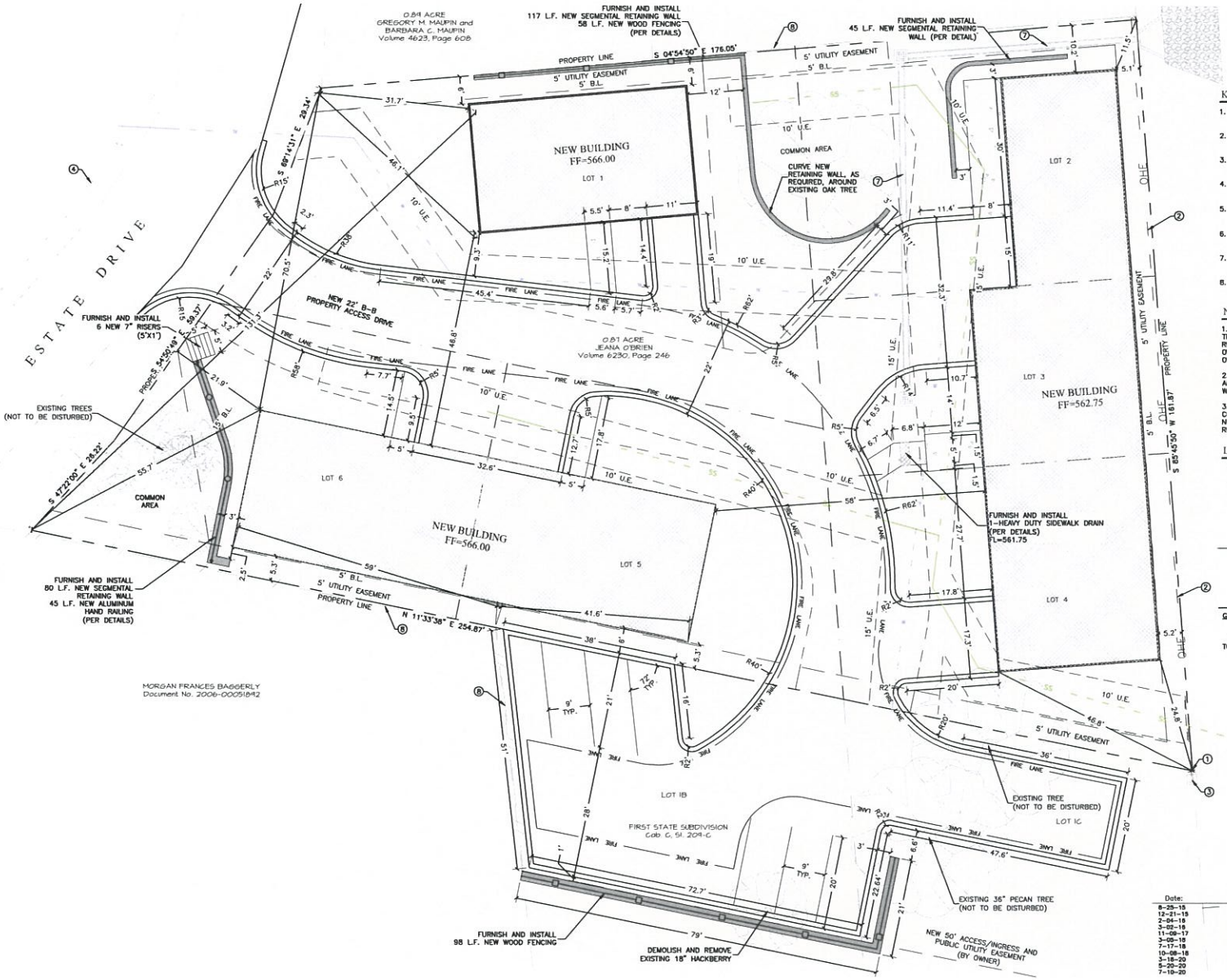
Final Plat of
LONE OAK ESTATES
an addition in the City of
Belton, Bell County, Texas.

ALL COUNTY SURVEYING, INC.
1303 South 21st Street, Temple, Texas 76504
(254) 778-2212 FAX (254) 774-7608
Tx Firm Lic No. 10023600

Plat Date: June 17, 2013

Survey completed	03-14-12
Scale:	1" = 40'
Job No.	120142
Dwg No.	120142
Drawn by	DHF
Surveyor	CCL 4686

Copyright 2013 All County Surveying, Inc.



KEYED NOTES

1. CAUTION!!! POWER POLE (SEE NOTES)
2. CAUTION!!! OVERHEAD ELECTRIC (SEE NOTES)
3. EXISTING TELEPHONE BOX (NOT TO BE DISTURBED)
4. EXISTING CITY OF BELTON WATER MAIN (NOT TO BE DISTURBED)
5. PROPOSED WATER MAIN/SERVICE (REFER TO SITE UTILITY SHEET)
6. PROPOSED SEWER MAIN/SERVICE (REFER TO SITE UTILITY SHEET)
7. PROPOSED STORM SEWER (REFER TO SITE UTILITY SHEET)
8. EXISTING WOOD FENCING (NOT TO BE DISTURBED)

NOTES

1. PRIOR TO CONSTRUCTION OR BIDDING, THE CONTRACTOR SHALL COORDINATE REMOVAL AND RELOCATION OF EXISTING OVERHEAD ELECTRIC AND TELEPHONE WITH OWNERS REPRESENTATIVE.
2. THE PARKING, INTERIOR STREET LIGHTING, AND COMMON AREAS WILL BE ADDRESSED WITH THE FIRST BUILDING PERMIT SUBMISSION.
3. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE EXTENTS OF NEW FLATWORK CONSTRUCTION WITH OWNERS REPRESENTATIVE.

LEGEND

- NEW HMAC PAVEMENT SECTION (PER GEOTECH REPORT)
- NEW CONCRETE FLATWORK (PER PROJECT DETAILS)
- PRECAST CONCRETE WHEEL STOP
- FIRE LANE — NEW FIRE LANE STRIPING (PER DETAILS AND CITY OF BELTON REQUIREMENTS)

PARKING SPACES

GARAGE	GARAGE DRIVEWAY	SEPARATE
5	5	6

TOTAL PARKING SPACES = 16

Revisions

Date:	Remarks:
6-25-15	PLANS REVISED TO INCORPORATE CITY OF BELTON COMMENTS
12-21-15	PLANS REVISED TO INCORPORATE CITY OF BELTON COMMENTS
2-04-16	PLANS REVISED TO INCORPORATE CITY OF BELTON COMMENTS
3-02-16	HAMMERHEAD REVISED PER OWNER COMMENTS
11-08-17	PARKING REVISED
3-09-18	REVISED PER OWNER COMMENTS
7-17-18	REVISED PER OWNER COMMENTS
10-08-18	REVISED PER OWNER COMMENTS
3-18-20	REVISED PER OWNER COMMENTS
5-20-20	REVISED PER OWNER COMMENTS
7-10-20	PLANS REVISED TO INCORPORATE CITY OF BELTON COMMENTS

DRAWING STATUS

NOTE: THE CLARK & FULLER, PLLC, ENGINEERING FIRM HAS NOT BEEN HIRED FOR DESIGN.
☐ PRELIMINARY
REVIEW ONLY AS THIS DATE. ON DRAWING IS NOT TO BE USED FOR CONSTRUCTION. ALL ELEVATIONS, DIMENSIONS, AND DETAILS COULD "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.
☒ FOR CONSTRUCTION
☐ FINAL DRAWINGS

SOUTH ESTATE MULTI-FAMILY DEVELOPMENT

Belton, Texas

7-10-20

CLARK&FULLER
CIVIL ENGINEERING • DESIGN • PLANNING

SITE DIMENSION PLAN

Plot Date: 7-10-20
Drawn By: JBF
Project No: 141447.00
Designed By: MLC

C7.1

Ms. Nancy Mullins, 2226 University Drive, stated she and her husband bought the 3.5 acres and plan to move into the existing home. A part of the additional three acres has been used for pee wee baseball practice. They would like to plat the property into two lots, with the existing house on ½ of an acre and the remaining three acres for the proposed home, and that requires a zone change for the existing home on the ½ acre lot.

Linda Pehl, 2208 University Drive, asked if someone is currently living in the house. Ms. Mullins stated there is someone living in the house, but her and her husband have plans to move into that home until the other home is built. Ms. Phel asked if the Mullins had plans for the three acres. Ms. Mullins stated they plan to build a future home there. Ms. Phel is concerned that the zoning change will affect the agricultural status of her property.

Mr. O'Banion asked if the Mullins will need to rezone the three acres in order to build. Ms. Newcomer stated once the property is re-platted, the Mullins will not have to rezone because a house zoned Agricultural on three acres or more is permitted according to the Zoning Otrdinance.

Ms. Schmuck made a motion to recommend the zoning change to City Council as proposed. Mr. Morgan seconded the motion and it was approved with 7 ayes, 0 nays.

11. Z-13-12 Hold a public hearing and consider a zoning change from a Patio Home District to Planned Development Patio Home District, for a 0.626 acre tract of land, located south of Estate Drive, 0.10 miles east of Highway 317, to connect six townhomes.

Mr. Guess removed himself as commission chairperson and abstained from the zoning (Z-13-12) and plat (P-13-12) case for Lone Oak Estates. Mr. O'Banion took the chair position role.

Ms. Newcomer presented the staff report.

Ms. Schmuck asked if the homes will be attached or detached. Ms. Newcomer stated three of the homes (to the south) are attached, two homes (to the west) are attached, and one home (to the east) is detached. Since the homes are attached, there is a need for a 0' side yard setback.

Mr. O'Banion asked for clarification as to why it was not zoned properly in 2005. Ms. Newcomer stated staff may have felt the Patio Home zoning met the development proposal at that time; however, Patio Home zoning requires a 10' side yard setback on one side and an 8" side yard setback on the other side.

Mr. Berryman asked if the only entry is from Estate Drive. Ms. Newcomer stated that is the only ingress/egress. There is a hammerhead to the west of the lots that will be utilized for a turnaround, which the applicant will dedicate an easement for the hammerhead by separate instrument.

Larry Guess, 504 Mitchell, stated several years prior he began to look for a location in which to build townhomes for retirees or single professionals. He felt this property was ideally situated because it is right on the edge of a single family neighborhood, to the south is a retention pond, HEB and large power lines, and to the west is Bluebonnet Plaza. The properties proximity to the grocery stores, shopping and Scott and White make it ideal for retirees. The townhomes will also be handicap accessible.

Mr. O'Banion asked how the proposed homes are going to fit into the lot. Mr. Guess stated the idea in attracting retirees is having an HOA, provide all maintenance and lawn service, and small yards, a 15' front yard and an 8' to 10' back yard. Having the homes attached to one another and removing the side yard makes this possible.

Mr. Berryman asked if there are any garages. Mr. Guess stated each home has a single car garage.

Frances Morgan, 2011 Dowing, owns the house at 601 Estate Drive where her daughter and grandchildren live. Ms. Dowing does not feel six homes and a street will fit into this lot. When they purchased the home they were under the impression the area would remain single family and not multifamily units jammed together.

Carolene Nesbitt, 805 Estate Drive, stated she has serious concerns about the location of the drive in proximity to the curve on Estate Drive. Ms. Nesbitt feels this could be the site for a possible automobile fatality. Her fence has been ran over two times and the curve sign has been hit and is currently bent. Ms. Nesbitt stated she has safety concerns about seniors and small children entering and exiting the addition.

Mimi Park, 810 Estate Drive, stated she has lived in her home since 1972 and the road has become very dangerous. She is worried that someone is going to get hurt. Except for the unsafe drivers their neighborhood, this area is very peaceful with very little crime. She understands there must be progress and growth, but she feels they need to widen the road and the corner because it is very dangerous.

Colleen Hittner, 601 Estate Drive, stated her fence and mailbox have been taken out several times by reckless drivers. She has written license plate numbers down and reported them to the police. She has serious concerns about the safety of her grandchildren and the children across the street.

Mr. Guess addressed the safety concerns about the children. He stated their target for selling these units is retirees and single professionals. It is not their intention to sell to families with small children.

Mr. Morgan asked for more details on the 0' side yard setbacks. Ms. Newcomer stated the 0' side yard setbacks are for the interior and exterior side lot lines. The developer could build right up to the lot lines. Mr. Guess stated there is a 10' easement that circles the property that cannot be built in. Ms. Newcomer clarified that the easement is 5' and Mr. Guess agreed.

Ms. Newcomer stated the private drive going into the property will be 25' wide, which is wider than a county maintained road. The applicant has stated this property is not subject to any existing deed restrictions. Deed restrictions will be created to address the common areas.

Ms. Schmuck stated she would like to see some type of plan that shows how the proposed homes are going to sit on the lots. Mr. O'Banion stated that seeing how the proposed dwellings would look does help. Ms. Newcomer stated it is a courtesy that some applicants provide elevations, but technically it's not a requirement, that portion is handled at the staff level and enforced through the design guidelines. Mr. Morgan stated that as a commission, it is their responsibility to deem whether or not the zoning is appropriate to the surrounding area, not what the building is going to look like. That is solely handled by the design guidelines that were established years ago. Mr. O'Banion agreed, but he does feel that having elevations will help in making a better decision.

Mr. Rabroker asked in regard to all the citizens in attendance what other avenues they have to express their concerns. Mr. Morgan stated he believes they should attend a City Council meeting. Mr. O'Banion strongly encouraged the citizens to attend the City Council meeting next week and state the issues they have with the roadway (Estate Drive).

Mr. Berryman made a motion to recommend the zoning change to City Council as proposed. Mr. Morgan seconded the motion and it was approved with 6 ayes, 0 nays, and 1 abstention.

12. **P-13-12 Consider a final plat for Lone Oak Estates, a 0.626 acre subdivision, containing six lots, located south of Estate Drive, 0.10 mile east of Highway 317.**

Ms. Newcomer presented the staff report.

Mr. Morgan made a motion to recommend the final plat to City Council as proposed. Mr. Berryman seconded the motion and it was approved with 6 ayes, 0 nays, and 1 abstention.

With no further business, the meeting was adjourned at 6:34 P.M.

_____

Chair, Planning and Zoning Commission

and this variance is reasonable since the lot is being utilized for a single use and not a single family dwelling. Ms. Newcomer expressed appreciation to the applicant for platting this area for the CTWSC pump station, and indicated the final plat was approved by the P&ZC by a vote of 7-0 at its meeting. She recommended approval. Upon motion by Councilmember Kirkley, seconded by Councilmember Gauntt, the Council unanimously approved the final plat.

Z-13-10 Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to Single Family-1 for 2226 University Drive, located on the south side of University Drive, 0.15 miles west of Loop 121.

Ms. Newcomer explained this applicant is proposing to build a single family home and barn on Lot 1 west of Loop 121 amidst a majority of large-lot single family homes and office uses. She identified area zoning, and indicated the applicant is proposing to plat a 3.50 acre tract into 2 lots, with Lot 1 to be 3.0 acres and Lot 2 to be 0.50 acres. Lot 1 will remain Agricultural since it is 3.0 acres and will be used for a single family home and agricultural operations. If approved, the applicant will be required to plat the tract into two lots to allow for construction of the home on Lot 1. Ms. Newcomer stated at its meeting on June 18th, the P&ZC recommended unanimous approval (7-0), and she concurred and recommended approval of the proposed ordinance.

The Mayor opened the public hearing. There were no comments for against the request, therefore the hearing was closed. Councilmember Gauntt made a motion to approve the ordinance. Councilmember Pearson seconded the motion, and the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY-1 ZONING DISTRICT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

Z-13-12 Hold a public hearing and consider an ordinance regarding a zoning change from a Patio Home District to Planned Development Patio Home District, for a 0.626 acre tract of land, located south of Estate Drive, 0.10 miles east of Highway 317, to construct six townhomes.

Ms. Newcomer gave an overview of this request to allow for construction of 6 townhomes (three attached units on Lots 2, 3 and 4, two attached units on Lots 5 and 6, and a detached unit on Lot 1). She reviewed area zoning, and explained the applicant has indicated the residences will be sold and individually owned. A Homeowner's Association (HOA) will be established to maintain common areas and the private roadway. This Planned Development proposal will allow the townhomes to have a 15' front yard setback and a 0' side yard setback, in contrast to the required 25' front yard setback and side yard setback of 8" on one side and 10' on the opposite side. The applicant is proposing to have each resident place their garbage receptacle in a common area maintained by the HOA along Estate Drive.

Ms. Newcomer stated this lot is located among varying uses such as single family homes, retail, and the very similar Patio Home District which was considered appropriate when zoned in 2005. The proposed one-story, two and three bedroom townhomes will each be 1,300-1,600 sq. ft. The 25' private street will accommodate emergency vehicles needed to access and service the proposed development. The applicant will be responsible for extension of utilities and has stated internal water and wastewater lines will be privately owned and maintained. The exterior construction of the townhomes will be composed of a mixture of stucco and stone, and staff will have the opportunity for site plan approval.

Ms. Newcomer stated with careful application of the City's Design Standards, and because this is the same plan provided to staff in 2005, staff believes the request is reasonable. The P&ZC recommended approval by a vote of 6-0-1, with Larry Guess (applicant) abstaining. She recommended approval.

The Mayor opened the public hearing. Applicant Larry Guess gave an overview of his request and the history of the project, and requested favorable consideration. He indicated traffic concerns were raised during the P&ZC meeting, and he reminded Council that only six vehicles will be added to this area and traffic pattern. The following individuals spoke in opposition:

Name	Address	Comments
Larry Taylor	613 Estate Dr.	Clarified single family residents exist on both sides (east and west). He requested the neighborhood be preserved, and thinks adding townhomes in a residential area sets a precedent. He cited concerns with trash, flooding, and the right turn onto S. Estate already being problematic, and he thinks two vehicles per unit would be added. Doesn't think the project is congruent nor compatible with current neighborhood.
Carol Sepulvado	621 Estate Dr.	Traffic is problematic at curve along Estate Drive. Visitors will have nowhere to park other than along the street.
Randy Sepulvado	621 Estate Dr.	Commented about the value of the townhomes compared to existing home values, and concurred with comments about the narrow curve; he finds this development between two single family dwellings hard to take.
Carolene Nesbitt	805 N. Estate Dr.	Lives behind this property and believes it will decrease her property value; the curve is dangerous and she thinks the duplexes will eventually become trashy. Can't comprehend how six patio homes will fit in this small location, and have room for parking/guests. Common garbage area will become trashy; she agrees with her neighbors' concerns.
Margret McDonald	802 Estate Dr.	Traffic is horrendous on Estate Drive; her home is on .60 acre, and this proposal is to put six units on the same sized lot. She agreed with comments by neighbors and concerned the Council would consider adding six townhomes in a single family neighborhood.
Frances Morgan	2011 Downing	Spoke on behalf of family residing at 601 Estate Drive, who couldn't attend. Development will become too crowded, and change the aesthetic view; noise factor will increase, and the value of the neighborhood will decrease. Concurred with others' comments.
Malcolm Freeman	817 Estate Dr.	Opposed to zoning change. Can't see how six buildings will fit in this space while maintaining the integrity of the area; believes parking will be a problem and there's no guarantee retirees will be future occupants.
Brian Mackey	803 Estate Dr.	Disagrees with packing a lot of people in a small space in the middle of a single family neighborhood; existing curve on Estate Drive causes people to drive off the road as it is, so adding 6-12 more vehicles will make the traffic horrendous.

There were no other comments, therefore the Mayor closed the public hearing. Councilmember Leigh asked about the proposed hammerhead, and Ms. Newcomer indicated the hammerhead is not shown on the plat, but will be accomplished by separate instrument; she stated the hammerhead is to serve as a turnaround, not for additional parking. Councilmember Pearson asked about additional parking, and Mr. Guess confirmed there will be a small driveway in addition to a one-car garage for each. Mayor Pro Tem Grayson asked about proposed setbacks, and Ms. Newcomer reiterated Lots 2, 3, and 4 are attached, 5 and 6 are attached and Lot 1 is detached. Patio home requires a 12' back yard setback which the applicant will maintain. The applicant is proposing a 15' front yard setback instead of 25' due to the private road, and a 0' side yard setback since five of the units are attached. Ms. Grayson then asked about the sizes of the units, and Ms. Newcomer reiterated they will be 1,300-1,600 sq. ft. Ms. Grayson agreed with concerns expressed about Estate Drive and travel along that roadway, and asked Mr. Guess if he was going to gain access to Lake Road, and Mr. Guess indicated though he couldn't reveal much information on the subject, discussion is underway. Councilmember Agan asked about the impact on density in the area, and Ms. Newcomer stated since this request is based on the developer's original intent (approved in 2005) and original drawings, she believes it is reasonable. Councilmember Gauntt confirmed the property is already zoned Patio Homes, and Ms. Newcomer indicated that is correct; she explained Patio Homes zoning does not allow detached units, and though it was the developer's intent to have zero lot lines, the property was not zoned properly in 2005. She added, if Mr. Guess didn't want zero lot lines, he could ultimately build six townhomes, all 10' 8" apart. Councilmember Gauntt

stated she understood concerns regarding Estate Drive, but believes that's a street issue, not a developer problem.

Mr. Taylor (613 Estate Drive), asked if a privacy fence would be erected between his front yard and abutting development, and Ms. Newcomer stated staff is requiring a transition from the single family homes to the patio homes. Mr. Taylor asked if similar requests would be approved if he and his neighbors wanted to build six units on their similar-sized properties, and the Mayor stated requests could be submitted, but he can't predict approval for future requests; in this instance, Mr. Guess's zoning change was already approved in 2005, and he can currently construct homes that are not connected. Mr. Sepulvado indicated he is confused about the action taken in 2005, and asked for clarification of the definition of patio homes. Ms. Newcomer explained Patio Home zoning requires homes to be detached units, and this request for Planned Development will allow the units to be attached.

Councilmember Leigh commented this area along the edge of Estate Drive is a neighborhood in transition, and he thinks this development is consistent with that transition. Though he shares concerns related to traffic/parking, he believes approving the PD will be better for the neighborhood, than letting it remain as zoned in 2005. The Mayor asked if parking can be prohibited on the interior street, and the City Manager stated the interior road will be a 25' private roadway, which will basically provide good two-way traffic and public safety access, and he wouldn't want to prohibit access. The Mayor indicated several residents spoke about decreasing property values, and he reiterated it is unlawful for the Council to take into consideration, what a proposed change would do to property values.

Councilmember Gauntt made a motion to approve the item as recommended. The motion was seconded by Councilmember Agan, and the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2013-18

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A PATIO HOME ZONING DISTRICT TO PLANNED DEVELOPMENT PATIO HOME ZONING DISTRICT FOR CONSTRUCTION OF SIX TOWNHOMES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

P-13-12 Consider a final plat for Lone Oak Estates, a 0.626 acre subdivision containing, a six lots, located south of Estate Drive, 0.10 miles east of Highway 317.

Ms. Newcomer recommended approval of this 6-lot subdivision in which the applicant intends to build six townhomes (related to zoning change in previous agenda item, that allowed a 15' front yard setback and a 0' side yard setback). She stated the P&ZC recommended approval by a vote of 6-0-1, with applicant Larry Guess abstaining.

Councilmember Leigh asked about the proposed hammerhead, and Ms. Newcomer indicated staff will ensure a turnaround for emergency access will be provided, and staff will also review site plans for each townhome to ensure adequate parking, etc. Councilmember Leigh made a motion to approve the plat as presented. The motion was seconded by Councilmember Pearson, and carried unanimously.

Miscellaneous

Consider on first reading, an ordinance regarding the voluntary annexation of an area comprising approximately 13.25 acres located generally north of US Highway 190 along the west side of Wheat Road, as requested by the Belton Independent School District.

The City Manager explained this is the first of two readings required for the voluntary annexation request received from the Belton Independent School District for approximately 13.25 acres of land proposed for construction of Chisholm Trail Elementary School. He identified the tract on a map, indicating the net tract size currently outside the Belton city limits is 13.25 acre, a reduction from the 15.69 acres stated in BISD's request. The 15.69 acres is the entire school site, which includes

ORDINANCE NO. 2013-18

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A PATIO HOME ZONING DISTRICT TO PLANNED DEVELOPMENT PATIO HOME ZONING DISTRICT FOR CONSTRUCTION OF SIX TOWNHOMES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

WHEREAS, Larry Guess, owner of the following described property has presented his petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 18th day of June, 2013, at 5:30 p.m. for hearing and adoption, said district being described as follows:

0.626 acres located south of Estate Drive, Belton, Texas (location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 25th day of June, 2013, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Patio Home Zoning District to Planned Development Patio Home Zoning District, in accordance with Section 13 – the Patio Home Zoning District, and the Design Standards in Ordinance No. 2009-31, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The allowable land use of the property shall conform to the Patio Home Zoning District in all respects, except with a 15' front yard setback and a 0' side yard setback required.

2. Landscaping plan providing suitable transition subject to detailed site plan review.

3. The development of the property shall conform to all applicable Type Area 1 Design Standards, contained in Ordinance No. 2009-31, Section 7.1 of the Zoning Ordinance by reference, including the following:

   A. Site Development Standards discussed above
   B. Building Design Standards

C. Landscape Design Standards

4. Sign Standards shall conform to Ordinance No. 2008-11.

5. Subdivision plat is required.

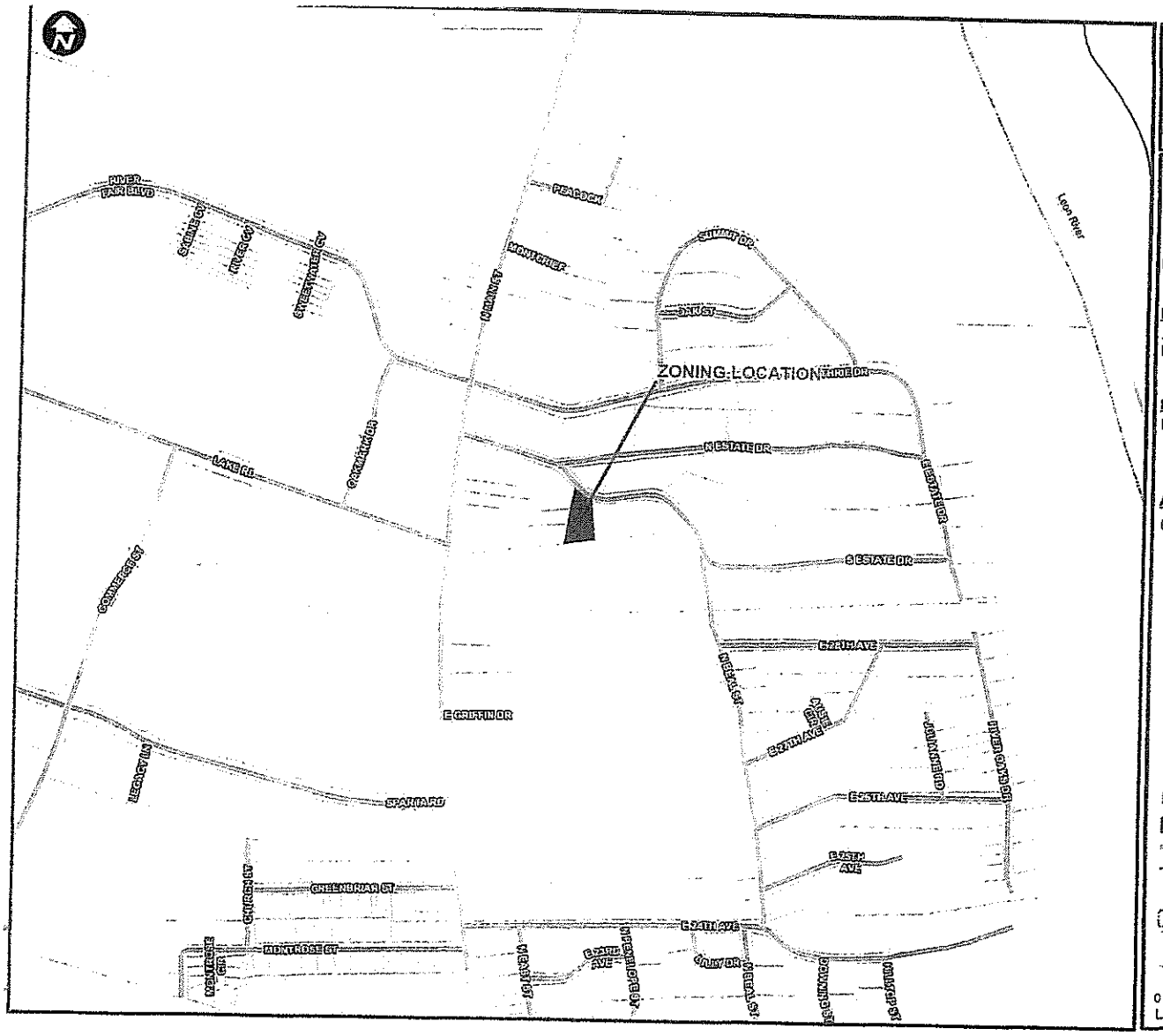
This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 25th day of June, 2013, by a vote of 7 ayes and 0 nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 25th day of June, 2013.

Jim Covington, Mayor

ATTEST:

Connie Torres, City Clerk



City of Belton
Planning Department

ZONING CASE #
Z-13-12

Zoning Change:
PH to PD-PH

LEGAL DESCRIPTION:
.629 acres
MF Connell Survey

PROPERTY OWNER:
Larry Guess

ADDRESS/LOCATION:
607 S Estate Drive

Legend
- Z-13-12
- Streets
- County Streets
- CityLimits
- Parcels
- Rivers and Streams

0 245 490 Feet

of Confederate Park Drive was changed to Veteran's Way upon a unanimous vote of 7-0.

RESOLUTION NO. 2020-28-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, CHANGING THE NAME OF CONFEDERATE PARK TO UNITY PARK, AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE 2020-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, CHANGING THE STREET NAME OF CONFEDERATE PARK DRIVE TO VETERAN'S DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Planning and Zoning

8. **Hold a public hearing and consider a zoning change from Agricultural District to Single Family-3 District on approximately 0.2 acres located at 1450 E. Avenue A, generally east of I-35 and Nolan Creek, near the southeast corner of Central Avenue and Avenue A, described as Richard 2nd Addition, Block 1, portion of Lot 9 (S 90' of W 98' of Lot 9), Belton Original Town.** *(Audio 47:33)*

   Public Hearing: No one spoke for or against.

   Upon a motion by Councilmember Holmes, and a second by Councilmember Pearson, 1450 E. Avenue A was rezoned to Single Family-3 District upon a vote of 7-0.

ORDINANCE NO. 2020-33

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL DISTRICT TO SINGLE FAMLY THREE DISTRICT ON APROXIMATELY 0.2 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

9. **Hold a public hearing and consider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street.** *(Audio 54:47)*

   Public Hearing: No one spoke for or against.

Upon a motion for approval by Councilmember Kirkley, and a second by Councilmember Pearson, 2806, 2810, 2811, 2819, 2826 and 2827 Lone Oak Drive was not rezoned to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback upon a vote of 3-4. Councilmembers Kirkley and Pearson, as well as Mayor Pro Tem Carpenter voted in favor, and Councilmembers Holmes, O'Banion, Leigh and Mayor Grayson voted against the rezoning.

ORDINANCE NO. 2020-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT (PATIO HOME) DISTRICT TO AMENDED PLANNED DEVELOPMENT (PATIO HOME) DISTRICT ON APROXIMATELY 0.626 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

10. **Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8 acres located at 500 N. I-35 Service Road, on the east side of I-35, south of Nolan Creek (Crossroads Church property).** *(Audio 1:11:06)*

Public Hearing: No one spoke for or against.

Upon a motion by Councilmember Leigh, and a second by Councilmember O'Banion, 500 N. I-35 Service Road was rezoned to Single Family-3 District upon a vote of 7-0.

ORDINANCE NO. 2020-35

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL DISTRICT TO COMMERCIAL HIGHWAY DISTRICT ON APROXIMATELY 8 ACRES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

11. **Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8.338 acres located on the east side of I-35 near 8101 S. I-35 Service Road, beginning approximately 0.6 mile north of Amity Road.** *(Audio 1:15:29)*

Public Hearing: No one spoke for or against.

Upon a motion by Councilmember Leigh, and a second by Councilmember Pearson, the 8.338 acres was rezoned to Commercial Highway District upon a vote of 7-0.

Tina Moore

From: Larry Guess <lguess@hot.rr.com>
Sent: Wednesday, October 21, 2020 8:36 AM
To: Marion Grayson; Dan Kirkley; David K. Leigh; John Holmes; Guy O'Banion; Wayne Carpenter; Craig Pearson; Sam Listi; Tina Moore
Subject: FW: agenda item
Attachments: loan oak estates letter to the council.odt

From: Larry Guess <lguess@hot.rr.com>
Sent: Wednesday, October 21, 2020 6:34 AM
To: 'Larry Guess' <lguess@hot.rr.com>
Subject: RE: agenda item

From: Larry Guess <lguess@hot.rr.com>
Sent: Wednesday, October 21, 2020 6:24 AM
To: 'mgrayson@beltontexas.gov' <mgrayson@beltontexas.gov>; 'dkirkley@beltontexas.gov' <dkirkley@beltontexas.gov>; 'dkleigh@beltontexas.gov' <dkleigh@beltontexas.gov>; 'jholmes@beltontexas.gov' <jholmes@beltontexas.gov>; 'gobanion@beltontexas.gov' <gobanion@beltontexas.gov>; 'wcarpenter@beltontexas.gov' <wcarpenter@beltontexas.gov>; 'cpearson@beltontexas.gov' <cpearson@beltontexas.gov>; 'slisti@beltontexas.gov' <slisti@beltontexas.gov>; tmoore@beltontexas.gov
Subject: RE: agenda item

This email is my formal request for a rehearing of the Lone Oak Estates agenda request for reduced rear yard setback. Attached is the information supporting my contention the issue was mishandled by council. Than you.

From: Larry Guess <lguess@hot.rr.com>
Sent: Thursday, September 24, 2020 6:17 AM
To: 'mgrayson@beltontexas.gov' <mgrayson@beltontexas.gov>; 'dkirkley@beltontexas.gov' <dkirkley@beltontexas.gov>; 'dkleigh@beltontexas.gov' <dkleigh@beltontexas.gov>; 'jholmes@beltontexas.gov' <jholmes@beltontexas.gov>; 'gobanion@beltontexas.gov' <gobanion@beltontexas.gov>; 'wcarpenter@beltontexas.gov' <wcarpenter@beltontexas.gov>; 'cpearson@beltontexas.gov' <cpearson@beltontexas.gov>; 'slisti@beltontexas.gov' <slisti@beltontexas.gov>; 'Cheryl Maxwell' <CMaxwell@BeltonTexas.Gov>
Subject: agenda item

This is to inform council members that in my opinion, the agenda item concerning South Estates Drive was mishandled this past evening, and that I will be pursuing the appeals process for a re-hearing. I'm leaving on vacation tomorrow, but upon my return I will prepare of a list of facts for your consideration concerning the agenda item. I appreciate your service to the city of Belton.

WARNING: This message is from an EXTERNAL email source. DO NOT open attachments or click links from unknown senders or unexpected email. Contact Belton IT support for assistance if necessary.

1. Notwithstanding COVID-19, the arrangement with the council in one room and the audience in another was less than effective. It was very difficult to see and hear what was occurring in the council room.

2 Foremost, the issue before the council was a request for a reduction of the rear yard setback from 12' to 5'. Almost immediately, the discussion was about traffic. Traffic was not an issue to be mentioned or debated, as that issue was debated and approved in the original plat approval. The owner of the residence to the west appeared before the P and Z Commission and objected to the traffic. The chairman of P and Z quickly reminded her the issue was setback, not traffic. She did not mention disapproval of the setback, nor did she attend the council meeting to object.

3. My two other neighbors, Mr. Larry Taylor, and Mr. Louie Flores are strongly in favor of the project. My Taylor owns the residence to the east, and Mr. Flores the commercial retail store to the west.

4. I have a 7' easement purchased from Mr. Taylor on the east, a 20' easement from the city of Belton to the south, and a 50' easement from Mr. Flores on the west. The only area in question is approximately 30' of the western neighbor's side/back yard. I remind you again the owner did not object to the reduction of the setback. Additionally, the property to the west is non-owner occupied and not well cared for. It is on the market for sale, and I am currently negotiating a contract for purchase.

5. I have the unanimous support of the P and Z, the city staff, my two neighbors, and no objection from the other homeowner

6. I was in attendance at the council meeting and was not asked to speak in explanation or favor of this agenda item.

7. I do not understand the mayor's decision to abstain from breaking the tie vote. She is in no way connected personally to this project. It is my understanding that it is the mayor's duty to break a tie vote. In addition, I don't understand why a tie vote means the applicant is the loser. It appears that there are as many in favor as there are against the request.

8. In all my years of construction and development and appearances before P and Z Commissions and City Councils, I have never heard possible tree trimming introduced as a reason for denying an applicant. It is my understanding that any property owner has the right to trim trees that are encroaching on his property.

ORDINANCE NO. 2020-41

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT (PATIO HOME) DISTRICT TO AMENDED PLANNED DEVELOPMENT (PATIO HOME) DISTRICT ON APROXIMATELY 0.626 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

WHEREAS, Larry Guess, LWG Associates, LLC, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 15th day of September 2020, at 5:30 p.m. for hearing and adoption, said district being described as follows:

Lots 1 – 6, Lone Oak Estates Subdivision, located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, Belton, Texas
(location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 10th day of November, 2020, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said districts located on a tract of land as more fully and completely described above, be and is hereby changed from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District, in accordance with Section 13–Patio Home Zoning District, Section 32–Planned Development Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use of the property shall conform to the Patio Home Zoning District in all respects, except as follows:
    a. 15' front yard setback is allowed
    b. 0' side yard setback is allowed
    c. 5' rear yard setback is allowed

2. Landscaping plan providing suitable transition subject to detailed site plan review.

3. 6’ high solid fencing shall be provided on the east and west sides.

4. The development of the property shall conform to the Patio Home Zoning District and all applicable Type Area 14 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
    a. Site Development Standards discussed above
    b. Building Design Standards
    c. Landscape Design Standards

5. Sign Standards shall conform to Ordinance 2008-11.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 10th day of November, 2020, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 10th day of November, 2020.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

Zoning Case # Z-20-18 Location

CITY OF BELTON
Planning Department

ZONING CHANGE:
PD-PH
to
AMENDED PD-PH

LEGAL DESCRIPTION:

LONE OAK ESTATES, BLOCK 1
LOTS 1-6, 0.626 ACRES

PROPERTY OWNER:
GUESS, LARRY

ADDRESS/LOCATION:
2806 - 2827 LONE OAK DRIVE

LEGEND
Z_20_18

Map Date: 9/2/2020 Aerial Imagery Date: 2018

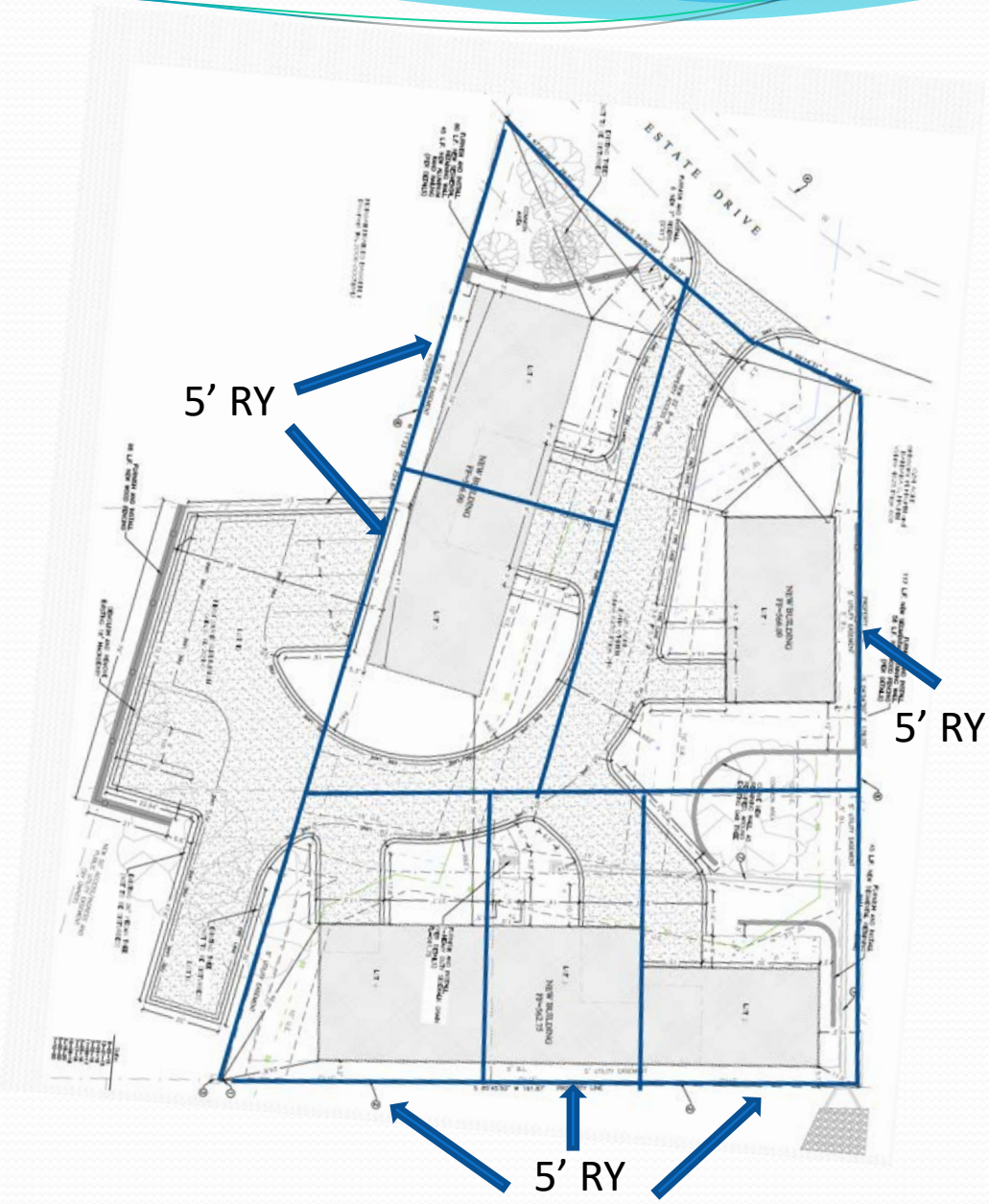
0 75 150 300 Feet

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

EXHIBIT B

Lone Oak Estates

Site Plan with Reduced Rear Yard Setbacks

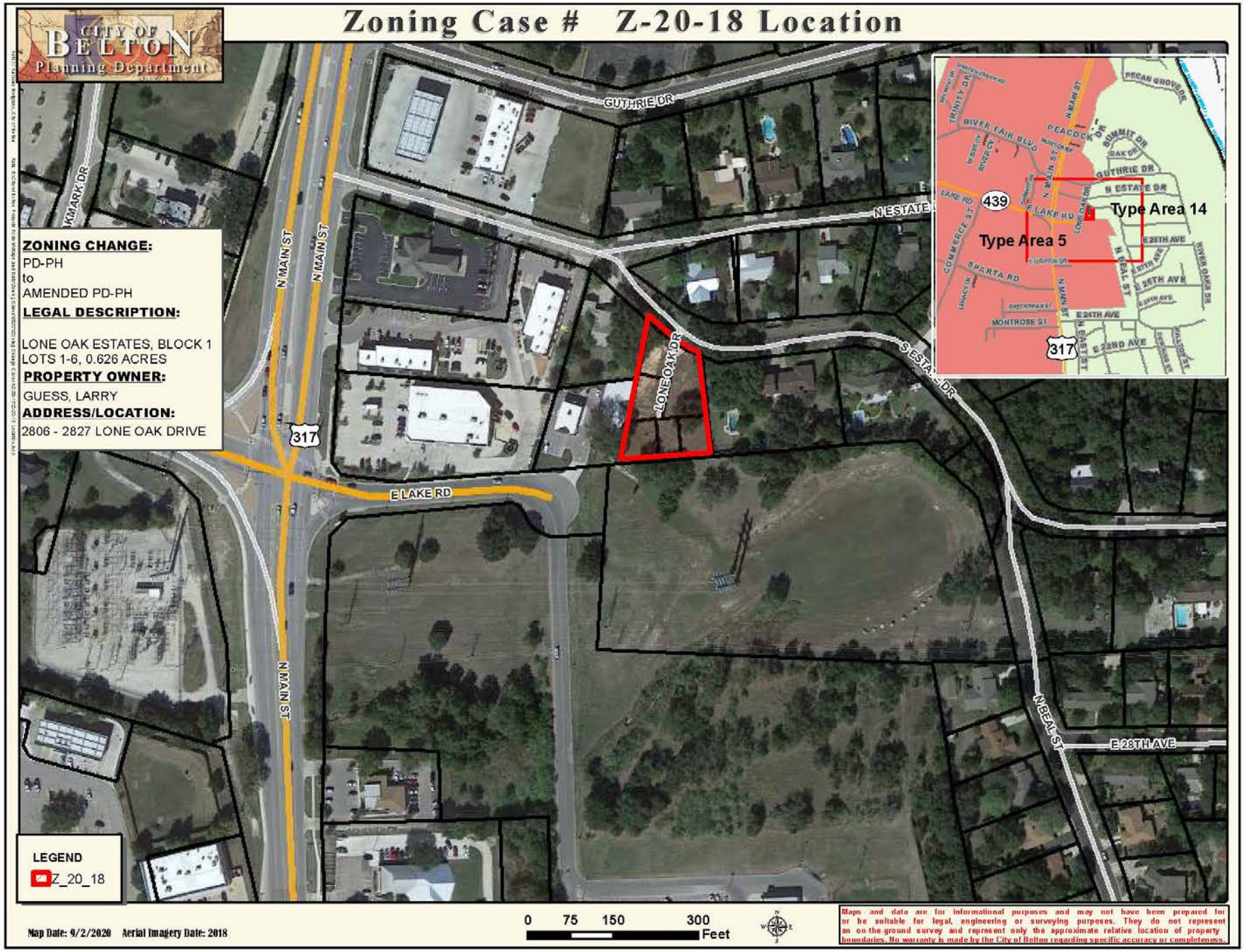


Z-20-18, PD (PH) to Amended PD (PH) Reconsideration

City Council

November 10, 2020

Zoning Case # Z-20-18 Location



Existing Conditions

West

East

Existing Conditions

Southwest View

Southeast View

Case Summary:

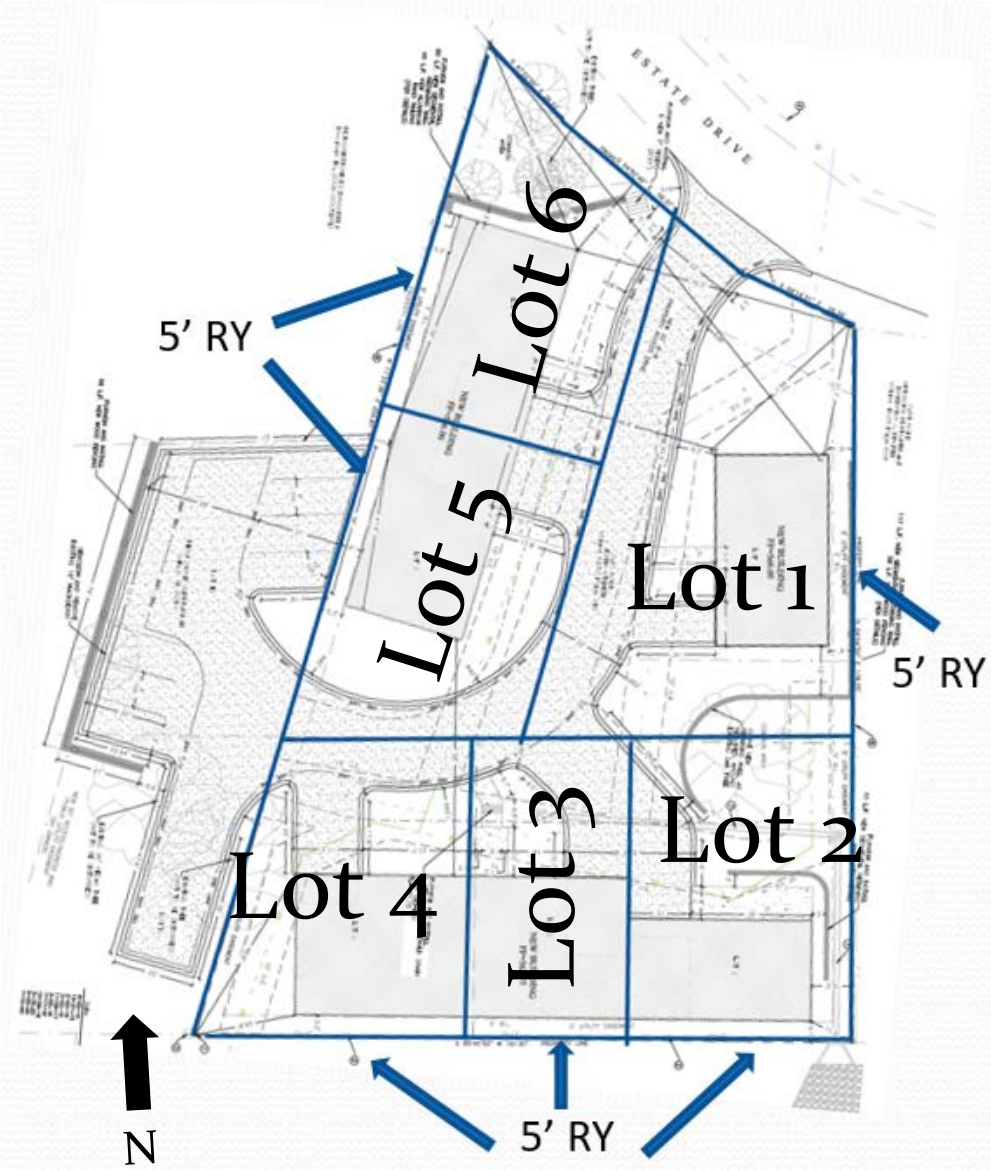
- Zoned PD (PH) in 2013, and platted as Lone Oak Estates (6 lots)—6 Townhomes proposed.

Zoning Ordinance Requirement PH District		2013 Approved PD Conditions	Current Request
Front Yard	25’	**Reduction to 15’**	No change Proposed
Side Yard	8”/10’	**Reduction to zero’**	No change Proposed
Rear Yard	12’	No Change	**Reduction from 12’ to 5’**
Lot Area*	5,000 sq. ft.	No change proposed	No change proposed
Lot Width*	50’	No change proposed	No change Proposed
Lot Depth*	90’	No change proposed	No change proposed

*Some of the lots in the approved subdivision plat do not satisfy all of the stated area requirements for the PH Zoning District. However, the plat has been approved and the resulting lot sizes are allowed as recorded.

Project Analysis/Discussion:

- No buildings located to the south of the site;
- Structures east and west are approximately 20’ away from the property line.
- 6’ solid privacy fence will be provided on E. and W. sides of dwelling units.



Recommendation

Planning and Zoning Commission met September 15, 2020 and with vote of 6 – 0, unanimously recommended approval of zoning change from PD (PH) to amended PD (PH), subject to conditions below--*same as those approved in 2013, with addition of reduced rear yard setback and fencing requirement, and deletion of subdivision plat requirement that has already been completed.*

- Use of property shall conform to PH Zoning District in all respects, except as follows:
  - 15’ front yard setback allowed
  - 0’ side yard setback allowed
  - 5’ rear yard setback allowed
- Landscaping plan providing suitable transition subject to detailed site plan review.
- 6’ high solid fencing shall be provided on east and west sides.
- Development of property shall conform to PH Zoning District and all applicable Type Area 14 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
  - Site Development Standards discussed above
  - Building Design Standards
  - Landscape Design Standards
- Sign Standards shall conform to Ordinance 2008-11.
- ~~Subdivision plat is required.~~

Staff concurs with the Planning and Zoning Commission as conditioned above.

Staff Report – City Council Agenda Item

Agenda Item #12

Hold a public hearing and consider an ordinance amending Chapter 4, Article VII, of the Code of Ordinances, establishing minimum building standards, dissolving the Housing Board of Adjustment and Appeals, and creating a Building and Standards Commission.

Originating Department

Planning – Bob van Til, Interim Director of Planning

Summary Information

The purpose of this item is to conduct a public hearing and consider adopting an ordinance that establishes policies and procedures for minimum building standards and the abatement of substandard or dilapidated buildings.

Safe buildings are key to a vibrant and sustainable community. Hazardous structures constitute a public nuisance and pose a danger to the public. Effective policies and procedures, that will both protect property rights and withstand legal challenges, are essential to address possible blight and distress of substandard buildings.

The current ordinance was adopted in 1981, and it addresses housing exclusively. The proposed ordinance covers all structures, and fills in the procedural gaps that are in the current ordinance. Texas Local Government Code Chapters 54 and 214 govern this process. These chapters provide the statutory framework for the process to establish minimum building standards and address abatement for substandard buildings. The proposed ordinance complies with the Texas Local Government Code.

The discrepancies between the 1981 ordinance and the provisions in the Texas Local Government Code were discovered when the City hired Carl Macek, Building Inspector, to help with addressing substandard structures.

The Proposed Ordinance:

- Repeals the ordinance from 1981.
- Incorporates the provisions from State law.
- Adopts the 2015 International Property Maintenance Code (IPMC).
- Includes all structures, not just residences.
- Establishes procedures to abate substandard structures.
- Establishes a Building and Standards Commission (BSC), replacing the current Housing Board of Adjustment. The BSC is quasi-judicial, similar to the Zoning Board

of Adjustment. The actions of the BSC are final, and decisions will not go to Council for consideration.

- Provides property owners an appeal process to district court.

The abatement process includes a significant outreach effort to property owners. This includes sending notices and certified letters, posting notices onsite, publishing a notice in the newspaper, filing notices at the City and the County Clerk's office, and conducting a public hearing at the Building and Standards Commission.

Staff has been working with property owners on pending substandard buildings, and have some locations that may need to go through this process. However, we expect the vast majority of substandard building abatement cases will be resolved voluntarily at the staff level in accordance with the minimum building maintenance standards established by this ordinance. The Building and Standards Commission will hear a small percentage of cases where the property owner has refused to cooperate, or the City is unable to locate the property owner.

Next steps:
If Council considers action to create the Commission, a companion item on this agenda is the appointments to the new Building and Standards Commission.

Fiscal Impact

N/A

Recommendation

Conduct the public hearing and consider adopting an ordinance amending Chapter 4, Article VII, of the Code of Ordinances, establishing minimum building standards, dissolving the Housing Board of Adjustment and Appeals and creating a Building and Standards Commission.

Attachments

Ordinance
Presentation

ORDINANCE NO. 2020-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 4, ARTICLE VII, MINIMUM HOUSING CODE, OF THE CODE OF ORDINANCES FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the City Council and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Council of the City of Belton was set for the 10th day of November, 2020, at 5:30 p.m. for hearing and adoption; and

WHEREAS, a hearing was held upon the amendments by the City Council of the City of Belton of the time, place and date herein before set forth; and

WHEREAS, said amendments were duly required by changes in the Texas Local Government Code; and

WHEREAS, the standards contained within this ordinance are intended to provide the statutory framework for the process to establish minimum building standards and address abatement for substandard buildings; and

WHEREAS, the City Council has determined that the proposed amendments are reasonable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

PART 1: The existing "Article VII – Minimum Housing Standards" of Chapter 4 of the Code of Ordinances for the City of Belton, Texas, is hereby amended as follows:

"Article VII – Minimum Housing Standards" is deleted in its entirety and is hereby replaced with Attachment A.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect November 10, 2020, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: Chapter 4 of the Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 10th day of November, 2020.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

EXHIBIT A

ARTICLE VII. - MINIMUM BUILDING STANDARDS

DIVISION 1. – GENERALLY

Sec. 4-241. - Adopted.

The 2015 International Property Maintenance Code is hereby adopted and is made a part of this article for all purposes, with the exception of such sections thereof as are deleted, modified, or amended in Exhibit B attached hereto and made a part of this article for all purposes.

Sec. 4-242. - Purpose.

This article is adopted pursuant to Texas Local Government Code, Chapter 54 and Chapter 214. The purpose of this article is to establish the minimum standards for the continued use and occupancy of all types of buildings and structures within the City, regardless of the date of their construction, in order to safeguard the public health, safety and welfare and to protect property.

Sec. 4-243. – Scope and Enforcement.

(a) This article shall apply to all dangerous buildings or other structures, and any of its components or systems, and shall apply equally to new and existing conditions.

(b) The City's Building Official is responsible for the administration and enforcement of this article.

Sec. 4-244. - Definitions.

Building Official means the officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this article.

Commission means the Building and Standards Commission of the City.

Construction standards means all of the construction codes adopted by the City of Belton.

Structure means a building or other structure, or part of a building or other structure.

Vacate means to leave the premises and not return until further allowed by the Building Official or Commission.

Dangerous building or structure means any premises, building or structure, in whole or in part, that is:

(a) Unoccupied by its owners, lessees, or other invitees, and is not secured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage, or it could be entered or used by minors, regardless of the structural condition of the building or structure; or

(b) Boarded up, fenced, or otherwise secured in any manner if:

(1) The building constitutes a danger to the public, even though secured from entry; or
(2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described in subsection (a) of this definition; or

(c) Dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety, and welfare. A building, premises or structure that contains the following defects shall be considered a dangerous building or structure under this definition:

(1) Interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line, passing through the center of gravity, falls outside the middle third of its base;

(2) 33% or more damage or deterioration to the supporting member(s), or 50% damage or deterioration to the non-supporting enclosing or outside walls or covering, exclusive of the foundations;

(3) Improperly distributed loads upon floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used, or in which the stress of any material, member or portion thereof, due to all imposed loads, including dead load, exceeds the stresses allowed in the construction standards adopted by the City;

(4) Damage from fire, flood, earthquake, wind, or other cause so as to have become dangerous to life, safety or the general health and welfare of the occupants or the general public;

(5) Damage from fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the construction standards adopted by the City for new buildings;

(6) Condition of the structure or building is likely to cause sickness or disease, so as to cause injury to the health, safety, or general welfare of those living therein or to persons or property in its vicinity;

(7) Decay, deterioration or dilapidation, reasonably likely to cause the structure to fully or partially collapse;

(8) Light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who occupy the building or structure;

(9) Inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication in order to evacuate in a timely and expedient manner in order to avoid injury or peril from within;

(10) Parts thereof which are detached that they may reasonably be expected to fall and injure members of the public or property;

(11) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored so that it is capable of resisting wind or similar loads as required by the construction standards adopted by the City;

(12) Insufficient space for sleeping or occupation of the building;

(13) Unsafe, unsanitary or dangerous to the health, safety or general welfare;

(14) Unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment; or

(15) Constructed or maintained in violation of a specific requirement of any of the construction codes adopted by the City or contrary to any State law.

Sec. 4-245. – 250. - Reserved

DIVISION 2. – BUILDING AND STANDARDS COMMISSION

Sec. 4-251. - Commission created; membership; term of office

(a) Pursuant to the authority vested in the City under Texas Local Government Code, Chapter 54, Subchapter C, a Building and Standards Commission is hereby created which shall be composed of five (5) regular members and four (4) alternate members appointed by the City Council for two year terms. Such alternates shall serve in the absence of one or more regular members when requested by the Mayor, City Manager, or designated representatives. The current Housing Board of Adjustment and Appeals board members shall be appointed as the initial five (5) regular members on this newly created Commission, if appointment is so desired.

(b) The City Council may remove a Commission member for cause on written charge. Before a decision regarding removal is made, the City Council must hold a public hearing on the matter if requested by the Commission member subject to the removal action. If the Commission member is removed, the vacancy shall be filled for the unexpired term.

Sec. 4-252. - Authority of Commission; procedures

(a) The Commission shall have all powers, duties, and responsibilities authorized by State law, it being the intent of the City of Belton to fully implement Subchapter C of Chapter 54 of the Texas Local Government Code.

(b) A majority vote of the members of the Commission on a matter is necessary to take any action.

(c) The Building Official shall present all cases to the Commission on the City's behalf.

(d) The Commission shall adopt rules and procedures in accordance with this chapter governing the conduct of hearings before the Commission, providing ample opportunity for the presentation of evidence and testimony by respondents or persons opposing charges brought by the City, acting through the Building Official, relating to the violation of City ordinances.

Sec. 4-253. - 255 Reserved

DIVISION 3. – PUBLIC NUISANCE ABATEMENT

Sec. 4-256. - Public nuisance.

The City declares every dangerous building or structure as herein defined to be a public nuisance and subject to repair, vacation or demolition to abate such nuisance, as herein provided, in order to protect the health, safety and welfare of the occupants and the public.

Sec. 4-257. - Standards for repair, vacation or demolition.

(a) *Repair*. If the dangerous building or structure can be feasibly repaired, or the condition

remedied, so that it will no longer exist in violation of the terms of this chapter, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than 50% of the structure of the building must be repaired or replaced, or the value of the structure is reduced by less than 50% because of the violations.

(b) *Vacated and/or secured*. If the dangerous building or structure is in such a condition as to make it hazardous to the health, safety or general welfare of its occupants or the public, it shall be ordered vacated and secured, and the order may also require the occupants to be relocated.

(c) *Demolition*. In any case where more than 50% of a building or structure is damaged, decayed or deteriorated, it shall be ordered demolished or removed, unless the Commission deems that the structure can be feasibly repaired or the condition remedied. In all cases where a building cannot be repaired, it shall be ordered demolished.

Sec. 4-258. - Minimum standards for continued use or occupancy.

In this article, the minimum standards that shall determine the suitability of a building for continued use or occupancy, regardless of the date of construction, are those found in Chapter 4 of the City's Code of Ordinances and this article.

Sec. 4-259. – 260. - Reserved

DIVISION 4. – BUILDING AND STANDARDS HEARING

Sec. 4-261. - Commencement of proceedings.

Whenever the Building Official has determined that a building is a dangerous building or structure, he shall obtain a date and time for a public hearing before the Commission to determine whether the building complies with the standards set out in the City's Code of Ordinances and this article. The Building Official may seek voluntary compliance with this article from the owner, lienholder, or mortgagee of the building or structure before seeking a hearing before the Commission. If the Building Official receives voluntary compliance from the owner, lienholder or mortgagee, the Building Official need not seek a public hearing from the Commission.

Sec. 4-262. - Notice of hearing

(a) Notice of the public hearing required under Section 4-261 shall be sent to the owner of record, lienholder, and mortgagee of the affected property. The notice shall be served at least ten (10) calendar days before the hearing date. The notice may be served personally, by certified mail, return receipt, or by delivery by the United States Postal Service using signature confirmation. The executed return receipt shall be prima facie evidence of service. If the owner of record, lienholder, or mortgagee of the building cannot be identified, the City shall make a diligent effort, use its best efforts, or make a reasonable effort to determine the identity and address of the owner, a lienholder, or mortgagee. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed to be delivered.

(b) Notice of the public hearing must be posted on the front door of each building or structure situated on the affected property or as close to the front door as practicable.

(c) Notice of the public hearing must be published in a newspaper of general circulation in the

City on one occasion on or before the 10th day before the date fixed for the hearing.

(d) The City may file a notice of the hearing in the official public records of real property for Bell County. The notice must contain:

(1) The name and address of the owner of the affected property, if that information can be determined;
(2) A legal description of the affected property; and
(3) A description of the hearing, including the date time and place of the hearing.

(e) The filing of the notice of hearing in the official public records of real property for Bell County is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Sec. 4-263. - Contents of notice.

(a) The notice shall contain:

(1) The name and address of the owner of the affected property if that information can be determined;
(2) A legal description of the affected property; and
(3) A description of the hearing, including the date time and place of the hearing.

(b) A notice of a public hearing required by Sec. 4-261 sent to an owner, lienholder or mortgagee shall:

(1) Include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing written proof of the scope of any work that may be required to comply with this article, and the time it will reasonably take to perform the work; and

(2) Contain a description of each violation which allegedly exists, a statement that the City may perform the required work to abate the violation if the owner fails to do so, and an explanation of the owner's right to a hearing before the Commission.

Sec. 4-264. - Diligent or best efforts by the City.

Under this article, the City is deemed to have made a diligent effort, used its best efforts, or made a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee if it searches the following records:

(a) County real property records of the county in which the building is located;
(b) Appraisal district records of the appraisal district in which the building is located;
(c) Records of the secretary of state;
(d) Assumed name records of the county in which the building is located;
(e) Tax records of the City; and
(f) Utility records of the City.

Sec. 4-265. - Public hearing.

At the hearing, the Building Official shall present evidence of the condition of the building and may recommend a course of action. The owner, lienholder, mortgagee or any other interested party may present evidence on any relevant issues.

Sec. 4-266. – 270. - Reserved

DIVISION 5. – COMMISSION ORDERS

Sec. 4-271. - Commission orders.

(a) After the public hearing before the Commission, if a building is found in violation of the standards set out in this article or any other applicable ordinances, the Commission may find the building to be a dangerous building or structure and order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time.

(b) The mortgagees and lienholders may be provided an additional reasonable amount of time to comply with the ordered action in the event the owner fails to comply with the order within the time provided by the Commission.

(c) A Commission order shall require the owner, lienholder, or mortgagee of the building to within 30 days:

(1) secure the building from unauthorized entry; or
(2) repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

(d) If the Commission allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building, the Commission shall set specific time schedules for the commencement and performance of the work, and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Commission.

(e) The Commission may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove or demolish the structure or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(1) at the hearing submits a written detailed plan and time schedule for the work; and
(2) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(f) If the Commission allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the Commission will require the owner, lienholder, or mortgagee to regularly submit progress reports, as defined by the Commission, to the Building Official to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Commission or the Building Official to demonstrate compliance with the time schedules.

(g) If the Commission allows the owner, lienholder, or mortgagee to repair, remove or demolish the building, the work shall be done in compliance with all permitting requirements of the City and State of Texas. Any repair work must comply with the applicable codes for the work to be completed.

(h) If the owner, lienholder, or mortgagee owns property, including structures and improvements on property, within the City limits with a value that exceeds $100,000 in total value, the Commission may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate enough to cover the cost of repairing, removing or demolishing a

structure under subsection (f) of this section. In lieu of a bond, the Commission may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or guaranty from a third party approved by the Commission. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the Commission issues the order. Value may be determined by using the appraised value of real property improvements as determined by the Bell County Tax Appraisal District, or its successor in interest.

(i) The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the applicable City ordinances and the time it will take to reasonably perform the work.

Sec. 4-272. - Actions subsequent to Commission order.

(a) Within 10 days after the date the order is issued, the City shall:

(1) File a copy of the order in the office of the City Clerk; and

(2) Publish in a newspaper of general circulation in the City in which the building is located a notice containing:

a. The street address or legal description of the property;
b. The date of the hearing;
c. A brief statement indicating the results of the order; and
d. Instructions stating where a complete copy of the order may be obtained.

(b) The Building Official shall promptly mail by certified mail, return receipt requested, or signature confirmation, a copy of the order to the owner of the structure and to any lienholder or mortgagee of the structure. The City shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the structure. If a copy of the order is mailed according to this subsection and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the mailing is not affected, and the copy of the order shall be deemed to be delivered.

Sec. 4–273. - Compliance with Commission order

(a) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, or demolish the structure or relocate the occupants at its own expense.

(b) If the City incurs expenses under subsection (a) of this section, the City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of lien is recorded and indexed in the office of the Bell County Clerk. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building is located, the amount of expenses incurred by the City, and the balance due. The lien is a privileged lien, subordinate only to tax liens.

(c) This section does not limit the City’s ability to collect on a bond or other financial guaranty that may have been required by Section 4-271(h).

Sec. 4-274. – 280. - Reserved

DIVISION 6. – CITY'S AUTHORITY

Sec. 4–281. - City's authority to secure a dangerous structure.

(a) The City may secure a building if the Building Official determines:

(1) It violates the minimum standards; and
(2) It is unoccupied or is occupied only by persons who do not have a right of possession to the building.

(b) Before the 11th day after the date the building is secured, the Building Official shall give notice to the owner by:

(1) Personally serving the owner with written notice;
(2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
(3) Publishing the notice at least twice within a 10 day period in a newspaper of general circulation if personal service cannot be obtained and the owner's post office address is unknown; or
(4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(c) The notice must contain:

(1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
(2) A description of the violation of the City standards that is present at the building;
(3) A statement that the City will secure or has secured, as the case may be, the building; and
(4) An explanation of the owner's entitlement to request a hearing about any matter relating to the City's securing the building.

(d) The Commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the City's securing of the building if, within 30 days after the date the City secures the building, the owner files with the Building Official a written request for the hearing. The Commission shall conduct the hearing within 20 days after the date the request is filed.

(e) If the City incurs expenses under this section, the City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Bell County Clerk. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building is located, the amount of expenses incurred by the City, and the balance due.

(f) After the hearing conducted in accordance with subsection (d) of this section, the Commission may:

(1) Uphold the City's actions; or
(2) Order that the amount of the lien assessed under subsection (e) of this section be reduced or extinguished.

(g) The authority granted by this section is in addition to any other remedy provided in this Chapter or by State law.

Sec. 4-282. - Additional authority.

(a) A Commission order issued pursuant to Section 4-271 may require that after the expiration of the time allotted for repair, removal or demolition of a building:

(1) That the City repair, remove or demolish the building or structure at the expense of the City and may place a lien on the land which the building stands or to which it is attached for the expenses of the repair, removal or demolition in accordance with Section 4-273; or

(2) Assess a civil penalty against the property owner for failure to repair, remove or demolish the building and may recover the penalty by placing a lien on the property.

(b) The City may repair a building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(c) If the Commission assesses the civil penalty against the owner under subsection (a) of this section, the City shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair expenses or the civil penalty. Promptly after the imposition of the lien, the City must file for record, in recordable form in the office of the Bell County Clerk, a written notice of the imposition of the lien. The notice must contain a legal description of the land.

(d) Any civil penalty or other assessment imposed under this chapter accrues interest at the rate of 10 percent per year from the date of the assessment until paid in full.

(e) The City's right to the assessment lien cannot be transferred to third parties.

(f) A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

(g) The Commission may assess by order, and the City may recover, a civil penalty against a property owner at the time of the Commission hearing on violations of this Chapter in an amount not to exceed $1,000 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed $10.00 a day for each violation, if the City proves:

(1) The property owner was notified of the requirements of this ordinance and the owner's need to comply with the requirements; and
(2) After notification, the property owner committed acts in violation of the ordinance or failed to take an action necessary for compliance with the ordinance.

(h) Notice of an action taken under subsection (a) of this section shall be the same notice provided for in Section 4-272.

(i) The authority granted by this section is in addition to any other remedy provided in this Chapter or by State law.

Sec. 4-283. - Placing of placard on structure.

The Building Official may place a red placard on a structure or dwelling unit that is unsanitary or unsafe, warning of its dangerous condition. A person commits an offense if:

(a) Without authority from the Building Official, he removes or destroys a red placard placed by the Building Official;

(b) He occupies a vacant structure or dwelling unit on which the Building Official has placed a red placard; or

(c) As owner of a structure or dwelling unit, he allows a person to occupy or continue to occupy a structure or dwelling unit on which he is aware or should be aware that the Building Official has placed a red placard.

Sec. 4-284. - Emergency cases.

(a) In cases where it reasonably appears there is an immediate and imminent danger to the life or safety of any person unless a dangerous building as defined in this chapter is immediately vacated, repaired, closed or demolished, the Building Official shall cause the immediate vacation, repair, closure or demolition of such dangerous building or part thereof. The Building Official shall use the least intrusive means to abate the emergency.

(b) The Building Official shall make reasonable attempts to notify the affected persons in accordance with Section 4-272. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the manner as provided for by Section 4-272.

Sec. 4-285. - Disconnecting public utilities.

The Building Official may request that public utilities be disconnected in order that demolition may be accomplished without delay when an order for demolition has been issued or when an emergency situation exists.

Sec. 4-286. - Violation, penalty.

Any violation of any provision of this chapter constitutes a misdemeanor and upon conviction thereof is subject to a fine in accordance with the provisions of the City's Code of Ordinances or other ordinances adopted but not yet codified. Each and every day a violation continues constitutes a separate offense.

Sec. 4-287. - Civil Penalty.

In addition to imposing a criminal penalty, the City may, in accordance with Texas Local Government Code Article 54, bring a civil action against a person violating a provision of this chapter relating to dangerous buildings. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed $1,000.00 for each day or portion of a day during which the violation is committed, continued or permitted.

Sec. 4-288. - Seizure or sale of property to recover expenses

The City may foreclose a lien on property under this chapter in a judicial proceeding, if:

(a) a building or other structure on the property has been demolished;

(b) a lien for the cost of demolition of the building or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; **and**

(c) ad valorem taxes are delinquent on all or part of the property.

Sec. 4-289. – 4-300. - Reserved

DIVISION 7. - APPEAL

Sec. 4-301. - Judicial Review.

(a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the Commission issued under Section 4-271 may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by the owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the City is mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

(b) On the filing of the petition, the court may issue a writ of certiorari directed to the City to review the order of the Commission and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than 10 days, and served on the realtor or the realtor's attorney.

(c) The City may not be required to return the original papers acted on by it, but it is sufficient for the City to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.

(d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) The issuance of the writ does not stay proceedings on the decision appealed from.

(f) Costs may not be allowed against the City.

(g) If the decision of the Commission is affirmed or not substantially reversed but only modified, the district court shall allow to the City all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees, as well as all persons subject to the proceedings before the Commission.

(h) If no appeals are taken from the decision of the Commission within the required period, the decision of the Commission is, in all things, final and binding.

Sec. 4-301. – 4-320. - Reserved

EXHIBIT B

DIVISION 8. - AMENDMENTS

Sec. 4-321. - Changes to the 2015 International Property Maintenance Code

(1) Section 102 APPLICABILITY

(a) Subsection 102.3 Application of other codes. *Change "NFPA 70" to "City of Belton Chapter 4, Article IV, Electrical Code."*

(2) Section 107 NOTICES AND ORDERS

(a) Subsection 107.1 Notice to person responsible. *Delete*
(b) Subsection 107.2 Form. *Delete*
(c) Subsection 107.3 Method of service. *Delete*

(3) Section 110 DEMOLITION

(a) Subsection 110.2 Notices and Orders. *Delete*

(4) Section 111 MEANS OF APPEAL

(a) *Delete entire Section (111.1, 111.2, 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2, 111.7, 111.8).*

(5) Section 201 GENERAL

(a) Subsection 201.3 Terms defined in other codes. *Change "NFPA 70" to "City of Belton Chapter 4, Article IV, Electrical Code."*

(6) Section 302 EXTERIOR PROPERTY AREAS

(a) Subsection 302.4 *Change "jurisdiction to insert height in inches" to "12 inches."*
(b) Subsection 302.8 Motor vehicles. *Delete*
(c) *Add "Subsection 302.10* ***- Demolition procedure.*** *When a building or structure is to be demolished, it shall be the responsibility of the owner, or those with ownership interest, to see that demolition is accomplished in accordance with the following provisions:*

1. *Materials taken from the building will not be stacked or placed on adjoining property owners' lot;*
2. *Such materials may be stored on the lot where demolition is occurring, but shall be removed as promptly as possible;*
3. *Demolition shall not cause damage to adjacent property;*
4. *All utilities will be discontinued and the sanitary sewer outlet permanently sealed after the building is demolished to prevent escaping sewer gases and inflow of surface water;*
5. *All building materials and debris from the demolished building shall be removed so that the property will be cleared of any such building portions;*
6. *The demolition site shall be left in a rake-clean condition, removing all concrete slabs, piers or other materials associated with the building; and*
7. *The demolition site shall be graded to a uniform grade to facilitate adequate drainage without causing pooling or drainage onto adjacent property."*

(7) **Section 304 EXTERIOR STRUCTURE**

(a) Subsection [F] 304.3 Premises identification. *Delete*
(b) Subsection 304.14 Insect screens. *Insert January 1 to December 31 where applicable.*

(8) **Section 308 RUBBISH AND GARBAGE**

(a) Subsection 308.2.1 Rubbish storage facilities. *Delete*
(b) Subsection 308.2.2 Refrigerators. *Delete*
(c) Subsection 308.3.1 Garbage facilities. *Delete*
(d) Subsection 308.3.2 Containers. *Delete*

(9) **Section 602 HEATING FACILITIES**

(a) Subsection 602.3 Heat Supply. *Insert January 1 to December 31 where applicable.*
(b) Subsection 602.4 Occupiable work spaces. *Insert January 1 to December 31 where applicable.*

(10) **Section 604 ELECTRICAL FACILITIES**

(a) Subsection 604.2 Service. *Change "NFPA 70" to "City of Belton Chapter 4, Article IV, Electrical Code." And change "60 amperes" to "100 amperes."*

Sec. 4-322. – 4-325. - Reserved

DIVISION 9. – APPENDIX A

Sec. 4-326. - Add Appendix A, BOARDING STANDARD, from 2015 International Property Maintenance Code.

(1) **Appendix A102 MATERIALS**

(a) Subsection A102.3 Boarding fasteners. *Delete*
(b) *Add "Subsection A102.3 boarding fasteners. Screws of such a length, as required to penetrate the assembly, shall be used as boarding fasteners. Boarding shall be fastened alternating every 6" on center."*

(2) **Appendix A103 INSTALLATION**

(a) Subsection A103.1 Boarding installation. *Delete "Figures A103.1(1) and A103.1(2)"*
(b) Subsection A103.1 Boarding installation. *Add "Figure A103.1(1) and A103.1(2) is an optional method of boarding."*
(c) Subsection A103.3 Windows. *Delete*
(d) Subsection A103.4 Door walls. *Delete*

Sec. 4-327. – 4-332. - Reserved

ORDINANCE NO. 2020-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 4, ARTICLE VII, MINIMUM HOUSING CODE, OF THE CODE OF ORDINANCES FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the City Council and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Council of the City of Belton was set for the 10th day of November, 2020, at 5:30 p.m. for hearing and adoption; and

WHEREAS, a hearing was held upon the amendments by the City Council of the City of Belton of the time, place and date herein before set forth; and

WHEREAS, said amendments were duly required by changes in the Texas Local Government Code; and

WHEREAS, the standards contained within this ordinance are intended to provide the statutory framework for the process to establish minimum building standards and address abatement for substandard buildings; and

WHEREAS, the City Council has determined that the proposed amendments are reasonable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

PART 1: The existing "Article VII – Minimum Housing Standards" of Chapter 4 of the Code of Ordinances for the City of Belton, Texas, is hereby amended as follows:

"Article VII – Minimum Housing Standards" is deleted in its entirety and is hereby replaced with Attachment A.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect November 10, 2020, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: Chapter 4 of the Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 10th day of November, 2020.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

PROPOSED MINIMUM BUILDING STANDARDS ORDINANCE

BELTON CITY COUNCIL PUBLIC HEARING AND

CONSIDER ADOPTION OF THE ORDINANCE

NOVEMBER 10, 2020

MINIMUM BUILDING STANDARDS ORDINANCE

- Purpose of this Council agenda item is to conduct a public hearing and consider an ordinance that establishes minimum building standards and policies and procedures for the abatement of substandard or dilapidated buildings.
- Current ordinance adopted in 1981
- Process is governed by Texas Local Government Code 54 and 214
- 1981 local ordinance lacks needed provisions of State law
- Goals of the updated ordinance:
  - Safe buildings – contribute to vibrant and sustainable communities
  - Mitigate substandard buildings – avoid possible blight
  - Encourage voluntary compliance with standards
  - Adopt minimum building maintenance standards – important addition to the "family" of City building codes

MINIMUM BUILDING STANDARDS ORDINANCE

1 Repeals the ordinance from 1981

2 Incorporates the provisions from State law,

3 Adopts the 2015 International Property Maintenance Code (IPMC),

4 Includes all structures not just residences.

5 Establishes a Building and Standards Commission (BSC) – comprised of 5 members and 4 alternates,

> Replaces the current Housing Board of Adjustment.

> The BSC is quasi-judicial, similar to the Zoning Board of Adjustment.

> The actions of the BSC are final; decisions will not be considered by City Council.

6 Establishes procedures to abate substandard structures.

7 Provides property owners an appeal process to district court

MINIMUM BUILDING STANDARDS ORDINANCE

Two Processes:

I. Non-Emergency Process

1. Identification of dangerous structure
2. Notice to owner(s); filing of notices, newspaper notice, posting of placards (minimum of 10 calendar days prior to the public hearing)
3. Public hearing
4. Commission action
5. Compliance by owner:
    1. More than 30 days: Commission sets schedule
    2. More than 90 days: detailed plan by owner and progress reports back to the Commission
6. Appeal to district court
7. City abatement/mitigation; lien filed

II. Emergency action by City; authorized to secure the building; begin the abatement process.

1. Owner has 30 days to request a hearing with the Commission
2. Commission must meet within 20 days of receiving the request
3. Public hearing
4. Commission action

MINIMUM BUILDING STANDARDS ORDINANCE

Recommendations:

- Conduct the public hearing
- Adopt the ordinance

- Questions or comments

Thank you

Staff Report – City Council Agenda Item

Agenda Item #13

Consider appointments to the Building and Standards Commission.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

Mayor Grayson is recommending that all former Housing Board of Adjustment board members be appointed as Commissioners on the new Building and Standards Commission. They are:

John Corsi
Timothy Watson
Johner Martin
Samantha Crumbaugh
Priscilla Linnemann

Each has been contacted regarding the dissolving of the Housing Board of Adjustments, and each is interested in serving on the newly created Building and Standards Commission. Mr. Corsi will need to wait until his employer approves before being sworn in.

The Building and Standards Commission has five regular members and four alternates. We will return at a future meeting to appoint alternates.

Fiscal Impact: None

Recommendation: Recommend approval of the appointments.

Attachments: None

Staff Report – City Council Agenda Item

Agenda Item #14

Receive an update from the Fire Department, on Recruitment and Retention efforts, to include a schedule change for Fire Personnel.

Originating Department

Jon Fontenot, Fire Chief

Background

During a staffing shortage in 2018 and 2019, alternatives were identified which would increase the Fire Department's recruitment success and retention efforts. Some identified items have been implemented with great success and have resulted in no employee turnover for the past year.

Over the past five months, the Fire Department has:

- Implemented a third Captain Position
- Achieved TCFP Training Facility certification for multiple State courses which include Driver/Operator certification, Instructor certification and Officer certifications
- Implemented Operational SOGs which clearly define emergency response and non-emergency expectations and roles
- Evaluated current Stations and Apparatus

As part of the recruitment/retention plan, the Fire Department is planning to adjust the work schedule for firefighters from 24/48 to 48/96. Although there are some minor drawbacks to the adjustment to the schedule, we believe the benefits greatly outweigh the disadvantages.

Fiscal Impact

Firefighters will work the same amount of hours per year, therefore there are no adjustments needed for hourly pay rate. There are minor adjustments to the firefighter's paycheck at the time of transition to ensure hours are properly compensated, but this will have no impact to the budget for FY 2021.

Recommendation

Receive update from the Fire Chief on Recruitment and Retention efforts. No Council action is required.

Attachments

Fire Department Presentation

Belton Fire Department

Update on Department Recruitment and Retention Efforts

History

- In 2018, the Fire Department began to experience staffing issues.
- Due to staffing shortages in early 2019, Belton FD dropped to one Ambulance and contracted with AMR for support.
- By mid 2019, staffing shortages forced Belton to outsource Ambulance responses to AMR.
- In 2019, the City began exploring alternatives which would increase retention and recruitment for the Fire Department.

Recommendations from Recruitment and Retention after Analysis:

- Outsource EMS
- Staffing model adjusted from 3 to 4 personnel per Fire apparatus
- Move to 2:1 at 7% retirement
- Perform a Salary Survey to create a more competitive compensation package for Firefighters
- Focus on Professional Development for FD employees –
  - Now offer a TCFP Training Facility for Driver/Operator, Fire Service Instructor, & Fire Officer Certifications. First course to begin November 30th.
- Move to a 48/96 schedule
- Create a culture in the Fire Department which is conducive for long-term employment - based on Leadership and Professionalism.
  - Ongoing

48/96 Schedule

Belton Fire Department

Introduction

Fire Department has 3 Shifts – A, B, & C shifts currently work a 24/48 schedule.

Work 24 hours

Off 48 hours

The 48/96 schedule:

Work 48 hours

Off 96 hours

The 48/96 schedule has been used by fire departments since the early 1990s. Main reason is to increase the amount of time to complete projects and give the firefighters more decompression time between shifts.

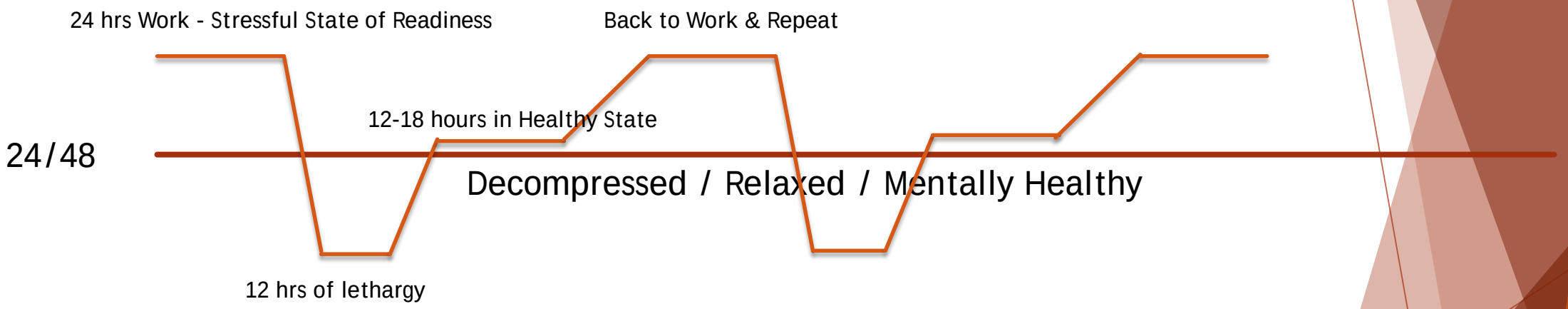
Employer Benefits with 48/96

- Project Managers have more consecutive time to complete assignments
- No budget impact for FY 2021 and beyond
- Great Retention and Recruitment tool
- Reduction in Sick Leave usage
- Decrease in Burnout
- Increase in Applicant Pool

Employee Benefits of the 48/96 Schedule

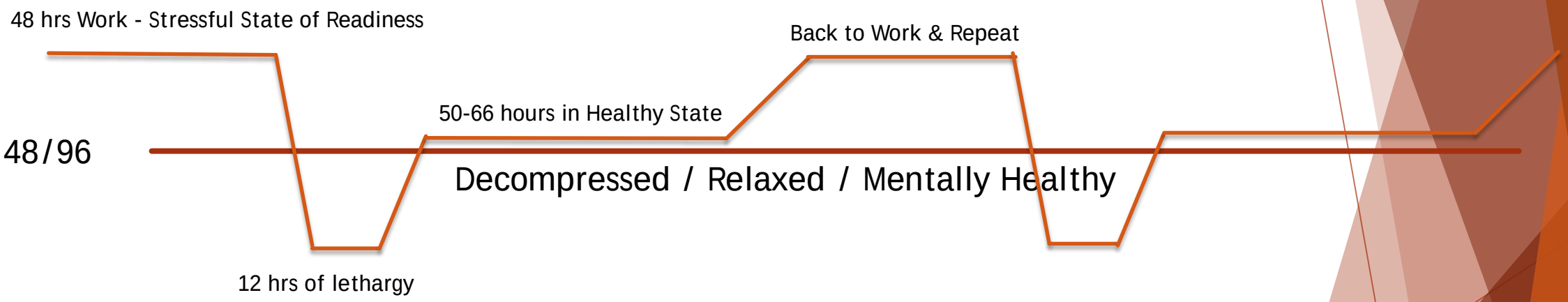
- Significantly reduces long-term fatigue
- Employees have more time at home with family and friends
- Commutes will be cut in half
- Increase in Communication – Less pass-downs between shifts
- Increase in full weekends homes

The Hypervigilance Biological Rollercoaster for Firefighters



Study by Kevin M. Gilmartin, Ph. D.

The Hypervigilance Biological Rollercoaster for Firefighters



Study by Kevin M. Gilmartin, Ph. D.

Employer Impacts of the 48/96 Schedule

- Employee will be away from work for 4 consecutive days
- May need to allow employee downtime while on shift if crew responds to a large incident or is woken up several times on their first night
- Reduces the pool of eligible employees for overtime

Employee Impacts of the 48/96 Schedule

- Employee will be away from home for 2 consecutive days
- Adjustments will need to be made for part-time employment
- 28 day pay cycle pays employee exactly the hours they work and does away with averaging their pay checks (could also be seen as a benefit by minimizing confusion)

Effects on policies, procedures, and pay

- Expectations and standards will not change.
- SOGs will be modified to reflect the change from 24/48 to 48/96.
- There will be no increase or decrease in pay.
- FLSA is not affected.
  - The 21-day pay cycle will be changed to a 28-day pay cycle.
- 1 Shift will be 2 days.

Overtime

- Overtime procedures will be adjusted to minimize the number of consecutive hours worked past 48.

Texas departments working the 48/96

Cities Surveyed ranged from 15,000 to 100,000 in Population

- Tomball – (27 FT Firefighters)
- Haltom City – (110 FT Firefighter)
- Stephenville - (24 FT Firefighters)
- Midland – (187 FT Firefighters)
- Pearland – (153 FT Firefighters
- Liberty Hill – (28 FT Firefighters)
- Spring – (60 FT Firefighter)
- Webster – (19 FT Firefighters)
- Sugar Land – (112 FT Firefighters)
- Horseshoe Bay (23 FT Firefighters)
- Jarrell – (15 FT Firefighters)
- Bastrop – (36 FT Firefighter)
- Hillsboro – (12 FT Firefighters)
- Lake Travis – (204 FT Firefighters)
- Victoria – (117 FT Firefighters)
- Hurst – 110 FT Firefighters)

- Multiple Department transitioning to 48/96 annually

Member’s Opinion:

- 21 Firefighters fully support the transition to 48/96
- 2 Firefighters are undecided
- 1 Firefighter is against the transition
- Command Staff is in full support

Our Next Step

- Give notice to FD employees of the Start Date in time for them to adjust their personal schedules
- Train all FD employees on the 28 day pay cycle in December
- January 15th will be the last day of 24/48 and 21 day pay cycles (end of pay cycle)
- January 16th will be the first day of 48/96 and begin the 28 day pay cycle.

Questions or Comments?

Meeting of the
Belton Employee Benefits Trust
November 12, 2019 – 5:30 P.M.

The Belton Employee Benefits Trust met in regular session in the Wright Room at the Harris Community Center with the following members present: Chair Marion Grayson, Vice Chair Wayne Carpenter and Trustees David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Susan Allamon, Charlotte Walker, Cheryl Maxwell, Matt Bates, Chris Brown, Angellia Points, Wes Gilbreath, Cynthia Hernandez, Judy Garrett and Kim Kroll.

1. **Call to Order.** *(City Council Audio 37:49)*

   Chair Grayson called the meeting to order at 6:08 p.m.

2. **Consider minutes of the City of Belton Employee Benefits Trust meeting dated November 27, 2018.** *(City Council Audio 38:03)*

   Upon a motion for approval by Trustee Leigh, and a second by Trustee Carpenter, the minutes were unanimously approved upon a vote of 7-0.

3. **Consider action awarding contracts for employee insurance products.** *(City Council Audio 38:35)*

   Upon a motion for approval of the contracts by Trustee Kirkley, and a second by Trustee Carpenter, the contracts were unanimously approved upon a vote of 7-0.

4. **Adjourn.** *(City Council Audio 48:58)* Chair Grayson adjourned the meeting at 6:19 p.m.

_____
Marion Grayson, Chair

ATTEST:

_____
Amy M. Casey, City Clerk

Staff Report – Employee Benefit Trust Agenda Item

Agenda Item #3 of Employee Benefit Trust Meeting

Consider action awarding contracts for employee insurance products.

Originating Department

Finance – Mike Rodgers, Director of Finance
Human Resources – Charlotte Walker, Director of Human Resources

Summary Information

Medical:

After soliciting proposals from several companies, Scott & White Health Plan was selected as the City's health insurance provider in November 2019. The proposal by Scott & White did not increase rates in 2020, and it included a 7% rate cap for 2021 regardless of plan experience. Three plan designs are offered through Scott & White. The two PPO plans have lower deductibles, copays, and out of pocket maximums, while one high-deductible health plan is paired with a health savings account contribution.

For 2021, Staff recommends awarding the contract for employee health insurance to Scott & White Health Plan. Highlights for 2021 include:

- The combined annual premium will increase by 7% to $1,116,433 for 2021. The City benefited from proposed rate cap as the claim experience in 2020 was much higher than previous years.
- The City pays 100% of the employee-only coverage in all plans.
- The City's contribution for plans with dependents will be $655.46 per month, $125.00 more than the cost of employee-only coverage in the Mid-Plan PPO.
- The City's contribution of $530.46 for employee-only coverage in the high-deductible plan will match that of the Mid-Plan PPO.

Other lines of coverage:

Dental insurance is provided by Principal Life Insurance Company. The rates for 2021 are unchanged from 2020. Two plans are offered to employees: standard and standard plus. The City pays $21.48 per employee each month for dental insurance, regardless of plan or dependent coverage. The premium is guaranteed until 2022.

Minnesota Life Insurance Company provides basic life and accidental death and dismemberment coverage at a cost to the City of $5.25 per month for each employee. This rate, unchanged from 2020, is guaranteed until 2022.

The University of Texas Health Science Center provides an employee assistance program at an annual rate of $20 per employee. Rates are guaranteed through 2023.

Other optional benefits are available to employees at their cost:

- Madison National Life Insurance long-term disability had no change in premiums.
- Minnesota Life Insurance Company voluntary life insurance had no change.
- CBG Services renewal for employee optional benefits had no change in premiums.
- United Healthcare vision insurance had no change in premiums.

Fiscal Impact

The actual premiums paid during the course of the year will vary according to the actual number of employees during the year and the plans they choose. In addition, the City pays 50% of the saved premium to employees who opt out of the group medical plan. This monetary incentive serves to motivate employees who are covered elsewhere, rather than the City paying 100% of the premium for unneeded coverage.

The FY 2021 annual budget includes funding of $1,243,118 for premiums of all insurances (not just health insurance) based on the current distribution of plan types and tiers.

Funding Source(s): Funds for employee insurance programs will be transferred to the Employee Benefits Trust from City operating funds. Employee insurance premiums are included in the FY 2021 budgets for General Fund, Water & Sewer Fund, Drainage Fund, Hotel/Motel Fund and the BEDC.

Recommendation

Staff recommends approval of the following benefit providers:

Health Insurance	Scott & White Health Plan
Dental Insurance	Principal Life Insurance Company
Life and AD&D	Minnesota Life Insurance Company
Employee Assistance Program	University of Texas Health Science Center
Heath Savings Account	Flores & Associates
Vision	United Healthcare
Long-term Disability	Madison National Life Insurance Company
Voluntary Life	Minnesota Life Insurance Company
Supplemental Insurance	CBG Services, Inc.

Attachments

Presentation from HUB International

HUB

Advocacy. Tailored Insurance Solutions. Peace of Mind

City of Belton
Council Update

Andrew Weegar – Consultant

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Historic Benefits Strategy

Health Insurance – Scott & White

- The City is fully insured and released a request for proposal in 2019. The City renewed with Scott & White with a rate pass and HUB secured a +7% renewal rate cap for the 2021 plan year regardless of plan experience.
- The City offers 3 plan designs today (PPO 1/PPO 2/HDHP). The PPO plans have lower deductibles, lower out of pocket maximums (OOPM), and copays. The HDHP has higher deductibles and OOPM's however, employees receive HSA contributions from the City and may contribute into their HSA's pre-taxed.

	Public Sector Benchmarks	City of Belton
Total health plan costs	83%	83%
Coinsurance	80%	80%
Individual Deductible (PPO) Individual Deductible (HDHP/HSA)	$1,500 $3,000	$500 / $1,500 $2,800

*City offers a $2,065 HSA contribution for Employee Only Coverage

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2019 vs. 2020 Loss Ratio

Date	Subsribers	Medical Paid	Rx Paid	Total Paid	Premium	Loss Ratio
19-Jan	141	$47,386	$8,454	$55,840	$89,571	62%
19-Feb	143	$63,881	$9,741	$73,622	$91,360	81%
19-Mar	142	$60,699	$11,835	$72,534	$91,360	79%
19-Apr	139	$53,903	$10,244	$64,147	$90,329	71%
19-May	139	$97,281	$9,233	$106,514	$90,329	118%
19-Jun	134	$46,661	$12,254	$58,915	$87,122	68%
19-Jul	136	$37,601	$9,300	$46,901	$88,009	53%
19-Aug	138	$35,393	$11,545	$46,938	$91,564	51%
19-Sep	137	$62,805	$13,857	$76,662	$88,794	86%
19-Oct	136	$47,051	$15,071	$62,122	$88,276	70%
19-Nov	136	$64,493	$10,416	$74,909	$88,039	85%
19-Dec	136	$110,154	$12,916	$123,070	$88,316	139%
Plan Year Total	**138**	**$727,308**	**$134,866**	**$862,174**	**$1,073,069**	**80%**
20-Jan	138	$179,151	$15,660	$195,307	$88,232	221%
20-Feb	141	$197,047	$10,125	$207,172	$89,748	231%
20-Mar	141	$212,882	$14,008	$231,462	$90,353	256%
20-Apr	141	$27,449	$12,464	$40,315	$90,936	44%
20-May	141	$78,787	$15,584	$94,647	$89,042	106%
20-Jun	138	$78,558	$14,954	$93,512	$89,042	105%
20-Jul	139	$56,465	$15,326	$71,791	$88,262	81%
20-Aug	137	$84,026	$10,503	$94,529	$86,775	109%
20-Sep	139	$46,708	$21,431	$68,139	$88,466	77%
Plan Year Total	**139**	**$961,073**	**$130,055**	**$1,096,874**	**$800,856**	**137%**

***Last Twelve Months Loss Ratio - 126%**

***Target Loss Ratio = 85%**

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2021 Scott & White Medical Benefits

MEDICAL BENEFITS	Scott & White		
Carrier	PPO 1	PPO 2	HSA Plan
	Current	Current	Current
Deductible			
In-Network	$1,500 Ind./ $3,000 Fam.	$500 Ind./ $1,000 Fam.	$2,800 Ind./ $5,600 Fam.
Non-Network	$3,000 Ind./ $6,000 Fam.	$1,000 Ind./ $2,000 Fam.	$5,400 Ind./ $10,000 Fam.
Out Of Pocket Max	**Includes Deductible**	**Includes Deductible**	**Includes Deductible**
In-Network	$3,000 Ind. / $6,000 Fam.	$3,000 Ind. / $6,000 Fam.	$4,000 Ind. / $8,000 Fam.
Non-Network	$6,000 Ind. / $12,000 Fam.	$6,000 Ind. / $12,000 Fam.	$8,000 Ind. / $16,000 Fam.
Coinsurance			
In-Network	80%	80%	80%
Non-Network	60%	60%	60%
Lifetime Max	Unlimited	Unlimited	Unlimited
Emergency Room			
In-Network	$250 Copay / 20%	$200 Copay / 20%	Ded./ 20%
Non-Network	$250 Copay / 20%	$200 Copay /20%	Ded./ 20%
Physician Office Visit			
In-Network	$30 Copay	$25 Copay	Ded./ 20%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
Specialist Office Visit			
In-Network	$30 Copay	$50 Copay	Ded./ 20%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
Preventive Care			
In-Network	100%	100%	100%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
Urgent Care			
In-Network	$75 Copay	$75 Copay	Ded./ 20%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
In-Patient Hospital			
In-Network	Ded./ 20%	Ded./ 20%	Ded./ 20%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
Out-patient Hosptial			
In-Network	Ded./ 20%	Ded./ 20%	Ded./ 20%
Non-Network	Ded./ 40%	Ded./ 40%	Ded./ 40%
Prescriptions			Deductible, then
Network Retail Pharmacy	$5/$25/$50	$5/$25/$50	$5/$25/$50
Mail Order	$10/50/$100	$10/50/$100	$10/50/$100
Specialty Drugs	$100	$100	$100

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2021 Scott & White Medical Renewal

MEDICAL BENEFITS				Scott & White			Scott & White		
	Enrollment			Base Plan	Mid Plan	HSA Plan	Base Plan	Mid Plan	HSA Plan
Financials	Base	Mid	HSA	Current	Current	Current	Renewal	Renewal	Renewal
Employee Only	0	77	13	$437.43	$495.76	$323.69	$468.05	$530.46	$346.35
Employee + Spouse	2	3	1	$1,093.58	$1,239.43	$809.25	$1,170.13	$1,326.19	$865.90
Employee + Children	22	8	3	$787.36	$892.39	$582.65	$842.48	$954.86	$623.44
Employee + Family	7	1	1	$1,312.30	$1,487.32	$971.10	$1,404.16	$1,591.43	$1,039.08
	31	89	18						
Total Enrollment	138								
Monthly Premium				$28,695	$50,518	$7,736	$30,704	$54,054	$8,278
Annual Premium				$344,342	$606,219	$92,835	$368,447	$648,652	$99,334
Combined Annual Premium				**$1,043,396**			**$1,116,433**		
$ Change From Current				**n/a**			**$73,037**		
% Change from Current				**n/a**			**7.0%**		
Effective Date				01/01/20			01/01/21		
Network Name				Scott & White Health Plan			Scott & White Health Plan		
Network Website				www.swhp.com			www.swhp.com		
AM Best Rating				A			A		

Note: This is a brief summary and not intended to be a contract.

Scott & White MLR Rebate Credit - $22K

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2021 Benefit Recommendations

Medical – Scott & White (Recommended)

Renewing with Scott & White is recommended for the 2021 plan year with a +7%, or $73,037 increase to premiums. If the cap was not in place, HUB's internal projections called for a +19% increase to premiums. Because of this, HUB did not recommend an RFP this year and does not feel the market would have provided quotes less than Scott & White.

Lastly, the City received a $22K MLR rebate from Scott & White. Due to COVID impact on medical utilization, there has been a significant decrease in medical and Rx spend this year. This credit is a one time credit to the City of Belton.

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2021 Benefit Recommendations

Other Lines of Coverage

- **Dental (Principal) –** In rate guarantee until 1/1/2022

- **Vision (UHC) –** Vision rates received a rate pass and will renew 1/1/2024

- **Life / Disability (Ochs, Inc.) –** In rate guarantee until 1/1/2024 (Life Insurance) & 1/1/2022 (Disability Insurance)

- **HSA (Flores & Associates) –** In rate guarantee until 1/1/2022

- **Employee Assistance Program (UTEAP) –** In rate guarantee until 1/1/2024

- **Supplemental Benefits (Various Vendors) –** Permanent Life, Accident, Cancer, Critical Illness, STD and ID Theft Protection renewing as is.

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2021 Overview and Strategy

- The City has options to renew in their contract and is not required to release an RFP in 2021. However, due to losses incurred in 2020, HUB anticipates Scott & White will provide an unfavorable renewal for the 2022 plan year. At this time, it is recommended that the City release a medical RFP next year. HUB will solicit quotes from vendors such as BCBSTX, UHC, Aetna, TML, Humana, and Cigna to quote.

- HUB will also continue to provide the City monthly utilization reports outlining plan performance. Additionally, HUB will meet with City staff in the summer of 2021 to discuss budget projections, plan design options, employer/employee funding, benchmarking and compliance updates. An RFP timeline will be established in early 2021.

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Thank you.

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Staff Report – City Council Agenda Item

Agenda Item #15

Consider approval of funding for employee insurance contracts awarded by the Board of the Employee Benefits Trust, and authorizing the transfer of funds from the City's operating funds to the Employee Benefits Trust account.

Originating Department

Finance – Mike Rodgers, Director of Finance

Summary Information

It is recommended that the City Council vote to approve funding for employee insurance plans for the 2021 calendar year, as approved by the Board of the Employee Benefits Trust. The two step process of establishing benefits within the Employee Benefits Trust and then funding the Trust allows the City to achieve lower insurance premiums by making those premiums paid to insurers not subject to the Health, and Accident Insurance Premium tax levied by the state of Texas. The single nonprofit Trust allows the premiums paid to be exempted from the tax in accordance with Texas Insurance Code section 222.002(b)(5)(a), and because of that exemption, the taxes that would otherwise be charged to insurers under the code are not passed through to the City. The annual savings is approximately $20,000.

Fiscal Impact

The FY 2021 budget included funding of $1,243,118 for insurance premiums based on the current distribution of plan types and tiers with the recommended City contribution rates.

Budgeted: _X_ Yes ___ No

Funding Source(s): Funds for employee insurance programs will be transferred to the Employee Benefits Trust from City operating funds. Employee insurance premiums are included in the FY 2021 budgets for General Fund, Water & Sewer Fund, Drainage Fund, Hotel/Motel Fund and the BEDC.

Recommendation

Recommend approval of funding for employee insurance contracts.

Attachments

None

Staff Report – City Council Agenda Item

Agenda Item #16

Consider an ordinance modifying the City's TMRS retirement plan by increasing the employee deposit rate from 6% to 7%.

Originating Department

Finance – Mike Rodgers, Director of Finance
Human Resources – Charlotte Walker, Director of Human Resources

Background Information

The City offers retirement benefits to employees through its participation in the Texas Municipal Retirement System (TMRS). Currently, employees deposit 6% of their salary to the system. Those deposits grow at a guaranteed rate of 5% annually, and the balance of the account is matched 2:1 by the City upon the employee's retirement. The dollar amount of an employee's retirement benefit payment is based upon the employee's account balance and their life expectancy or the life expectancy of their surviving beneficiary should they choose a benefit option that continues to pay beyond their life.

The City's current plan also includes a 50% Updated Service Credit (USC) provision. USC is an optional benefit feature of the TMRS retirement plan. The USC calculation, performed on a TMRS member's account, may grant supplemental dollar credits that can increase a member's benefit at retirement in certain situations. A city may adopt, revise or rescind the USC provision by ordinance. USC is designed to help a member's benefit maintain its value over the duration of the member's career. In calculating USC, TMRS looks at increases in the member's salary and any changes the City has made to its TMRS plan, such as the deposit rate or the City's matching ratio.

For several years, City staff explored various opportunities to increase the City's competitiveness with regard to its TMRS benefits. Fiscal challenges and competing priorities made the recommendation of a TMRS plan change impractical. In January 2019, however, City Council made a commitment to this important endeavor by adopting an ordinance that increased the employee's TMRS deposit rate from 5% to 6%. At the same time, Council asked staff to create a multi-year phased approach to increase the deposit rate to the maximum rate allowed by TMRS of 7%. The multi-year plan called for the City to annually contribute more than its required rate, improving the financial health of the retirement plan while enhancing employee benefits in a sustainable manner. Increasing the deposit rate from 6% to 7% by 2024 was the ultimate goal of the multi-year plan. In 2019, the USC was lowered from 100% to 50% to make these changes affordable. No other plan changes were made at that time; yet the Strategic Plan continued to emphasize achieving a 7% rate as soon as practical.

With the adoption of the FY 2021 Annual Budget, City Council again demonstrated its sustaining commitment to this goal by allocating available funding towards employee compensation and benefits. Doing so advanced the timeline for completion of the multi-year plan from 2024 to 2021. The contribution rate for employees would increase from 6% to 7%, and employee pay would increase by 1% to offset the additional TMRS cost.

The proposed Ordinance will increase the deposit rate for employees from 6% to 7% effective January 1, 2021. All other elements of the TMRS plan remain unchanged, including:

- 2:1 employer match
- 50% USC
- 30% COLA
- 5 year vesting
- Retirement eligibility at 20 years of service or 60 years of age
- 5% guaranteed earnings on deposits

Fiscal Impact

The proposed Ordinance will also increase the required contribution for the City from 9.80% to 10.38% of payroll beginning on January 1, 2021, resulting in approximately $40,000 of additional expenditures. The additional cost has been included in the FY 2021 budget. In regards to the financial condition of the retirement plan as a whole, the unfunded actuarial liability will increase from $2,386,608 to $3,543,140. The funded ratio will fall from 90.6% to 86.7%, yet it remains comparable to many TMRS cities.

Recommendation

Management recommends approval of the Ordinance modifying the City's TMRS retirement plan by increasing the employee deposit rate from 6% to 7%.

Attachments
Proposed Ordinance
TMRS Plan Change Study

ORDINANCE NO. 2020-43

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE IN THE EMPLOYMENT OF THE CITY OF BELTON; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

Section 1. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date had at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of the TMRS Act).

(b) On the terms and conditions set out in Section 853.601 of the TMRS Act, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said Section 853.601, both as to the initial grant hereunder and all future grants under this ordinance.

(c) The Updated Service Credit hereby allowed and provided for shall be **50%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of the TMRS Act).

(d) Each Updated Service Credit allowed hereunder shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) In accordance with the provisions of subsection (d) of Section 853.401 of the TMRS Act, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this ordinance on the full amount of such person's compensation as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to same person.

(b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **30%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the benefit accumulation fund of the System.

Section 3. Dates of Allowances and Increases. The initial allowance of Updated Service Credit and Increase in Retirement Annuities hereunder shall be effective on **January 1, 2021**, subject to approval by the Board of Trustees of the System. An allowance of Updated Service Credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this ordinance ceases to be in effect under subsection (e) of Section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in subsection (d) of Section 853.404 of the TMRS Act.

BE IT FURTHER ORDAINED:

Increased Deposit Rate: All employees of the City, who are members of the Texas Municipal Retirement System, shall make deposits to the System at the rate of **7%** of their individual earnings effective **1st day of January, 2021.**

Effective Date. Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the **1st day of January, 2021.**

Passed and approved this the 10th day of November, 2020.

_____
Marion Grayson, Mayor

ATTEST:

_____
Amy M. Casey, City Clerk

Plan Change Study

GRID 2021

For Informational Purposes Only
Effective Date - January 1, 2021
Report Date - October 15, 2020

00114 Belton

Proposed Plans

Plan Provisions	**Current**	**1**
Deposit Rate	6.00%	7.00%
Matching Ratio	2 to 1	2 to 1
Updated Service Credit	50% (Repeating)	50% (Repeating)
Transfer USC **	Yes	Yes
Annuity Increase	30% (Repeating)	30% (Repeating)
20 Year/Any Age Ret.	Yes	Yes
Vesting	5 years	5 years
Contribution Rates	**2021**	**2021**
Normal Cost Rate	6.40%	7.50%
Prior Service Rate	1.72%	2.66%
Retirement Rate	**8.12%**	**10.16%**
Supplemental Death Rate	0.22% (A & R)	0.22% (A & R)
Total Rate	**8.34%**	**10.38%**
Unfunded Actuarial Liability	$2,386,608	$3,543,140
Amortization Period	20 years	20 years
Funded Ratio	90.6%	86.7%
Phase-In Total Rate	N/A	N/A
Stat Max	12.50%	13.50%
Study Exceeds Stat Max	No	No

**This is the addition to the Initial Prior Service Rate for USC for transfers. There were 10 eligible transfer employees on the valuation date.

Employee Retirement Plan Changes

PRESENTED TO CITY COUNCIL

NOVEMBER 10, 2020

Texas Municipal Retirement System (TMRS)

- The City offers retirement benefits to employees through its participation in TMRS
- Belton's current retirement plan includes
  - 6% employee deposits are matched 2:1 by the City
  - 5-year vesting with retirement eligibility at 60 years of age with 5 years of service or any age with 20 years of service
  - 50% updated service credit on plan design changes and/or significant salary increases for an employee
  - Retiree annuity increases of 30% of CPI annually
  - Guaranteed 5% earnings on deposits

Multi-year Transition to 7%

- In January 2019 City Council increased the employee's deposit rate from 5% to 6% and asked staff to create a multi-year plan to reach a 7% contribution rate
- The multi-year plan called for the City to contribute more than its required rate with the ultimate goal of reaching the 7% contribution level by 2024
- At the same time, the updated service credit was reduced from 100% to 50% to make the transition to 7% attainable
- City Council has demonstrated its commitment to this goal by allocating $40,000 in FY 2021 to advance the completion of the multi-year plan

Ordinance

- The proposed Ordinance will increase the deposit rate for employees from 6% to 7% effective January 1, 2021
  - Employee pay will increase by 1% to offset the additional contribution
- This effect upon the City plan includes
  - The City contribution rate increases from 9.80% to 10.38% of payroll
  - The funded ratio falls from 90.6% to 86.7%
  - The Unfunded Actuarial Liability grows from $2,386,608 to $3,543,140
  - Other plan provisions will not change

Questions?