



CITY OF BELTON

**City Council Meeting Agenda
Tuesday, March 8, 2016 - 5:30 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas**

Mayor Pro Tem David K. Leigh plans to participate in the meeting from a remote location via videoconference.

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Jerri Gauntt.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Human Resources Charlotte Walker.

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

Invocation. The Invocation will be given by Darren Walker, Pastor of First United Methodist Church.

1. Call to order.
2. Public comments.

Consent Agenda

Items 3-5 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. Minutes of Previous Meetings:
 - A. February 18, 2016 Joint City Council/BEDC Meeting
 - B. February 23, 2016 City Council Meeting
4. Consider appointment to the Library Board of Directors.

5. Consider an ordinance declaring unopposed candidates elected to office and canceling the May 7, 2016, General City Election.

Miscellaneous

6. Consider an amendment to the Professional Services Agreement for engineering services with Kasberg, Patrick & Associates.
7. Consider an amended Resolution determining the necessity of transferring real property and authorizing its transfer to the Belton Economic Development Corporation (BEDC) for a public purpose, and authorizing the City Manager to take all steps necessary to accomplish the transfer of portions of the former Rockwool property, located east of the intersection of IH 35 and FM 93.

Planning and Development

8. Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and McLean Commercial Ltd. regarding Sendero Estates Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190, and amending the Water/Sewer and General Fund budgets.
9. Receive a report of Council requested analysis of the following items and provide direction to Staff on possible code changes:
 - A. tree mitigation standards in the Design Standards;
 - B. cul-de-sac length in the Subdivision Ordinance; and
 - C. maximum lots served by one means of access in the Fire Code.

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

OFFICE OF THE CITY MANAGER

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3. Minutes of Previous Meetings:

- A. February 18, 2016 Joint City Council/BEDC Meeting**
- B. February 23, 2016 City Council Meeting**

Copies of minutes enclosed. Recommend approval.

4. Consider appointment to the Library Board of Directors.

Recommend appointment of Lee Casey to the Library Board of Directors replacing Michael Kelsey who has resigned.

5. Consider an ordinance declaring unopposed candidates elected to office and canceling the May 7, 2016, General Election.

See enclosed Staff Report from the City Clerk. Recommend approval of the ordinance canceling the election based on the provisions of State law.

Miscellaneous

6. Consider an amendment to the Professional Services Agreement for engineering services with Kasberg, Patrick & Associates.

See enclosed Staff Report. The contract and prices have not changed since August 2009. Recommend approval of the amendment to the contract.

7. Consider an amended Resolution determining the necessity of transferring real property and authorizing its transfer to the Belton Economic Development Corporation (BEDC) for a public purpose, and authorizing the City Manager to take all steps necessary to accomplish the transfer of portions of the former Rockwool property, located east of the intersection of IH 35 and FM 93.

Recommending approval of an amendment to the conveyance that allows the City to retain a portion of the former Rockwool property for possible future Temple-Belton Wastewater Treatment Plant expansion as discussed at the Joint City Council/BEDC meeting on February 18, 2016.

Planning and Development

8. Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and McLean Commercial Ltd. regarding Sendero Estates Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190, and amending the Water/Sewer and General Fund budgets.

See enclosed Staff Report from Director of Planning Erin Smith. Recommend approval of the resolution authorizing the development agreement associated with the Sendero Estates Subdivision, and amending the Water/Sewer and General Fund budgets.

9. **Receive a report of Council requested analysis of the following items and provide direction to Staff on possible code changes:**

- A. tree mitigation standards in the Design Standards;**
- B. cul-de-sac length in the Subdivision Ordinance; and**
- C. maximum lots served by one means of access in the Fire Code.**

See enclosed Staff Report from Director of Planning Erin Smith. At the direction of Council, she has prepared an analysis of tree mitigation, cul-de-sac lengths and maximum lots served by one means of access requirements. No action is required on this item.

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.

**JOINT MEETING OF THE BELTON CITY COUNCIL AND
BELTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
February 18, 2016 – 5:00 P.M.**

The Belton City Council met in special session with the Belton Economic Development Corporation (BEDC) Board of Directors in the Conference Room at Belton City Hall, with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh (arrived 5:08 p.m.), Councilmembers Jerri Gauntt, Dan Kirkley and Guy O'Banion. Councilmembers Paul Sanderford and Craig Pearson were absent. Staff present included Sam Listi, Amy Casey, Gene Ellis, Brandon Bozon, Angellia Points, Byron Sinclair, Paul Romer and Denny Lassetter.

Members attending from the BEDC were: Board Vice President Joe Shepperd, Board Secretary Griff Lord and Board Members Steve Jones and Barry Harper, along with Executive Director Cynthia Hernandez, Ana Borchardt, Director of Business Expansion & Retention and Legal Counsel Neal Potts. BEDC Board President Chris Moore was absent (telephoned into the meeting from remote location).

1. **Call to order.** Mayor Marion Grayson called the City Council meeting to order at 5:02 p.m., and BEDC Board Vice President, Joe Shepperd, called the BEDC Board meeting to order.
2. **Hold a joint meeting between the Belton City Council and the Belton Economic Development Corporation to discuss Belton's 2016-2020 Strategic Plan, and City and BEDC goals, projects, plans and funding implications.**

Mayor Grayson welcomed everyone to the joint meeting. She then turned the meeting over to BEDC Executive Director Cynthia Hernandez. Mrs. Hernandez focused on the components of the Strategic Plan and the goals set out for BEDC within the Plan.

The first item she discussed was building space needs for light industrial uses. She said the market is tight in Belton, and in Central Texas, for this type of use. The BEDC is currently working with three industries that are in expansion mode, and unfortunately, there are no buildings for two of the industries to expand into, or that can meet their temporary needs until they find something suitable. She said that the lack of suitable buildings is also a challenge in business recruitment efforts. BEDC always offers to do a build-to-suit, but she stated that usually is not fast enough. BEDC is researching suitably sized land sites. The BEDC Board is also discussing constructing a spec building, and she hopes to bring that to Council in the near future.

The next goal Mrs. Hernandez discussed was the evaluation of land for future or expanded business park use. In 1997, the BEDC purchased almost 200 acres, and it has made an impact on Belton. This is evidenced by the businesses, the employees and the development around the business park since its construction. She stated that there are 60-70 developable acres left in the business park, but they are not

contiguous. She added that BEDC is always researching additional land sites, but other communities in the central Texas area have large land sites available, and that affects our competitiveness in attracting industries. She explained ways that the BEDC is researching and evaluating sites.

Board Vice President Joe Shepperd stated that City Manager Sam Listi reminded the BEDC Board there are properties already served by water and sewer that would be ideal, so they have kept that in mind as they do their search. He explained that there are a few really good sources – loopnet.com and landsoftexas.com – that they use when researching available land. He added that they are also approaching people who own desirable property to see if they would be interested in selling. He said that there aren't a lot of large tracts available in the 100-200 acre size. Tracts of that size are hard to come by, but he assured all present that they are working hard on finding some suitable property.

Mayor Pro Tem David K. Leigh asked if BEDC is working on a potential inventory of suitors. He added, "You don't have to own it [property] to sell it." Mrs. Hernandez agreed that BEDC doesn't have to own property. She stated that there are several property owners in town who have their properties listed, and BEDC has included some of these properties in proposals they have made. Sometimes the challenge comes when BEDC is negotiating the price, and they are competing with other communities who own property and have the ability to give it away. It is sometimes better for BEDC to have the land in their toolbox, so they can give it away if that becomes necessary for a successful negotiation. Board Member Steve Jones said that the problem with those types of properties is it doesn't give BEDC the ability to build a spec building on the property or to provide infrastructure.

Councilmember Jerri Gauntt asked if BEDC has an inventory of large land owners so that they would know who to approach in the event a company was inquiring. Mrs. Hernandez said that they have some identified. BEDC has mailed letters asking if landowners are interesting in selling. Sometimes they respond, and sometimes they don't. Sometimes they are willing to sell, but at a really high price. BEDC has several sites that they have identified, but she said that it might be time to regroup and solicit for potential sales again.

Councilmember Guy O'Banion asked the timeframe for finding something to make an offer on. Board Vice President Joe Shepperd said that Mrs. Hernandez has an inquiry into an estate that owns a large tract of land. They are talking to their board to see if they will sell. On another tract that BEDC is interested in, they have made contact with the owners and offered to get an appraisal. The landowners feel that the land is worth a lot more than the appraisal shows it is worth, and a portion of the tract has some topography issues. The first tract probably has a longer timeframe to purchase than the second one. The owner of the second tract has the appraisal in hand, and it is almost time for BEDC to make an offer to see if they accept. If they accept it, it should be six months or less to close. However, the first tract is a premiere tract, so they really want to wait to see if it is a possibility before making an offer on the second tract.

The final item Mrs. Hernandez discussed was the Rockwool property. BEDC is challenged in the Strategic Plan with developing a land plan for the property. She reminded the group that the City was prepared to convey the property to BEDC; however, BEDC learned that they first needed to do a Phase I Environmental on the property to protect BEDC from any liability as well as protect future land owners and future tenants. The Consultant who was hired to prepare the Phase I Environmental is nearing completion of the study, and BEDC should have his report very soon.

BEDC's goal this year is to develop the land plan. Part of that plan is to determine where utilities are currently located and develop a plan for utilities for future development of the property. BEDC has hired KPA Engineers to do the utility analysis on the property. She asked Mack Parker of KPA to give an update of the project. Mr. Parker provided the attached map showing the utilities currently on the property and some that are proposed, and he reviewed it with the group. Board Vice President Shepperd said that it would be hard to spend a large amount of money for infrastructure on the land since there are so many issues on the property.

Mayor Grayson asked if the existing infrastructure was usable, or if we will be spending a lot of money on maintenance. Director of Public Works Byron Sinclair stated that the existing lift stations are in very bad shape, and it will soon be time to rebuild them. City Manager Sam Listi said the cost of infrastructure to get the services to the property is going to shape land use and will influence the way Mrs. Hernandez is able to market the property.

Councilmember Dan Kirkley asked what type of business the BEDC thinks would be appropriate on this property. Mr. Shepperd said that BEDC had gotten some direction from Council on the type of business they would like to see there, but he said that it is not a good place for BEDC to construct a spec building. He added that with its proximity to IH-35, he felt there would be interest in the property, but they would just have to let it play out. There was a discussion on suitable types of businesses. Councilmember Gauntt said that we shouldn't limit ourselves on the types of businesses we allow on the property because many things can be addressed with screening.

Mayor Pro Tem Leigh said that it sounded like maybe the City should "bootstrap" it to make it work until a company is interested, and then determine from there what should be done with the utilities. He said, "We will need to build the infrastructure as we go, but we should not be short-sighted. It is not a true gateway to the City, but it is still somewhat of a gateway, so we don't need to put 'looks bad by smells bad.'" He added that the City does need to do something to get the smell problem taken care of. Mrs. Hernandez explained that BEDC has had some companies who were interested in the property until they went to the property on their own, and because of the smell, they were no longer interested.

City Manager Sam Listi thanked Mack Parker for his work on the project. He also discussed the expansion of the wastewater treatment plant. One part of the

expansion includes improvements to the headworks which should help with the odor situation.

Mr. Listi also stated that at the last City Council meeting, the Council authorized a contract for the design of sewer lines in south Belton along IH-35. This is a change in concept from the original concept of South Belton sewer service which had included a new wastewater treatment plant to serve the Lampasas Basin. Manager Listi said the City had originally planned to convey all three pieces of former Rockwool property to BEDC, but now it has been determined that Tract C, the 25 acre parcel on the south side of FM 93, may be needed for future wastewater treatment plant expansion. Mr. Shepperd said that expansion to the existing plant, on property currently owned by the City, made more sense to him than building a new plant. BEDC Board Members and Councilmembers concurred. Mayor Grayson asked how many acres the existing plant is on. Mr. Listi responded that he believed it was 48.

Councilmember O'Banion stated that as the City proceeds with the plant expansion project, we may have a better idea of how much land will be needed. He said that there might be some future conveyance of a portion of Tract C (the 25 acre parcel) if the City finds that it is not needed. Mr. Listi agreed, but stated that it is important that the City preserve the land for future plant expansion at this time. Board Member Jones said that in other cities, where plants are being built, you could put a house next to it and never know that there was a sewer plant there. Mr. Listi said that technology has significantly improved since the plant was constructed, and he believes with the expansion, some of the odor problems will be alleviated. Mayor Pro Tem Leigh said the composting operation is part of the odor issue, and that land would also be available for part of the expansion. Mr. Listi agreed the current compost area is another land area that could be converted to wastewater plant expansion if needed in the future.

Mr. Listi stated that BEDC had shared some expenses with the City in getting the property (Tract C) ready for platting, and he said that the City will reimburse BEDC the \$10,000 it spent for that since the City will be retaining the property.

Mr. Listi said that BEDC has evaluated property in the area that is owned by the Hubbards. There are approximately 125 acres available. The northernmost portion is developable, although it falls off pretty quickly to the river. Mr. Jones added that most of the property is in the flood plain. Mr. Listi said that there are some areas that would be suitable for practice fields which are needed and addressed in the Parks Master Plan.

Mr. Listi turned the meeting back over to Mrs. Hernandez. She said that BEDC will continue to evaluate how they want to develop the remaining former Rockwool property. She said that the utility plan is only about 40% complete, although it may be closer than that based on the changes discussed. Mr. Jones said that BEDC had two serious inquiries on the two tracts that he thought would be acceptable to the Council.

Mrs. Hernandez updated the group on other activities they had been involved with including trade shows and industry training that BEDC provides in conjunction with Temple College. She also gave an update on BEDC office location and developments. She stated that BEDC has committed to having a workshop about it in March, but they are focused on the downtown area.

Mr. Shepperd stated he would like to see a CNG (compressed natural gas) station located somewhere in the City. He believes that it would take advantage of a wonderful Texas resource and also fill in a gap in the Texas Triangle for those fuels.

City Manager Listi updated the group on issues with Dogridge Water Supply Corporation. They are replacing their entire board with an election scheduled in early March. He originally requested to speak to their board in September about releasing everything in the DRWSC CCN in the City limits east of Wheat Road, north of US190, to the City. They are unable to do anything, though, until their board is elected and educated on their system. The earliest the City could broach the subject with their board is April, but they may not be prepared to address the City's request for several months.

Mr. Listi also provided updates on the following Strategic Plan items:

- Growth Management Plan – annexation study possibly complete in the summer
- Comprehensive Plan Update – update by summer
- Nolan Creek Trunk Sewer Project – complete by July 4th
- MLK Bridge/Traffic Signal – estimated to be complete in late summer
- Connell Street Drainage – estimated to be complete in July
- Sparta Road – design nearing completion; phased construction
- Street Maintenance funding – Council funded Years 1 and 2 of 5-Year Plan; hope to bid in Spring with construction in Fall
- MLK Intersection at Main Street – under design
- Downtown Revitalization Plan – in-house project; working on recommendations
- Hike/Bike Trail – City received TxDOT grant; design should be underway toward the end of the year
- Lake-to-Lake Road – obtaining ROW parcels when possible
- Parks Master Plan Update – underway; online survey available

Mr. Listi introduced Angellia Points, the City's new Director of Internal Services/City Engineer. He also introduced Byron Sinclair, the City's new Director of Public Works.

Mayor Grayson said that it was beneficial to know what BEDC's plans were and for BEDC to know the City's plans. Councilmember O'Banion stated that the meetings were valuable to him as well. Mr. Listi reminded the group that the next joint meeting is scheduled for April 19th.

Board Vice President Shepperd adjourned the BEDC meeting, and Mayor Grayson adjourned the Council meeting at 6:15 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



I. **Rockwool, etc.** → Council/Board Members.....if I might make a few comments.

- Let me acknowledge Mack/Cynthia's work on utility master planning for former Rockwool vicinity.
- Cost estimate is significant if all properties served at urban densities. Certainly not all work is required at one time. The current limited utilities certainly may suggest different type of development options (batch plant) and limited utility services in the end.
- I'd like to take a moment, while on this topic of Rockwool and Economic Development, to discuss several related matters involving sanitary sewer services:
 - First, T/B-WWTP Final Design for Phase 1 Plant expansion/headworks is underway, with design in 2016 and construction in 2017, early 2018.
 - Second, last week on February 9th, City Council took the significant step to approve the final design contract for design of the So. IH 35 sewer project. Design will be complete in October 2016 and, subject to anticipated funding, construction will occur in 2017. This project will give us sewer along IH 35 corridor, two highway bores to maximize service, and extend sewer pipe with lift stations to T/B-WWTP on FM 93.

However, this is a change in the concept of South Belton sewer service, where before a stand-alone Belton WWTP was envisioned in the Lampasas Basin. The lift station concept, the current approach, has many advantages – use of existing treatment plant, existing discharge permit, much quicker sewer service to IH 35, and lower capital and operating costs.

But, this plan for sewer service has another long term potential implication – and it involves the former Rockwool property adjacent to the plant. The 25 acre parcel we intended to convey to BEDC in mid-2014 may be needed in the future for on-site, single site, WWTP expansion, for ultimate Belton needs. We originally believed the 16 acre site was adequate for all known sewer expansion phases for the two cities at the time, with buffer. But that projection was exclusive of the Lampasas River Basin development, which anticipated a new plant site, so there is at least a possibility that long term the 25 acre site may be needed for sewer plant expansion. For this reason, I am recommending this site be removed from the proposed conveyance to BEDC. The City will certainly reimburse BEDC the \$10,000 cost share in platting and on-site improvements, make BEDC whole.

This would still leave the 13.76 acre tract and the 36.3 acre tract for BEDC development, which would also reduce the needed utility infrastructure to serve the sites.

I have discussed this conclusion with Cynthia, and know this is disappointing to BEDC, but for the potential long term sewer needs of the City, I believe this is the most prudent course of action.

Questions/comments?

II. DRWSC Water Service Area

- 1 mile ETJ's along IH 35/US 190 corridors, especially IH 35 with contemplated sewer in 18-24 months.

III. Downtown Revitalization Plan

IV. Development Growth Strategy – (map)

V. Comprehensive Plan Update

VI. Quality of Life

- CIP Projects
- Street Maintenance Funding
- MLK/Main Intersection

VII. Connectivity

- Hike/Bike Trail
- Lake to Lake Road
- Parks Master Plan Update



BELTON CITY COUNCIL MEETING
February 23, 2016 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh, and Councilmembers Craig Pearson, Dan Kirkley, Paul Sanderford, Guy O'Banion and Jerri Gauntt (arrived at 5:34 p.m. and departed at 6:43 p.m.). Staff present included Sam Listi, John Messer, Amy Casey, Gene Ellis, Brandon Bozon, Erin Smith, Bruce Pritchard, Kim Kroll, Denny Lassetter, Angellia Points, Byron Sinclair, Matt Bates, and Paul Romer.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Craig Pearson, the Pledge of Allegiance to the Texas Flag was led by Director of Planning Erin Smith, and the Invocation was given by Steve Cannon, Director of J.A.I.L. Ministry, Inc.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:30 p.m.
2. **Public Comments.** There were none.

Consent Agenda

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

3. **Minutes of February 9, 2016, City Council Meeting**
4. **Receive a report on the annual review of the City's Ethics Ordinance, No. 2015-11, by the Ethics Commission.**

Mayor Pro Tem David K. Leigh asked to pull item 4 from the Consent Agenda for discussion.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Craig Pearson, Consent Agenda item 3 was unanimously approved upon a vote of 7-0.

Mayor Pro Tem Leigh asked for some discussion on the Ethics Commission meeting. City Clerk Amy Casey reviewed the Ethics Commission timeline with the Council and discussed how the Ethics Ordinance was developed. She stated that the Ethics Commission believes the Ordinance is working properly as it is written with the correction of one typographical error. City Manager Sam Listi said he concurred with Mrs. Casey, that the Ethics Ordinance has served the City well and continues to stand as a basis for ethical behavior for those who serve. He pointed out that an Ethics Commission Member, Charla Peters, was in the audience and could also answer any questions the Council may have.

Mayor Pro Tem Leigh said that he wanted to highlight that Belton has an Ethics Commission and an Ethics Ordinance. Some communities do not have this, and have had some issues because they do not. He said it's a check and balance that has served us well. Councilmember Jerri Gauntt agreed that it is an effective tool. Mayor Pro Tem Leigh thanked those who are serving and have served on the Ethics Commission.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Jerri Gauntt, Consent Agenda item 4 was unanimously approved upon a vote of 7-0.

Planning and Development

5. **Consider a preliminary plat for Mystic River, Phase II, a 9.99 acre tract of land, located east of North Main Street, west of the Leon River, and south of the existing Mystic River, Phase I, subdivision.**

Director of Planning Erin Smith explained that in October of 2012, Council approved a preliminary plat for Tuscan River (former name), a 120-lot subdivision, including the property under consideration. Phase 1 of Tuscan River was previously final platted and included 42 lots. Phase 2 of Mystic River (new name) was recently filed, and in reviewing the submittal, it didn't match up to the preliminary plat that had previously been approved. Additionally, according to the Subdivision Ordinance, the preliminary plat approval was valid for one year. It is now expired since no final plat for Phase 2 was submitted before the deadline. An updated preliminary plat has been submitted for Council consideration for the subdivision now known as Mystic River.

Mystic River Drive will extend south and terminate at its intersection with Praline Meadows Drive. Since Mystic River Drive is a collector street, the developer will construct 5-foot wide sidewalks on both sides of the roadway. Praline Meadows Drive will terminate in a temporary cul-de-sac with an extension anticipated in future plat phases. At this time, there is only one means of ingress/egress at North Main Street. According to Council-adopted Code, two points of ingress/egress are required for subdivisions with 30 lots or more. Mystic River, Phase 1, is 42 lots, and this proposed second phase is 16 lots, for a total of 58 lots with one means of egress. The master plan indicates that a second means of egress will be constructed to Guthrie Drive in the next phase of Mystic River. Mrs. Smith explained that, while Staff initially considered this access acceptable, Staff presented an alternative to the applicant and to the Planning and Zoning Commission. The developer has agreed to provide a "rough cut" road extension of Mystic River Drive, connecting eastward to the built Lift Station road, for emergency access. Provision of this emergency access supports approval of the requested variance until a permanent second access road is installed.

According to the Subdivision Ordinance, the maximum length of a cul-de-sac is 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission. The applicant is requesting a variance to allow for a 1,243 feet cul-de-sac. Since this roadway will be extended south in the next phase of Mystic River to

the future Pecan Meadow Drive that is proposed to connect to Guthrie Drive, the request appears reasonable.

Mayor Pro Tem Leigh said that it looks like it is all constructed and in the ground. He asked, "What exists today?" Mrs. Smith said that only Phase 1 exists, and she showed on the overhead the roads that currently exist.

Mayor Grayson stated that in the Thoroughfare Plan, it shows a connection to 13th Street, and she wants to make sure that the developer is aware of that. Mrs. Smith said that she spoke with the developer and showed them the Thoroughfare Plan. The plan shows a collector street coming from Guthrie and extending south all the way to Park Avenue and 13th Street. The developer said that was already in their future plan. Councilmember Pearson asked if 24th Street would tie in. Mrs. Smith said that would be something they would have to evaluate at a future date.

There are a total of 58 lots which will require a dedication of 0.58 acres of parkland for the two phases. The master plan submitted by the developer identifies dedication of parkland in the next phase. Mrs. Smith stated that the developer would like to create an overall preliminary plat for the remainder of their property in conjunction with the submittal of the Mystic River, Phase 3, plat. The developer has discussed developing a trail system within the existing ATMOS and ONCOR easements, creating green space, and constructing a pavilion and pool that will be maintained and owned by the HOA. Mrs. Smith explained that Staff concurs with this request to delay parkland dedication; however, when the next phase of Mystic River is submitted, a parkland plan for the overall preliminary plat will be required at that time for P&ZC and Council review, and no additional final plats will be recommended until such obligation and commitment has been addressed.

Mrs. Smith explained the lift station constructed to serve the lots in Phase 1, and the proposed lots in Phase 2, is complete, except for the landscaping that is required for screening. The developer is requesting to delay irrigation and landscape installation until the next phase of Mystic River when Pecan Valley Drive will be constructed, to maintain interim access to this lift station. The developer has expressed that it is difficult to access the lift station to maintain the irrigation and landscaping, since a roadway leading to the lift station does not exist at this time. Since there are no adjacent residences, delaying the installation of the irrigation and landscaping around the lift station until the next phase of Mystic River appears to be a reasonable request.

Mrs. Smith recommended approval of the preliminary plat with the conditions outlined.

In light of the recent conversations regarding permanent variances to cul-de-sac length, Councilmember Gauntt thanked the developer for their use of a temporary cul-de-sac. She also thanked them for the sidewalks that are to be constructed in the subdivision.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Gauntt, item 5 was unanimously approved upon a vote of 7-0, with variances as requested.

6. **Hold a public hearing and consider an ordinance adopting Article VII, Boarding Homes, in Chapter 11, Licenses and Business Regulations, of the Code of Ordinances.**

Assistant City Manager/Police Chief Gene Ellis played a video of a newscast regarding a former boarding home in the City of Belton. He said that in April 2015, the former Crestview Manor at 1103 Mary Jane Street became a boarding house known as God's Blessings. He added that the Belton Police Department responded to several calls at this location for disturbances and welfare concerns that were called in from family members of the residents at this facility. The officers noted unsanitary conditions, residents appearing to be overmedicated, fire safety violations, and many other issues that could put the residents' health and safety at risk.

Chief Ellis filed a complaint with the State, but they notified him that State agencies do not have regulatory authority over this facility since it is classified as a boarding house. While researching this issue, he learned that in 2009, the Texas Legislature passed a bill that allowed for regulation of these facilities, but it requires that cities or counties pass an ordinance adopting the model standards created the Texas Health and Human Services Commission (HHSC). He explained that the only way the City has the mechanism to prevent a similar situation from happening again, and to make it a safe place for future occupants, is to adopt the ordinance. He added that there is a company wanting to open this facility as another boarding home.

Director of Planning Erin Smith explained that HHSC was required to make the model standards available to cities that choose to require boarding homes to obtain a permit to operate in the City. Mrs. Smith explained that City staff – including Planning, PD, FD, and the City Attorney's office – reviewed the HHSC model standards and ordinances regulating boarding homes that have been adopted by cities such as Houston, Dallas, San Antonio, and El Paso, in order to develop a boarding homes ordinance for the City of Belton.

She reviewed the contents of the ordinance and how the facilities would be regulated. She stated that City staff recommends an amendment to Chapter 11, Article VII, "Licenses and Business Regulations," of the Code of Ordinances to implement the provisions of Chapter 260, Texas Health and Safety Code, entitled "Boarding Home Facilities", which allows the City to establish regulations for the protection of the health and safety of residents of boarding home facilities. This proposed ordinance will require a permit prior to operating a boarding home facility within the Belton city limits. The permit will include owner information and emergency contacts for the boarding house. She added that the one-time fee for a permit to operate a boarding home facility is proposed to be \$1,000. She also added that there is an appeal process to the City Manager and finally to the City Council.

Mayor Grayson said she was in favor of preventing a similar situation like what occurred at God's Blessings, but she wanted to know how this would affect a homeowner who rents rooms to college students. Mayor Pro Tem Leigh answered that it is exempted because this is directed toward people who rent to persons with disabilities. Councilmember Gauntt asked about 401 N. Pearl, since it is zoned as a boarding house/bed and breakfast. Mayor Pro Tem Leigh read from the ordinance stating that it applies only to those who rent rooms to three or more persons with disabilities, or elderly persons, who are not related to the homeowner.

Chief Ellis said that this is a lucrative business because some owners require the tenants to sign over their Medicaid or Medicare checks to them as payment for use of the facilities. City Manager Listi said that the purpose of this ordinance addresses health and safety issues and was to fill the gap to help protect these persons from being taken advantage of.

Councilmember Pearson asked if there were any existing facilities that would be grandfathered. Chief Ellis mentioned that there might be a few existing that would qualify under this ordinance and be required to obtain a permit. He mentioned one at Liberty Valley, but stated that he was uncertain if they fit the criteria. Manager Listi said that Liberty Valley may fall under the State definition of Group Home and have other regulations to comply with. Mrs. Smith said that Staff is not recommending a grandfather clause. Councilmember Gauntt commented the facilities that might be keeping just three individuals would be required to pay the \$1,000 fee. Mrs. Smith said that she was correct.

Councilmember O'Banion said he felt it was important that the Council know how many facilities would be affected before voting on it. Chief Ellis stated that it is difficult to know how many might be affected since there is no current regulation that would provide that information.

Councilmember Dan Kirkley asked about the disposition of the property at 1103 Mary Jane. He wanted to know if it was still retained by the owners of God's Blessings. Mrs. Smith commented that she believes it has gone back to the previous owner, Killeen Healthcare, at least according to tax records. She added that there is a company who is interested in reopening the facility as a boarding home.

Councilmember Paul Sanderford asked if Staff had made any changes to the Model Ordinance. Mrs. Smith said that no changes were being recommended. He asked if Staff know why the trigger number was set at three. Mrs. Smith stated that they had not researched that. He asked if charitable ventures would be subject to this as well, to which Mrs. Smith replied that they would.

Mayor Pro Tem Leigh said that part of the ordinance required companies to submit all employees to a background check. He asked how we will keep the employee listing updated because it will change over time, and how will we be assured that all employees have been background screened. Additionally he asked if there is a penalty to not submitting to this requirement.

City Attorney John Messer stated that this is not the perfect ordinance, but it gives the City a way to regulate these types of facilities. He said the City's stance will be that the ordinance applies to every facility in the City that meets the definition.

Councilmember Kirkley stated that there are a few things to be aware of. He said that Belton has a reputation for compassionate enforcement, and he doesn't see us changing. He is very much in favor of the ordinance and thinks that if changes are needed over time, we will make those changes at that time.

The Mayor opened the public hearing on this item. There being no one wishing to speak for or against the item, she closed the public hearing.

Councilmember O'Banion stated that he is in favor of closing the gap, but he cannot support something like this until he knows the impact of the Council's action. Mayor Grayson said she understands what Councilmember O'Banion is saying regarding the effect of the ordinance on those that are doing good works, but she feels that a process exists within the ordinance to be able to resolve the issues that may come up. Councilmember O'Banion said that this is a legal document that cannot be interpreted different ways for different people. Mayor Grayson said that Council would not be interpreting it differently, but they would be able to amend it if necessary.

Manager Listi stated that this is strictly a health and safety type of regulation. He said it is important to pass this ordinance in a timely manner in order to get these State mandated regulations in place in order to take care of the citizens of Belton.

Councilmember Craig Pearson stated that Belton will be better with the ordinance than without it, and he believes that the City will compassionately enforce it. With that said, he made a motion that was seconded by Councilmember Dan Kirkley to adopt the ordinance. Upon a vote of 6-1, the following captioned ordinance was approved. Councilmember O'Banion provided the dissenting vote.

ORDINANCE 2016-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ESTABLISHING CHAPTER 11, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH "LICENSES AND BUSINESS REGULATIONS"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Miscellaneous

7. **Consider a resolution naming three City of Belton Parks/Facilities, as recommended by the Parks Board:**

- A. The recently constructed fifth baseball field at Heritage Park, to be named Clifton Peters Field;
- B. The proposed nature trail at the intersection of Nolan Creek and the MLK Bridge, to be named Nolan Creek Nature Trail; and
- C. The section of Nolan Creek linking Confederate Park to Yettie Polk Park, to be named The Landing at Nolan Creek.

Director of Parks and Recreation Matt Bates stated that an internal Parks Naming Committee was established to develop recommendations to the Parks Board for the naming of three Parks/Facilities located in Belton. The Parks and Facilities selected for naming are:

- New fifth baseball field, dedicated in 2015, and located in Heritage Park.
- Proposed Nature Trail by MLK Bridge, part of Texas Parks & Wildlife Grant for Creek.
- Nolan Creek and adjacent areas, located behind City Hall and 'The Gin at Nolan Creek' restaurant.

The Committee members developed a number of potential names for each park/facility which were taken to Parks Board on February 1, 2016. At their meeting, the Board developed a recommendation for City Council for two of three Parks/Facilities (Fifth Field at Heritage Park and Nature Trail by MLK Bridge), and tabled the Parkland by Nolan Creek, located behind City Hall and 'The Gin on Nolan Creek' restaurant. A Special Called Parks Board Meeting occurred February 8, 2016, where the tabled Park name was discussed further and ultimately the Board developed a recommendation for City Council.

Mr. Bates stated that Staff has also complied with the Facility Naming Policy requiring internet posting of proposed names a minimum of ten (10) days prior to scheduled Council action. He added that the fiscal impact will be nominal.

The recommended Parks/Facilities names are as follows:

- New Fifth Field in Heritage Park - ***Clifton Peters Field***
 - Parks Board Member from 1998-2000
 - City Council Member 2000-2012 (Mayor Pro Tem: 2003-2005)
 - Chair of C.I.P Committee which designated funds for a fifth field at Heritage Park, in collaboration with the Baseball Association.
 - Identification distinguishes field for players and coaches.
- Nature Trail by MLK Bridge - ***Nolan Creek Nature Trail***
 - Park adjacent to Chisholm Trail Senior Village, a component of the Texas Parks & Wildlife Grant, will include a quarter mile Nature Trail. Trail will include a Kayak drop spot, picnic table, bird observation area, and interpretive signage, and will be built by June 2016. Naming the Trail feature is important in Park identification.

- Nolan Creek and adjacent areas, located behind City Hall and ‘The Gin at Nolan Creek’ restaurant - ***The Landing at Creekside Park***
 - Park boundary includes the Creek and adjoining areas, 3 water drop features, Limestone outcroppings, and easy access to the water for observation and recreational opportunities. The Park has been used in the past for special events including ‘Summerfest’, ‘Movie in the Park’, and ‘Family, Fishin’ and Fun’, and needs identification for event notification.

Mr. Bates recognized Clifton Peters’ widow, Charla, in the audience, along with former Councilmember John Agan who recommended the field naming.

Upon a motion by Councilmember Craig Pearson and a second by Councilmember Paul Sanderford, the following captioned resolution was unanimously approved upon a vote of 7-0.

RESOLUTION NO. 2016-12-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, NAMING THREE CITY OF BELTON PARKS/FACILITIES, AND PROVIDING AN OPEN MEETING CLAUSE.

8. **Consider authorizing the City Manager to execute a contract for architectural services for the renovation of the original police building as the final component of the Public Safety Center project.**

Assistant City Manager/Police Chief Gene Ellis said that Staff is seeking Council approval to enter into a contract for architectural services with KAH Architecture to renovate the original Police/Courts building. He explained that this renovation will be the final component of the Public Safety Center building project. He described the proposed renovations that include a separate court entrance and lobby, creating an evidence processing space, and expanding other areas including the dispatch area. Chief Ellis stated that of the three firms who responded to the Request for Qualifications, KAH Architecture was rated as the best qualified. They are currently the subcontractor to the Architectural firm on the current expansion project.

Chief Ellis recommended approval of the contract.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, item 8 was unanimously approved upon a vote of 7-0.

There being no further business, the meeting was adjourned at 6:45 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #4

Consider appointment to Library Board of Directors.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

On January 6, 2016, Michael Kelsey submitted his resignation from the Library Board of Directors for health reasons. Mayor Marion Grayson is recommending Lee Casey be appointed to fill his unexpired term ending 11/30/2016.

Fiscal Impact

N/A

Recommendation

Recommend approval of the appointment as recommended by Mayor Grayson.

Attachments

None

Staff Report – City Council Agenda Item



Agenda Item #5

Consider an ordinance declaring unopposed candidates elected to office and canceling the May 7, 2016, General City Election.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

Under the provisions of State law, cities can avoid the expense of conducting an election when all candidates are unopposed. I have attached a certification attesting to such, and it would be appropriate for Council to adopt the ordinance declaring each unopposed candidates elected to office and canceling the election previously ordered for May 7, 2016. The oaths of office will be administered to Mayor Marion Grayson and Councilmembers Paul Sanderford and Guy O'Banion at the regular Council meeting on Tuesday, May 10, 2016.

Fiscal Impact

Annually budgeted item. If not spent, this funding will roll back into General Fund fund balance or be used for other departmental purposes. FY2016 Budgeted Amount: \$5,650.

Recommendation

Recommend approval of the attached ordinance canceling the election.

Attachments

Certification of Unopposed Candidates
Ordinance

CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS

To: Mayor Grayson and City Councilmembers
Al: Alcade Grayson y miembros del Consejo Municipal

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2016.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo 2016.

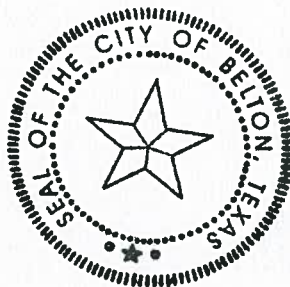
Offices and names of candidates:
Cargos y nombres de los candidatos:

Office(s) Cargo(s)	Candidate(s) Candidato(s)
Mayor Alcade	Marion Grayson
Councilmembers: <i>Miembros del Consejo Municipal:</i>	Paul Sanderford Guy O'Banion

Amy M. Casey
Amy M. Casey, City Clerk (*Firma de Secretario de Municipal*)
City of Belton (*Ciudad de Belton*)

3/1/2016
Date of signing (*Fecha de firma*)

(Seal) (*Sello*)



ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2016, GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's general election was called for May 7, 2016, for the purpose of electing a Mayor and two members to the City Council; and

WHEREAS, the City Clerk has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election.

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

SECTION 1. The following candidates, who are unopposed in the May 7, 2016, general City election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

<u>Candidate</u>	<u>Office Sought</u>
Marion Grayson	Mayor
Paul Sanderford	City Councilmember
Guy O'Banion	City Councilmember

SECTION 2. The May 7, 2016, general City election is canceled, and the City Clerk is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

SECTION 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance, are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION 4. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED this the 8th day of March, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

ORDENANZA NÚMERO 2016-11

UNA ORDENANZA DEL AYUNTAMIENTO DE LA CIUDAD DE BELTON, TEXAS, DECLARANDO QUE CANDIDATOS SIN OPOSICIÓN EN LA ELECCIÓN GENERAL DE LA CIUDAD DEL MAYO 7, 2016, SEAN ELEGIDOS AL CARGO; CANCELANDO LA ELECCIÓN; PROVEYENDO UNA CLAUSURA DE DIVISIBILIDAD; Y PROVEYENDO UNA FECHA DE VIGENCIA.

MIENTRAS QUE, la elección general de la Cuidad fue llamada para Mayo 7, 2016, con el propósito de elegir a un alcalde y dos miembros al ayuntamiento; y

MIENTRAS QUE, el Secretaria de la Cuidad ha declarado por escrito que ninguna persona ha hecho una declaración de candidatura al escribir en, y que cada candidato en la votación esta sin oposición para la elección al cargo; y

MIENTRAS QUE, bajo estas circunstancias, Subcapítulo C, Capítulo 2, Código de Elección, autoriza al ayuntamiento para que declare los candidatos elegidos al cargo y se cancele la elección.

AHORA POR CONSIGUIENTE, SEA ORDENADO POR EL AYUNTAMIENTO DE LA CUIDAD DE BELTON, TEXAS, QUE:

SECCIÓN 1. Los candidatos siguientes, sin oposición el la elección general de Mayo 7, 2016, son declarados elegidos al cargo, y serán proveídos un certificado de elección siguiendo el tiempo que la elección se hubiese haber solicitado votos:

<u>Candidato</u>	<u>Posición Buscado</u>
Marion Grayson	Alcalde
Paul Sanderford	Miembro del Ayuntamiento
Guy O'Banion	Miembro del Ayuntamiento

SECCIÓN 2. La elección general de la Cuidad de Mayo 7, 2016 esta cancelada, y el Secretaria de la Cuidad es dirigido a causar una copia de esta ordenanza que sea publicada en el Día de Elección en cada puesto de votación que se hubiese usado el la elección.

SECCIÓN 3. Es declarado que sea el intento del ayuntamiento que las frases, clausulas, oraciones, párrafos, y secciones de esta ordenanza, sean divisibles, y si alguna frase, clausula, oración, párrafo, o sección de esta ordenanza es declarada invalidad por el juicio o orden de una corte de jurisdicción competente, su invalidad no afectará ninguna de las

SECCIÓN 4. Esta ordenanza tomará efecto siguiendo su aprobación final, y como tal es ordenado.

PASADO Y APPROVADO en este 8º día de Marzo, 2016.

Marion Grayson, Alcade

Atestar:

Amy M. Casey, Secretaria de la Cuidad

Staff Report – City Council Agenda Item



Agenda Item #6

Consider an amendment to the Professional Services Agreement for engineering services with Kasberg, Patrick & Associates.

Originating Department

Administration – Sam A. Listi, City Manager

Background

The City has had a consulting contract with Kasberg, Patrick & Associates (formerly Roming, Parker & Kasberg) since 1991 for engineering services that are not project specific. These services include:

- Analysis and preliminary investigation of minor engineering problems related to utilities, drainage or streets to correct existing problems;
- Engineering analyses and preliminary investigations related to determining feasibility of major projects; and
- Review of subdivision plats and construction plans, as well as engineering design for minor construction projects such as the City's annual street reconstruction program; project site visits; consultation and representation meetings related to streets, storm drainage, water, sewer, water quality and park improvements.

As in the past, major studies, preliminary designs and specific projects, will be carried out under specific engineering agreements.

Services provided under this contract are billed on an hourly basis. The contract and prices have not changed since 2009, seven years ago. It seems appropriate to consider updating the contract and associated fees for services.

Fiscal Impact

The agreement for ongoing engineering services represents a substantial benefit to the City, especially given the legacy of knowledge of KPA. FY2016 budget costs across all departments – Streets, Water/Sewer, Utility Administration, Drainage, BEDC, and Planning – utilizing these services is \$127,700, and we have spent \$56,015 to date.

Budgeted: ☒ Yes ☐ No ☐ Capital Project Funds

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed

Recommendation

Recommend approval, with new rates effective April 1, 2016.

Attachments

Letter Request



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

Temple
One South Main Street
Temple, Texas 76501
(254) 773-3731

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

Georgetown
1008 South Main Street
Georgetown, Texas 78626
(512) 819-9478

February 22, 2016

Mr. Sam A. Listi
City Manager
333 Water Street
Belton, Texas 76513

Re: 2016 Amendment to General Services Agreement

Dear Mr. Listi:

This letter is to serve as an amendment to our general services agreement dated July 31, 2009. This amendment increases the rates for our services to adjust for operating cost increases over the past seven years. Generally, expenses have increased in all areas of our operation such as health care, insurance, salaries, etc. The following is a summary of our rates agreed upon in 2009 and our proposed amended rates:

<u>POSITION</u>	2009 Proposed Rates	2016 Proposed Rates
Principal	\$110/hr	\$160/hr
Senior Engineer	NA	\$160/hr
Engineer	\$105/hr	\$145/hr
Engineer in Training	NA	\$105/hr
Draftsman/Technician (CAD)	\$70/hr	\$85/hr
Clerical	\$35/hr	\$35/hr
On-Site Representative	\$60/hr	\$75/hr
Survey Crew	Cost + 10%	Cost + 10%
Computer	\$15/hr	NA
Expenses	Cost + 10%	Cost + 10%

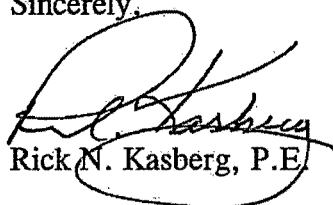
Our typical services will remain as established in our 2009 Agreement and will include engineering analyses, cost estimates, preliminary investigations, representation, consultation, engineering design and project site visits. These services may involve projects related to streets, drainage, potable water, sanitary sewer, water/wastewater quality, construction management, park improvements and other related municipal concerns.

Mr. Sam A. Listi
February 22, 2016
Page Two

Performance of engineering services would occur only after authorization by the City of Belton. These services are anticipated to be relatively short in duration. Major projects will require a specific engineering agreement by both parties.

If this meets with your approval, please indicate by signing in the space provide below and return one copy to us.

Sincerely,



Rick N. Kasberg, P.E.

RNK/crc

ACCEPTED:
City of Belton, Texas

By: _____ Date: _____

Sam Listi

Subject: FW: General Services Amended Rates

From: Rick Kasberg [<mailto:RKasberg@kpaengineers.com>]

Sent: Tuesday, February 23, 2016 1:00 PM

To: Sam Listi

Cc: Brandon Bozon; Angellia Points

Subject: RE: General Services Amended Rates

Sam,

The following is the list of our staff members which fall under the various rates described in our proposed rate amendments.

Principals (\$160/hr):

Rick Kasberg, PE
David Patrick , PE , CFM
Tommy Valle, PE
Ginger Tolbert, PE
Trae Sutton, PE , CFM

Senior Engineers (\$160/hr):

Mack Parker , PE , CFM
Michael Newman, PE , CFM

Engineer (\$145/hr):

John Simcik , PE , CFM
Brenton Burney, PE , CFM

Engineer in Training:

Jake Blair , EIT
Sam Blumenthal , EIT
Eric Kramer , EIT

CAD (\$85/hr)

Includes all KPA 8 CAD Staff Members

Clerical (\$35/hr)

Carmen Collins
Brittany Prcin
Sara Williams

On- Site Reps (\$75/hr)

Jake Locklin
Dennis Mattson
Rick Wyatt

Hope this is helpful. If you need additional info please do not hesitate to ask.

Rick

Staff Report – City Council Agenda Item



Agenda Item #7

Consider an amended Resolution determining the necessity of transferring real property and authorizing its transfer to the Belton Economic Development Corporation (BEDC) for a public purpose, and authorizing the City Manager to take all steps necessary to accomplish the transfer of portions of the former Rockwool property, located east of the intersection of IH 35 and FM 93.

Originating Department

Administration – Sam A. Listi, City Manager

Background

In November 2014, the City Council approved Resolution 2014-34-R, which authorized the City's conveyance of 75 acres, out of 91 acres of the former Rockwool Superfund site on FM 93, east of IH 35, to BEDC. As you recall, a 16 acre tract immediately west of the Temple-Belton Wastewater Treatment Plant (TBWWTP), on the south side of FM 93, was reserved for sewer plant expansion, following a decade of planning by the two cities.

Prior to final conveyance of the 75 acres to BEDC, several factors have emerged to influence this earlier decision, suggesting retention of additional acreage for ultimate TBWWTP expansion.

1. Belton's shift away from a separate Belton Lampasas River Wastewater Treatment Plant, acknowledged in the City's updated Wastewater Master Plan in 2015.
2. Belton's recent plan to rely on a series of IH 35 lift stations and sewer lines directed to the TBWWTP for exclusive near term sewer service. A design contract for this project was approved by Council 2/9/16 with Halff Associates.
3. Continued extensive development in Belton and Temple, which will rely on the TBWWTP for sanitary sewer service.

At the Joint City Council/BEDC meeting on 2/18/16, I recommended the City retain ownership of the 25 acre tract, located south of FM 93, west of the TBWWTP Plant site, and adjacent to Nolan Creek. This tract had been planned for conveyance to BEDC for private development. Nevertheless, following extensive analysis over the past month on the potential need for this site as an addition to the current site for ultimate TBWWTP site expansion, and considering the shift away from a certain Belton wastewater treatment plant, I felt it was prudent to take this conservative approach for the long term needs of the City of Belton. The Council and BEDC concurred in this recommendation for the City to retain the 25 acre tract. This agenda item will amend the earlier Resolution accordingly.

Fiscal Impact

Three tracts were originally planned for conveyance to BEDC, with BEDC paying principally closing costs, with the addition of site preparation and platting costs for (c).

- (a) 13.76 acre tract located on north side of Taylors Valley Road, adjacent to the Leon River;
- (b) 36.326 acre tract located on the north side of FM 93, east of McGuire Trucking; and
- (c) 24.958 acre tract located on south side of FM 93, east of Nolan Creek.

The revised Resolution will convey (a) and (b), but not (c) to BEDC, with BEDC paying only closing costs.

The City has reimbursed BEDC its \$10,000 cost share for site prep and platting costs for (c).

The City will turn over to BEDC a two year lease with Belco, at \$1,300 per month, which expires in May 2016, and is subject to renewal on a two acre portion of (a).

Recommendation

Recommend approval of the amended Resolution conveying to BEDC the 13.76 acre and the 36.326 acre parcels from the former Rockwool Superfund Site for a public purpose.

Attachments

November 10, 2014, Staff Report to City Council
Resolution (revised)
General Warranty Deed (revised)
Former Rockwool Superfund Site Map

Staff Report – City Council Agenda Item



Agenda Item #10

Consider a resolution determining the necessity of transferring real property and authorizing its transfer to the Belton Economic Development Corporation for a public purpose and authorizing the City Manager to take all steps necessary to accomplish the transfer of portions of the former Rockwool property, located east of the intersection of IH 35 and FM 93.

Originating Department

Administration – Sam A. Listi, City Manager

Summary Information

Please see attached Rockwool Chronology for a history of this Rockwool plant and site, and Belton's long term interest in it. Following cleanup of the former Rockwool insulation plant site with Federal EPA and State TCEQ funds, the City worked to secure the property (see map) in our ownership for redevelopment. Based on Council's input and BEDC support, it has been the City's intention to convey the property to BEDC to market and develop the sites within the parameters of the city charter, state law, and the existing restrictive covenants and institutional controls placed on the properties. The Council must make a finding that authorizes this conveyance to BEDC for economic development projects, as allowed by state law, instead of bidding the property. We are now ready to convey the majority of the property to BEDC, in order to begin planning for its redevelopment. One parcel, the easternmost 16 acres on the south side of FM 93, will be retained for use in the expansion of the Temple-Belton Wastewater Treatment Plant. A subdivision plat dividing the tract on the south side of FM 93 into two tracts is nearing completion at this time.

The action needed by the Council includes approval of a Resolution that:

1. Determines the necessity to transfer the property to BEDC for the public purpose of creating economic development for projects, rather than bidding the property for sale.
2. Authorizes the City Manager to take all steps necessary to accomplish the transfer.

The BEDC Board of Directors and its Executive Director, Cynthia Hernandez, has been involved in discussions about this conveyance, and supports this action. Once approved by Council, an agenda item approving the conveyance will be presented to the Board, and this action is expected within 60 days.

Fiscal Impact

A brokers opinion of value on the property dated June 27, 2013, indicated a value of \$910,000 for 94 acres. The BEDC, and the City in a support role, will work together to achieve appropriate property redevelopment on this former EPA Superfund site.

Recommendation

Recommend approval of resolution as presented.

Attachments

Chronology of Rockwool Plant/Site
Resolution of Authority
Deed for Transfer
Map

RESOLUTION NO. 2016-13-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DETERMINING THE NECESSITY OF TRANSFERRING REAL PROPERTY AND AUTHORIZING ITS TRANSFER TO THE BELTON ECONOMIC DEVELOPMENT CORPORATION FOR A PUBLIC PURPOSE, AND PROVIDING AN OPEN MEETING CLAUSE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

“CITY”: The City of Belton

“PROPERTY”: Approximately 50.39 acres of land located in Bell County and being the same property more particularly described on the “Exhibit A and B”, attached hereto and made a part hereof for all purposes.

“PROJECT”: Central Belton Industrial Park

“PROPERTY INTEREST”: Fee Simple

“OWNER”: The City of Belton, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“BEDC”: Belton Economic Development Corporation

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

SECTION 1. That, pursuant to Section 253.012 of the Texas Local Government Code, the Property is to be conveyed to BEDC for the public purpose of creating economic development for projects described in Sections 501 and 504 of the Texas Local Government Code, subject to the existing restrictive covenants on the Property recorded as Document No. 2013-00006480, 2013-00006481, and 2013-00006482. The development of the PROPERTY shall be known as the Central Belton Industrial Park.

SECTION 2. That for the purpose of conveying the PROPERTY, the City Manager is hereby authorized and directed to execute all documents necessary to effectuate the transfer of the Property for the purposes described in Section 1.

SECTION 3. That BEDC is to have possession of the PROPERTY at closing; and BEDC will pay any expenses and closing costs.

SECTION 4. Ownership of the PROPERTY automatically reverts to the CITY if BEDC at any time fails to use the PROPERTY for the purposes set out in Sections 501 and 504 of the Texas Local Government Code.

SECTION 5. That this resolution shall take effect immediately from and after its passage

in accordance with the provisions of the Charter of the City of Belton, and it is accordingly so resolved.

SECTION 6. It is hereby officially found and determined that the meeting at which this Resolution 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 this the 8th day of March, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

GENERAL WARRANTY DEED

DATE: _____, 2016

GRANTOR: City of Belton, Texas, a Texas municipality
GRANTOR'S MAILING ADDRESS: P.O. Box 120
Belton, Texas 76513

GRANTEE: Belton Economic Development Corporation,
a Texas corporation
GRANTEE'S MAILING ADDRESS: P.O. Box 1388
Belton, Texas 76513

CONSIDERATION: (1) Cash and other good and valuable consideration.

PROPERTY:

Tract A:

13.76 acres, being part of the O. T. Tyler Survey, Abstract No. 20, in Bell County, Texas, and being more particularly described by metes and bounds on Exhibit A attached hereto and made a part hereof for all purposes; and

Tract B:

36.626 acres, being part of the O. T. Tyler Survey, Abstract No. 20, in Bell County, Texas, and being more particularly described by metes and bounds on Exhibit B attached hereto and made a part hereof for all purposes,

all together with, without covenant or warranty express or implied (whether under Section 5.023 of the Texas Property Code or otherwise) all right, title and interest, if any, of Grantor as owner of the Property, but not as owner of any other property, in and to, (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; (v) any and all mineral rights and interest of Grantor relating to said real property (present or reversionary); and (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the

extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (viii) all right, title, and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys, and ways (open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property and (d) any and all reversionary interests in and to said real property (said real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

TERMS OF CONVEYANCE: The Property is to be used by Grantee for the public purpose of creating economic development for projects described in Sections 501 and 504 of the Texas Local Government Code. Ownership of the Property automatically reverts to the municipality if the Grantee at any time fails to use the property in that manner.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. All easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, agreements and maintenance charges, and other instruments, other than liens and conveyances, that affect the property; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any County Water Improvement District, Municipal Utility District or similar governmental or quasi-governmental agency; taxes for the year 2016, the payment of which Grantee assumes, and subsequent assessments for that and prior years due to change in land usage, ownership or both, the payment of which Grantee assumes; existing building and zoning ordinances and environmental regulations; and rights of parties in possession.
2. Restrictive Covenants recorded as Document No. 2013-00006480 and 2013-00006481 and Ordinance of the City of Belton recorded as Document No. 2013-00006482.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim

the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronoun include the plural.

CITY OF BELTON, TEXAS,
a Texas municipality

By:

Sam Listi, City Manager

(ACKNOWLEDGMENT)

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the ____ day of _____, 2016, by Sam Listi, City Manager of the City of Belton, Texas, a Texas municipality on behalf of said municipality.

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICES OF:

MESSER, POTTS & MESSER, P.C.
P.O. BOX 969
BELTON, TEXAS 76513

14-056
NP/ss

Exhibit "A"

City of Belton Tract B

1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 26, 2012

Surveyor's Field Notes for CITY OF BELTON, for:

13.76 ACRES, being part of the **O. T. TYLER SURVEY, ABSTRACT NO. 20**, in Bell County, Texas and embracing that certain called 14 acre tract described in a deed to **THE CITY OF BELTON, TEXAS**, of record in Volume 5330, Page 658 of the Official Public Records of Real Property of Bell County, Texas, said 13.76 acre tract was surveyed by All County Surveying, Inc. and is more particularly described by these metes and bounds as follows:

BEGINNING at a 5/8" iron rod found in the north right-of-way line of a public maintained roadway known as **TAYLOR'S VALLEY ROAD**, being the southeast corner of said 14 acre tract, same being the southwest corner of that certain called 17.737 acre tract described in a deed to **APAC-TEXAS, INC.**, of record in Doc. No. 2009-00047510 of the Official Public Records of Real Property of Bell County, Texas and being the southeast corner of this tract.

THENCE In a westerly direction, with the north right-of-way line of said **TAYLOR'S VALLEY ROAD**, same being the south line of said 14 acre tract (record call of *N 71 deg W, 894 feet*) for the following **TWO (2)**, courses and distances:

- 1). **NORTH 74 deg 18 min 48 sec WEST**, a distance of **381.11 feet** to a 1/2" iron rod found; and
- 2). **NORTH 75 deg 11 min 20 sec WEST**, a distance of **519.13 feet** to a 3/8" iron rod found, being the southwest corner of said 14 acre tract, same being the southeast corner of that certain tract described in a deed to **S. H. SMITH, ET AL**, of record in Volume 87, Page 491 and Volume 90, page 125 of the Deed Records of Bell County, Texas locally known as East Belton Cemetery and being the southwest corner of this tract.

THENCE In a northerly direction, with the east line of said cemetery tract, same being the west line of said 14 acre tract (record call of *N 19 deg E, 750 feet*) for the following **TWO (2)**, courses and distances:

- 1). **NORTH 17 deg 23 min 40 sec EAST**, a distance of **113.43 feet** to a 5/8" iron rod found; and
- 2). **NORTH 16 deg 35 min 00 sec EAST**, a distance of **576.99 feet** to a calculated point in the **LEON RIVER**, being the northeast corner of said cemetery tract, same being the northwest corner of said 14 acre tract and being the northwest corner of this tract.

Surveyor's Field Notes for CITY OF BELTON, continued:

THENCE In an easterly direction, with the said LEON RIVER, same being the north line of said 14 acre tract (record call of "Up the Leon River with its meanders") for the following THREE (3), courses and distances:

- 1). **SOUTH 71 deg 52 min 50 sec EAST**, a distance of 423.49 feet to a calculated point;
- 2). **SOUTH 75 deg 20 min 25 sec EAST**, a distance of 322.86 feet to a 5/8" Iron rod found; and
- 3). **SOUTH 63 deg 00 min 24 sec EAST**, a distance of 145.75 feet to a 3/4" metal pipe found, being the northeast corner of said 14 acre tract, same being the northwest corner of said 17.737 acre tract and being the northeast corner of this tract.

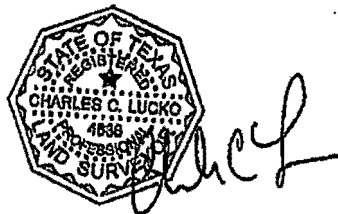
THENCE In a southerly direction, with the west line of said 17.737 acre tract, same being the east line of said 14 acre tract (record call of S 20 deg 30 min W, 678 feet) **SOUTH 15 deg 46 min 56 sec WEST**, a distance of 841.60 feet to the Point of Beginning, Containing 13.76 ACRES.

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. 133. The theta angle at City Monument No. 133 is 01°29'23". The combined correction factor (CCF) is 0.999867. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 133 to the southwest corner of this 13.76 acre tract is N 02°23'54" E, 22.03 feet. Published City coordinates for project reference point 133 are N. = 10,358,458.27 E. = 3,202,085.92. This description is to accompany a Surveyor's Sketch showing the herein described 13.76 acre tract. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed March 2012

ALL COUNTY SURVEYING, INC.
1-800-748-PLAT

Server/project/pro120000/120000/120100/120112/120112a.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4836

Exhibit "B"

City of Belton Tract C

1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 28, 2012

Surveyor's Field Notes for the CITY OF BELTON, for:

38.328 ACRES, being part of the **O. T. TYLER SURVEY, ABSTRACT NO. 20**, in Bell County, Texas and being a portion of that certain called 100.02 acre tract described in a deed to **THE CITY OF BELTON**, of record in Doc. No. 2009-00008089 of the Official Public Records of Real Property of Bell County, Texas, said 38.328 acre tract was surveyed by All County Surveying, Inc. and is more particularly described by these metes and bounds as follows:

BEGINNING at a 5/8" iron rod found in the south right-of-way line of the **GEORGETOWN RAILROAD**, and being in the east line of said 100.02 acre tract, being the northwest corner of that certain called 18.952 acre tract described in a deed to **SMA FAMILY, LTD.**, of record in Volume 5316, Page 598 of the Official Public Records of Real Property of Bell County, Texas and being the northeast of this tract.

THENCE in a southerly direction, with the west line of said 18.952 acre tract, same being the east line of said 100.02 acre tract (record call of S 17 deg 30 min 00 sec W, 1888.91 feet) **SOUTH 14 deg 09 min 11 sec WEST**, a distance of 1024.26 feet to a 5/8" iron rod found in the north right-of-way line of a public roadway known as **F. M. ROAD NO. 93**, said right-of-way is of record in a deed to the **STATE OF TEXAS**, in Volume 2560, Page 396 of the Official Public Records of Real Property of Bell County, Texas, being the southwest corner of said 18.952 acre tract and being the southeast corner of this tract.

THENCE in a generally northwesterly direction, with the north right-of-way line of said **F. M. ROAD NO. 93** and crossing said 100.02 acre tract, for the following **THREE (3)**, courses and distances:

- 1). **NORTH 68 deg 50 min 40 sec WEST**, a distance of 568.38 feet to a 5/8" iron rod with plastic cap marked "All County" set;
- 2). With a curve to the right, having a radius of 1347.39 feet, an arc length of 934.55 feet, a central angle of 41 deg 00 min 58 sec and a chord that bears **NORTH 48 deg 18 min 32 sec WEST**, a distance of 844.09 feet to a concrete right-of-way marker found; and
- 3). **NORTH 27 deg 50 min 13 sec WEST**, a distance of 249.64 feet to a brass right-of-way marker found, being the southeast corner of that certain called 11 acre tract described as **TRACT 2**, in a deed to **WILLIAM LEE McGUIRE INVESTMENTS, LLC**, of record in Volume 5033, Page 863 of the Official Public Records of Real Property of Bell County, Texas and being the southwest corner of this tract.

THENCE in a northerly direction, with the east line of said 11 acre tract and crossing said 100.02 acre tract **NORTH 11 deg 27 min 49 sec EAST**, a distance of 878.34 feet to a 5/8" iron rod found in the south right-of-way line of said **GEORGETOWN**

Surveyor's Field Notes for the CITY OF BELTON, for:

RAILROAD, same being the north line of said 100.02 acre tract and being the northwest corner of this tract.

THENCE In an easterly direction, with the south right-of-way line of said GEORGETOWN RAILROAD, same being the north line of said 100.02 acre tract, (record call of S 69 deg 59 min 20 sec E, 2177.84 feet) for the following FOUR (4), courses and distances:

- 1). SOUTH 65 deg 14 min 10 sec EAST, a distance of 888.34 feet to a 5/8" iron rod with plastic cap marked "All County" set;
- 2). SOUTH 53 deg 07 min 43 sec EAST, a distance of 168.74 feet to a 5/8" iron rod found;
- 3). SOUTH 65 deg 16 min 34 sec EAST, a distance of 440.87 feet to a 5/8" iron rod found; and
- 4). SOUTH 82 deg 22 min 32 sec EAST, a distance of 182.65 feet to the Point of Beginning, Containing 38.326 ACRES.

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. 133. The theta angle at City Monument No. 133 is 01°28'23". The combined correction factor (CCF) is 0.999887. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 133 to the northwest corner of this 38.326 acre tract is N 82°08'23" W, 516.88 feet. Published City coordinates for project reference point 133 are N. = 10,358,456.27 E. = 3,202,085.92. This description is to accompany a Surveyor's Sketch showing the herein described 38.326 acre tract. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed March 2012

ALL COUNTY SURVEYING, INC.

1-800-748-PLAT

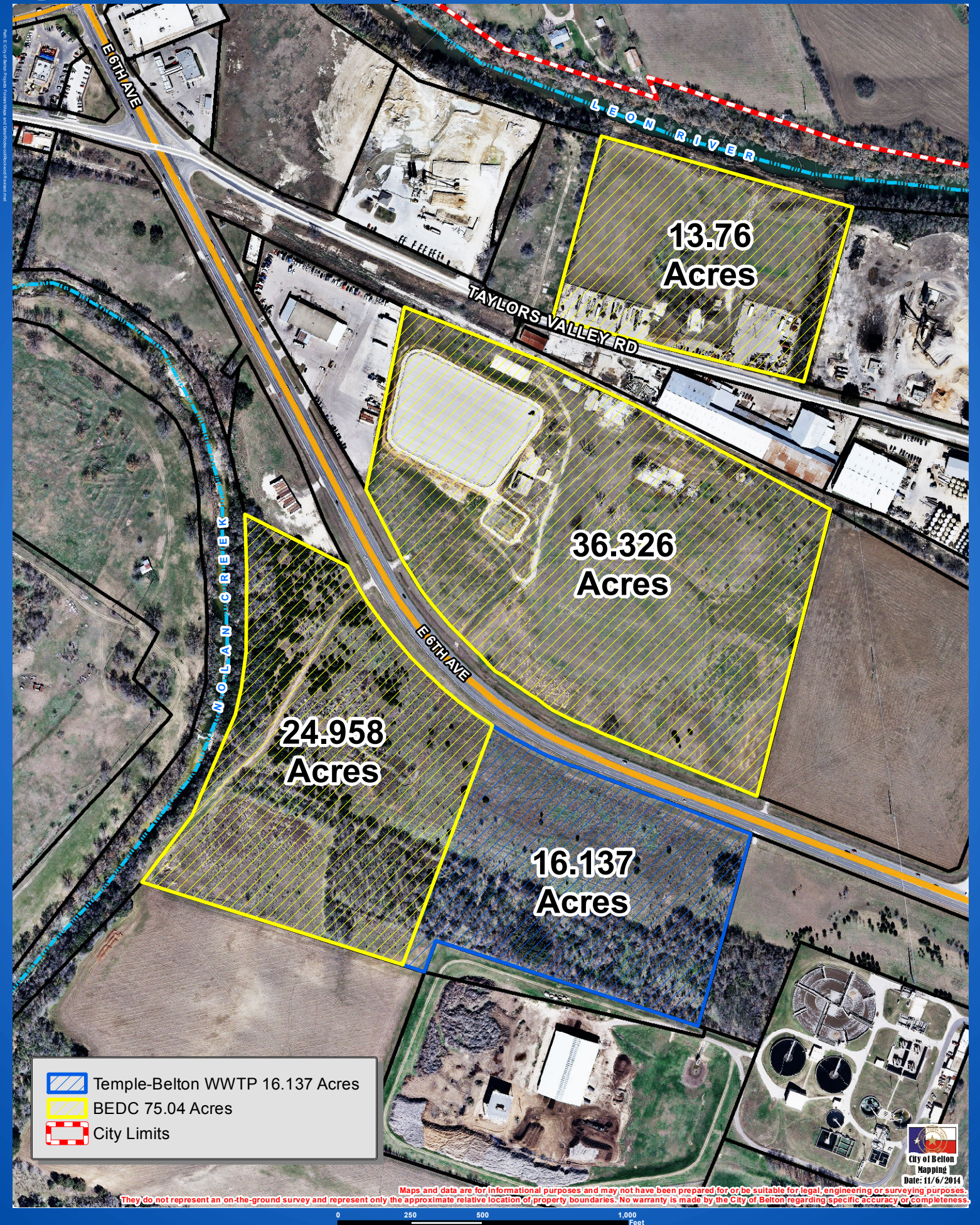
Server/projects/pro120000/120000/120100/120112/1201121.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4638



City of Belton



Staff Report – City Council Agenda Item



Agenda Item #8

Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and McLean Commercial, Ltd., regarding the Sendero Estates Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190, and amending the Water/Sewer and General Fund budgets.

Originating Department

Erin Smith, Director of Planning

Summary Information

This item would authorize a development agreement between the City and McLean Commercial, Ltd., concerning the Sendero Estates Subdivision containing 182 lots. The preliminary plat for this subdivision was approved by Council on June 24, 2015, and included a proposal to convey approximately 120' of right-of-way (ROW) for the future Lake-to-Lake Road ROW, a total of 4.29 acres, following a major subdivision redesign at the City's request. In combination with existing Boxer Road ROW (currently 60' ROW), and transitions inside and outside the plat boundary, this alignment is consistent with Belton's Thoroughfare Plan. This proposal will maintain the opportunity for an eventual Lake-to-Lake Road street alignment, with this area proposed to be removed from the TXDOT project boundary. Due to TXDOT's expressed "environmental justice" concern with any alignment that differs from its preferred alternative, the section of road from US 190 to FM 93 has been deleted from TXDOT's project boundary and is the responsibility of local entities, the City and the County. The portion of Lake-to-Lake Road from FM 93 to FM 439 is now the TXDOT project boundary.

A second means of egress is required when there are more than 30 residential lots in a proposed subdivision. The developer initially proposed to provide a second means of egress by extending Pointer Street to the existing Twin Lakes Addition subdivision. This portion of Pointer Street (from Boxer Road to the western plat boundary) is platted ROW, but is not improved. During review of this plat, it was determined that a storage building is located within Pointer Road ROW. The storage building is owned by Mary and Genaro Galindo, property owners of 1191 Boxer Road (Block 4, Lot 15, of Twin Lakes Addition). The developer is now proposing to construct a collector street extending northward from Highway 190 to satisfy the requirement for a second means of egress. The developer is proposing to pave the portion of Pointer Road within his subdivision to the Lake-to-Lake Road ROW for a possible connection in the future. To ensure a street connection will be possible in the future, the developer has committed to work with Mr. and Mrs. Galindo to relocate the storage building from Pointer Road ROW on their adjacent property.

In November 2014, City staff submitted a request to the Public Utility Commission (PUC) to transfer the Dog Ridge Water Supply Corporation (DRWSC) CCN to the City of Belton. The Dog Ridge Water Supply Corporation Board voted its approval to relinquish the Certificate of

City Council Agenda Item

March 8, 2016

Page 1 of 3

Convenience and Necessity (CCN) and allow full certification by the City of Belton so that Belton may serve this subdivision with City water. The developer paid DRWSC \$50,000 for this opportunity for city water service. This CCN transfer is now complete and will provide the City of Belton with the exclusive right to provide water to this proposed subdivision. This development agreement includes funds to be paid by the developer to complete the transfer of the water CCN to the City of Belton. Ginger Tolbert with KPA has completed the CCN transfer requirements, and the developer is responsible for a portion of the costs associated with preparation of maps/exhibits; property owner research and required notification forms; preparation of the required public notices; copies of information provided to TCEQ and PUC; correspondence with the PUC regarding questions and revisions; and public notice fees.

In addition to Lake to Lake Road ROW acquisition costs, we are recommending additional funds to allow for sewer and water line oversizing, from 8-inch to 12-inch lines. This oversizing will accommodate future growth to the north and west of this subdivision. We also proposed to accept Tract A for regional drainage purposes.

The following information outlines the obligations of the developer and City:

- 1) The developer agrees to the following items in relation to this subdivision:
 - a. Dedicate right-of-way for Lake-to-Lake Road, totaling 4.29 acres as shown on the attached Sendero Estates Subdivision plat (Tracts C & D).
 - b. Sendero Estates and Digby Drive will be constructed with a pavement width of 37' with curb and gutter and a 5 feet wide concrete sidewalk along both street sides.
 - c. Prior to issuance of a Certificate of Occupancy for each lot along the east side of Galloway Drive, the builder will ensure that each lot has a 5' wide concrete sidewalk constructed by the lot owner/builder.
 - d. Facilitate the relocation of the storage building in Pointer Road right-of-way owned by Mary and Genaro Galindo at 1191 Boxer Road (Block 4, Lot 15 of Twin Lakes Addition) onto their lot prior to acceptance of the subdivision by the City.
 - e. Fund a portion of the Water CCN transfer costs at \$15,760.
 - f. Secure final subdivision plat approval by City.
- 2) The City agrees to do the following:
 - a. Compensate developer \$57,915.50, at time of acceptance of subdivision by City, for dedication of 4.29 acres of Lake-to-Lake Road right-of-way, as shown on the attached Sendero Estates Subdivision plat.
 - b. Reimburse developer \$23,182 to oversize from 8-inch to 12-inch sewer line at time of acceptance of improvements by City.
 - c. Reimburse developer \$8,868 to oversize from 8-inch to 12-inch water line at time of acceptance of improvements by City.
 - d. Pay the balance of the Water CCN transfer costs of \$8,150.
 - e. Accept ownership of Tract A for drainage purposes.

Fiscal Impact

<u>Project Component - Funding</u>	<u>City</u>	<u>Developer</u>
Water and Sewer Fund Balance		
Sewer line oversizing from 8" to 12" to serve future growth.	\$ 23,182.00	N/A
Water line oversizing from 8" to 12" to serve future growth.	<u>\$ 8,868.00</u>	
	\$ 32,050.00	
Fund the administrative costs associated with the Water CCN transfer at the Texas State Public Utilities Commission.	\$ 8,150.00	\$ 15,760.00
Total W&S Funds (net)	\$ 40,200.00	
General Fund - Fund Balance		
Reimburse developer for 4.29 acres of Lake-to-Lake Road ROW.	\$ 57,915.00	
Total Funds (net)	\$ 98,115.00	\$ 15,760.00

Budgeted: ☐ Yes ☒ No ☐ Capital Project Funds

If not budgeted: ☐ Budget Transfer ☐ Contingency ☒ Amendment Needed

The Water and Sewer Fund budget amendment will increase expenditures a total of \$55,960, offset by an increase in revenues of \$15,760, for a net impact of \$40,200 on fund balance. Fund balance in excess of minimum was \$2,509,448 to begin the year, and there have been no amendments to date.

The General Fund budget amendment will increase expenditures and impact fund balance \$57,915. Fund balance in excess of minimum was \$1,697,067 to begin the year, and there have been no amendments to date.

Recommendation

Recommend authorizing the City Manager to execute the attached Development Agreement and amending the Water/Sewer and General Fund budgets.

Attachments

Development Agreement
Resolution

**DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF BELTON
AND
MCLEAN COMMERCIAL, LTD
FOR
SENDERO ESTATES SUBDIVISION**

This agreement is made and entered into by the City of Belton, a home rule City in Bell County, Texas, (hereinafter "City"), and McLean Commercial Ltd. (hereinafter "Developer"), on this the 8th day of March, 2016. (The City and Developer are sometimes referred to herein singly as a "Party" and together as the "Parties".)

For and in consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer, for themselves, their successors and assigns, as follows:

1. PURPOSE.

This Development Agreement outlines partial obligations of the City and Developer regarding the Sendero Estates Subdivision, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190. The development agreement consists of ROW conveyance, sidewalk construction, drainage, and sewer line oversizing.

2. OBLIGATIONS OF THE DEVELOPER.

- a. Dedicate right-of-way for Lake-to-Lake Road, totaling 4.29 acres as shown on the attached Sendero Estates Subdivision plat (Tracts C & D).
- b. Sendero Boulevard and Digby Drive will be constructed with a pavement width of 37' with curb and gutter and a 5 feet wide concrete sidewalk along both street sides.
- c. Prior to issuance of a Certificate of Occupancy for each lot along the east side of Galloway Drive, the builder will ensure that each lot has a 5' wide concrete sidewalk constructed by the lot owner/builder.
- d. Facilitate the relocation of the storage building in Pointer Road right-of-way owned by Mary and Genaro Galindo at 1191 Boxer Road (Block 4, Lot 15 of Twin Lakes Addition) onto their lot prior to acceptance of the subdivision by the City.
- e. Fund a portion of the Water CCN transfer costs at \$15,760.
- f. Secure final subdivision plat approval by City.

3. OBLIGATIONS OF THE CITY.

- a. Compensate developer \$57,915.50, at time of acceptance of subdivision by City, for dedication of 4.29 acres of Lake-to-Lake Road right-of-way, as shown on the attached Sendero Estates Subdivision plat.
- b. Reimburse developer \$23,182 to oversize from 8-inch to 12-inch sewer line at time of acceptance of improvements by City.
- c. Reimburse developer \$8,868 to oversize from 8-inch to 12-inch water line at time of acceptance of improvements by City.

- d. Pay the balance of the Water CCN transfer costs of \$8,150.
- e. Accept ownership of Tract A for drainage purposes.

4. **DEFAULT.** In the event either Party fails to perform or otherwise defaults under this Agreement, such Party will be in default and the non-defaulting party may give the defaulting Party written notice of such default. After receipt of such written notice, the defaulting party shall have sixty (60) days to cure such default, provided the defaulting party shall have such extended period as may be required beyond the sixty (60) days if the nature of the cure is such that it reasonably requires more than sixty (60) days and the defaulting party commences the cure within the sixty (60) day period and thereafter continuously and diligently pursues the cure to completion. If the default is not cured as herein provided, this Agreement may be terminated by the Parties or the non-defaulting party may, but is not obligated to, complete the obligations of the defaulting Party. The Parties agree that the non-defaulting party (a) will be entitled to reimbursement by the defaulting party for all costs and expenses incurred by the non-defaulting party in completing the obligations of the defaulting party as liquidated damages, or (b) may seek specific performance of this Agreement, or (c) may seek all other legal remedies available to the non-defaulting party.
5. **WAIVER OF IMMUNITY AND ATTORNEY FEES.** The City waives its sovereign immunity to suit on this agreement pursuant to Section 271.152 of the Texas Local Government Code. Time is of the essence. If the date for performance of any obligation falls on a Saturday, Sunday or legal public holiday, the date for performance will be the next following regular business day. If either party retains an attorney to enforce this agreement, the party prevailing in the litigation is entitled to recover reasonable attorney's fees and court and other costs.
6. **VENUE AND CHOICE OF LAW.** This Agreement is performable in Bell County, Texas, and shall be interpreted under the laws of the State of Texas. Any claim or lawsuit to interpret or enforce this Agreement shall be brought in a court of competent jurisdiction of Bell County, Texas.
7. **SEVERABILITY.** In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.
8. **MODIFICATION.** This Agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this Agreement.
9. **ADMINISTRATION.** This Agreement shall be administered by the appropriate persons on behalf of the parties that the parties see fit to perform such duties.
10. **ENTIRE AGREEMENT.** This Agreement contains all commitments and obligations of the parties and represents the entire Agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this Agreement.

11.FORCE MAJEURE. Neither party shall be responsible for damages or expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.

12.EXECUTION. This Agreement shall be executed by the duly authorized official(s) of each party as expressed in the approving resolution or order of the governing body of such party.

13.ASSIGNMENT; BINDING EFFECT. This Agreement may be assigned by the Developer. This Agreement runs with the land, and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

CITY OF BELTON, TEXAS

DEVELOPER

Sam A. Listi, City Manager

James McLean

ATTEST:

APPROVED AS TO FORM:

Amy M. Casey, City Clerk

John Messer, City Attorney

RESOLUTION NO. 2016-11-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BELTON AND MCLEAN COMMERCIAL, LTD., FOR RIGHT-OF-WAY CONVEYANCE, SIDEWALK CONSTRUCTION, DRAINAGE, AND SEWER LINE OVERSIZING ASSOCIATED WITH THE SENDERO ESTATES SUBDIVISION PLAT LOCATED ON THE WEST SIDE OF WHEAT ROAD, EAST OF BOXER ROAD, AND NORTH OF US HIGHWAY 190; PROVIDING FOR DEVELOPER AND CITY OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the development agreement outlines the obligations of all parties, the Developer and the City, for right-of-way conveyance, sidewalk construction, drainage, and sewer line oversizing in the Sendero Estates Subdivision within the City of Belton;

Whereas, Management recommends entering into a development agreement with McLean Commercial Ltd. to specify the rights and obligations of each party to the agreement, to include the city and the developer; 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:

Part 1: The City Council authorizes the City Manager to execute a development agreement between McLean Commercial Ltd., and the City of Belton, with the goal of achieving renovation of this property.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution 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 this the **8th** day of **March**, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #9

Receive a report of Council requested analysis of the following items and provide direction to Staff on possible code changes:

- A. Tree mitigation standards in the Design Standards
- B. Cul-de-sac length in the Subdivision Ordinance
- C. Maximum lots served by one means of access in the Fire Code

Originating Department

Planning – Erin Smith, Director of Planning

Project Analysis and Discussion

At Council's request, City staff has reviewed the current standards for tree mitigation, cul-de-sac length and fire code requirements, and completed an analysis of area city requirements. According to the City's Subdivision Ordinance, the maximum length of a cul-de-sac or dead-end street with a permanent turnaround should usually not exceed six hundred feet (600'), except under unusual conditions with the approval of the Planning and Zoning Commission. According to the Design Standards, removal of a heritage tree requires a 3:1 replacement. When it is determined by the City that mitigation for heritage tree removal by replanting trees on site is not feasible (i.e., planting capacity has been reached on site) an applicant, in lieu of replanting on site, is required to provide payment of \$50 per diameter inch of Belton Heritage Tree removed. These funds are aggregated into the city tree program account for use by the city for the planting, pruning, irrigation, and other activities associated with trees on public property. When the Design Standards were first adopted in 2009, the tree replacement fee for removal of a heritage tree was \$200 per diameter inch, and some members of Council suggested (February 1, 2016) perhaps this reduction had gone too far. Finally, according to the 2009 International Fire Code, a second means of egress is required when subdivisions contain more than 30 lots. This requirement applies in all cities.

TREE MITIGATION

City staff researched area city requirements to include the City of Copperas Cove, Harker Heights, Killeen, and Temple. The area cities do not have tree mitigation requirements. The City of Temple I-35 corridor overlay district seeks trees in the floodplain to be protected or a contribution of \$100 per caliper-inch fee is recommended; however, there are no other tree replacement requirements. We also

researched the area cities standards for cul-de-sac length and have summarized those standards below.

CUL-DE-SAC LENGTH

Killeen

- Cul-de-sac streets shall be limited in length to 300 feet and shall provide a turnaround having an outside roadway diameter of at least 80 feet.

Salado

- Cul-de-sacs can be no more than 600 feet in length.

Copperas Cove

- Cul-de-sacs can be no more than 600 feet in length. This minimum may be increased by the city engineer where conditions warrant.
- Dead-end streets cannot exceed 1,000 feet in length.

Belton

- The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall usually not exceed 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission.

Harker Heights

- For subdivisions with lots of less than 1 acre, cul-de-sac streets shall not exceed 800 feet in length. For single family subdivisions with lots greater than 1 acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turn-around having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

Temple

- Can exceed 1,000 feet but intermediate turnarounds are required when it does. *See attachment titled "Temple Cul De Sacs."*

After review of the current standards and area cities requirements, staff has developed the following recommendations for discussion:

Tree Mitigation Requirements:

- i. Recommend changing the tree mitigation fee to \$100.00 per diameter inch.
- ii. The 2009 Design Standards required a tree mitigation fee of \$200 per diameter inch and the current Design Standards adopted in 2014 reduced that tree mitigation fee to \$50 per diameter inch. It is staff's judgment that changing the fee to \$100 per diameter inch may represent a more appropriate compromise between the mitigation fee in 2009 and the current Design Standards. This fee could help staff

- encourage mitigation of heritage trees, as opposed to paying tree mitigation fee when feasible and, when not possible, generate funds for tree replacement.
- iii. In addition to changes to the tree mitigation fee, we recommend changing the 3:1 replacement to a 1:1 replacement to encourage the option to replace the trees instead of paying the fee. For example, if a developer removes a 40" live oak tree, the replacement requirement is 120 inches to be planted on-site. In many instances, this replacement is difficult to achieve because of site constraints. If the developer is able to mitigate on-site, they will see this as an enhanced value, instead of paying a fee that does not improve their site.

Cul-de-Sac Requirements:

- i. Recommend changing the maximum cul-de-sac length to 1,000 feet or construct an intermediate turnaround when the length of a cul-de-sac is greater than 1,000 feet, similar to the City of Temple requirements.
- ii. We also recommend amending the City's Design Manual to include design criteria for cul-de-sacs. Attached is the City of Temple Design Criteria for Cul-de-Sacs which provides for intermediate turnarounds when the length of a cul-de-sac exceeds 1,000 feet.

Fire Code Means of Egress Requirements:

Recommend allowing a variance to the maximum lot requirement of 30, when considered reasonable based on a future plat phase, by providing an alternate emergency access to the satisfaction of the Fire Marshal.

At this time, we are not recommending an amendment to the City's requirements. This item is being presented to Council for discussion purposes and to receive Council direction, as we develop amendments to these City standards. We will advertise these items for a public hearing as code amendments once drafted in ordinance form.

Fiscal Impact

Amount: N/A

Recommendation

Seeking Council policy direction, based on the analysis and observations above.

Attachments:

Section 502, Street Standards and Policy, (F) Cul-de-Sacs and Dead-End Streets, of the Subdivision Ordinance
Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards
City of Temple Design Criteria for Cul-de-Sacs

F. Cul-de-Sacs and Dead-End Streets

1. The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall usually be six hundred feet (600'), except under unusual conditions with the approval of the Planning and Zoning Commission.
2. Turnarounds are to have a minimum right-of-way width of one hundred feet (100') and a minimum forty-foot (40') outside radius for single-family and two-family uses, and a minimum right-of-way width of one hundred twenty feet (120') and a minimum fifty-foot (50') outside radius for all other uses.
3. Temporary dead-end streets may be approved by the Planning and Zoning Commission if adequate, all-weather turnaround is provided. "Adequate, all-weather turnaround" is defined as a turnaround that is of sufficient size to accommodate fire and sanitation vehicles and is of a construction quality comparable to standard road cross-sections.

G. Street Intersection – Except where existing conditions will not permit, all streets shall intersect at a ninety degree (90⁰) angle. Variations of more than ten degrees (10⁰) on residential or local street and more than five degrees (5⁰) on collectors and thoroughfares must have the approval of the Planning and Zoning Commission.

H. Perimeter Streets

1. General – Partial or half streets may be provided where the Planning and Zoning Commission feel a street should be located along a property line. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line, the first dedication shall be one-half of the proposed street right-of-way.
2. Unimproved Perimeter Streets Adjacent to Subdivisions and Development Lots.
 - a. The term "unimproved street" shall mean a public thoroughfare without paved curb and gutter which affords access by vehicles and pedestrians to abutting property. The term "unimproved street" shall mean a public thoroughfare property.
 - b. Upon any land being subdivided or otherwise developed in an area adjacent to existing unimproved streets (excluding State or Federal highways), the developer shall bear half the total cost of paving (up to 18.5 feet width) and installing curb and gutter for all such unimproved perimeter streets adjacent to the area being subdivided or otherwise developed provided, however, that the Planning and Zoning Commission may either waive or postpone this requirement in the manner as set forth below.
 - 1) For the following listed developments, the Planning and Zoning Commission may waive the required improvements of an unimproved street by the developer after considering such factors as (1) the extent of existing and anticipated development in the area; (2) the amount of anticipated vehicular and pedestrian traffic; and (3) the current condition of the unimproved streets under consideration:
 - a) Single family development not exceeding three (3) acres in size or three (3) lots.
 - b) Industrial, Commercial, or Multi-Family development not exceeding three (3) acres in size.

VI. TREE PROTECTION, PRESERVATION, AND MITIGATION

PURPOSE AND INTENT

The intent of this Section is to protect, maintain, and manage the City's existing forest resources by providing regulations relating to the cutting, removal or destruction of Protected Trees; to encourage protection and preservation of the natural environment and beauty of the City; to encourage a resourceful and prudent approach to urban development of wooded areas to minimize tree loss and provide for replacement of trees removed and destroyed resulting from development; to provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced; to provide incentives for creative subdivision and site design which preserves trees while allowing development in wooded areas; and to provide for the enforcement and administration of tree protection thereby promoting and protecting the public health, safety and welfare and enhancing the quality of life.

Trees have a positive economic effect on the City by enhancing property values and making the City a more attractive place in which to live, visit and do business.

DEFINITIONS

Refer to Section II

VI.A. TREE PROTECTION

VI.A.1. Prohibited Activities

- VI.A.1.a.** It is unlawful for any person to remove any Protected Tree without first securing a tree removal permit.
- VI.A.1.b.** It is unlawful for any person to damage a Protected Tree, such as through tree topping, over-pruning or chemical poisoning.
- VI.A.1.c.** It is unlawful for a person to continue work or removal of trees when the City has issued a stop work order.

VI.A.2. Sizes and types of protected trees

VI.A.2.a. Size

Except as provided below, a tree having a DBH of eight (8) inches or more is a Protected Tree.

- VI.A.2.a.i.** On all developed lots in residential zoning districts and on developed lots smaller than 15,000 square feet in all other zoning districts only Heritage Trees are Protected Trees.
- VI.A.2.a.ii.** On all undeveloped lots in Single Family residential zoning districts and on undeveloped lots smaller than 15,000 square feet in all other zoning districts, trees having a DBH of twenty (20) inches or more are Protected Trees.
- VI.A.2.a.iii.** On all undeveloped lots in Multi Family residential zoning districts and on undeveloped lots smaller than 15,000 square feet in all other zoning districts, trees having a DBH of twenty (20) inches or more are Protected Trees.

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VI.A.2.b. Type

Trees of all species that meet the size requirement in paragraph (1) above are protected except for Chinaberry, Hackberry, Ashe Juniper (Cedar), Chinese Tallow and Horse Apple (Bois D'arc).

VI.A.3. Belton Heritage Tree

Except as provided herein, any tree designated as a Belton Heritage Tree by the Planning Director or the City Council is a Protected Tree that cannot be removed, unless its designation is removed.

<u>Tree Species</u>	<u>Size for BHT Recognition</u>
American Elm - <i>Ulmus americana</i>	38" DBH
Bald Cypress - <i>Taxodium distichum</i>	34" DBH
Bur Oak - <i>Quercus macrocarpa</i>	32" DBH
Cedar Elm - <i>Ulmus crassifolia</i>	25" DBH
Live Oak - <i>Quercus virginiana (fusiformis)</i>	36" DBH
Mexican Sycamore - <i>Platanus mexicana</i>	37" DBH
Monterrey (Mexican White) Oak - <i>Quercus polymorpha</i>	28" DBH
Pecan - <i>Carya illinoensis</i>	34" DBH
Post Oak - <i>Quercus stellata</i>	24" DBH
Shumard Red Oak - <i>Quercus shumardii</i>	21" DBH

Other specific specimen trees may be nominated as BHTs. These unique, individual specimens should possess unique characteristics that make it stand out as special. Unique locations or habitats, range extension or limitations and/or historical significance are important considerations.

VI.A.3.a. General requirements.

VI.A.3.a.i. Except as otherwise provided, it is unlawful to remove a Belton Heritage Tree designated as such on a tree survey as required by Section VI - Tree Protection, Preservation, and Mitigation, without a Belton Heritage Tree removal permit.

VI.A.3.a.ii. The location of all proposed buildings and improvements shall be oriented by the applicant, to the greatest extent in a manner which allows for the preservation of heritage trees.

VI.A.3.a.iii. No heritage trees shall be removed unless specifically approved by the Planning Director.

VI.A.3.b. Exceptions.

VI.A.3.b.i. Natural disasters and other emergencies. If a heritage tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, storm, flood or other act of God that endangers public health, welfare or safety, the requirements of this section may be waived as deemed necessary by the emergency management coordinator and assistant city manager, after consultation with the City, with such consultation and determination to occur within one (1) calendar day of an applicant's request.

VI.A.3.b.ii. Public utilities. Pruning the canopy of heritage trees may be carried out by the city without prior approval by the City; if performed by an International Society of Arboriculture (ISA) certified arborist, or under the direct supervision of an ISA certified arborist. Heritage tree removal requests must be submitted to the City Council for review and approval.

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VI.A.3.b.iii. Dead or diseased trees. If the City determines, based on a site inspection, that a heritage tree is already dead, dying, or fatally diseased, the provisions of the mitigation requirements will not apply.

VI.A.3.b.iv. Clear zone and sight triangles. Heritage trees located in the sight triangles of public streets are exempt from the requirements of this section.

VI.A.3.c. Belton Heritage Tree removal permit application requirements.

VI.A.3.c.i. Applications for heritage tree removal permit shall be submitted to the City.

VI.A.3.c.ii. The application shall be made by the owner of the property (or the owner(s)'s authorized representative) on which the heritage tree is located.

VI.A.3.c.iii. If recommended for approval by the Planning Director, a permit for removal will be issued for the heritage tree. If a heritage tree removal is issued pursuant to the provisions of this subsection, the applicant must comply with all applicable provisions of this section, including mitigation.

VI.A.3.c.iv. Permits shall remain valid for the longer of:

(a). The period of validity of the permit or authorization that required compliance with this section; or

(b). 180 days for the issuance of the tree removal or pruning permit;

VI.A.3.d. Mitigation by tree replacement on site.

VI.A.3.d.i. If the Planning Director approves an application for a permit to remove a Belton Heritage Tree, then the applicant shall, no later than thirty (30) days from the date of approval of the application, submit a mitigation plan showing the proposed type, location, and irrigation plan for the proposed replacement trees.

VI.A.3.d.ii. The mitigation plan must be a plan for planting replacement trees at a 3:1 ratio for each heritage tree removed, or a plan for alternative landscaping, if approved by the City.

VI.A.3.d.iii. No replacement trees shall be planted until the City has reviewed and approved the mitigation plan, and the location and species of the replacement tree(s).

VI.A.3.d.iv. Replacement trees shall comply with the preferred plant list of this code.

VI.A.3.d.v. Transplanting of heritage trees. Heritage trees can be transplanted to a suitable location on the same property or off-site, and no replacement on site shall be required, if the applicant complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least two (2) years.

VI.A.3.e. Mitigation by payment.

VI.A.3.e.i. When it is determined by the City that mitigation for heritage tree removal by replanting trees on site is not feasible (i.e., planting capacity has been reached on site) an applicant, in lieu of replanting on site, shall provide payment of \$450.00 per diameter inch of Belton Heritage Tree removed into the city tree program or account for use by the city for the planting, pruning, irrigation, and other activities associated with trees on public property.

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- VI.A.3.e.ii. If an applicant demonstrates to the City Council that removal of a heritage tree is the only feasible and appropriate alternative, and if the applicant chooses to mitigate by payment, the City Council may, in its sole discretion, reduce the payment per diameter inch that would otherwise be due.
- VI.A.3.f. Preservation incentives.** If removal of a heritage tree is proposed due to efforts to comply with other provisions of this code, the applicant may request that the parks director, after consultation with the City, consider the following preservation incentives in exchange for the non-removal and preservation of the heritage tree.
- VI.A.3.f.i. Parking space reductions. Any project shall be entitled to a reduction in the minimum parking requirements as the Planning Director determines is necessary to save and/or properly protect a heritage tree.
- VI.A.3.f.ii. Sidewalks. Modification to sidewalks, their location and possibly the width and curb requirements shall be allowed as the Planning Director determines is necessary to facilitate protecting a heritage tree.
- VI.A.3.f.iii. Landscape credits. The actual tree canopy of a heritage tree will be given as credit toward the planting requirements of this article; however, any credits earned will not count towards replacement credits of any other heritage tree in the event a subsequent heritage tree removal permit was approved by City Council and/or the City on the same project.
- VI.A.3.g. Heritage tree protection during construction.**
- VI.A.3.g.i. Prior to the commencement of any development, a tree protection fence constructed of approved materials shall encompass the CRZ of any heritage tree. Said tree protection fence must be maintained throughout the construction process.
- VI.A.3.g.ii. During construction, no materials including but not limited to excess soil, vehicles, equipment, liquids, trash, or construction debris may be placed inside of the tree protection fence, nor shall the tree protection fence be altered in any way so as to increase the encroachment of the construction.
- VI.A.3.g.iii. Excavation, grading, soil deposit, impervious covering, drainage and leveling within the CRZ of heritage trees is prohibited unless approved by the City. Any impervious cover proposed within the CRZ of a heritage tree will be reviewed on a case by case basis by the City upon field inspections and/or plan reviews. In any case, generally no more than 25% of the CRZ of any heritage tree can be covered with impervious cover. Any protective fencing being used around heritage trees may only be reduced while impervious cover activity is being done. The remainder of the protective fencing must stay intact for the duration of the project.
- VI.A.3.g.iv. Disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials is prohibited within the CRZ of heritage trees.
- VI.A.3.g.v. The attachment of wires, signs and ropes to any heritage tree is prohibited.
- VI.A.3.g.vi. The location of utility service and irrigation lines inside the CRZ of heritage trees is only allowed when approved by the City. If boring is used to provide underground utility access, the minimum length of the bore shall be the width of the tree's mature canopy. The minimum depth of the bore shall be specified by the City, but in no event be less than 24" below the natural grade existing prior to any development activity within the CRZ.

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VI.A.3.g.vii. Soil disturbance or other injurious and detrimental activity within the CRZ of heritage trees is prohibited.

VI.A.3.g.viii. The City shall be notified whenever any damage or injury occurs to a heritage tree during construction so that proper treatment may be administered.

VI.A.3.h. Additional remedies.

VI.A.3.h.i. Any person causing damage, accidentally or otherwise, to a heritage tree shall be required to take such steps as may be required by the City to assure the future vitality of the tree, including costs of chemical or other types of treatment and/or construction of protective barriers, or if the City determines that the damage is so great that the heritage tree is no longer reasonably sustainable, the person shall be required to comply with the mitigation provisions of this article, and, if the act is intentional, to pay a civil penalty in the amount of \$5,000.00 for each heritage tree that is damaged.

VI.A.3.h.ii. Any person who removes a heritage tree, accidentally or otherwise, in violation of this article, shall be required to comply with the mitigation provisions of this article, and, if the act is intentional, to pay a civil penalty in the amount of \$5,000.00 for each heritage tree that is removed.

VI.A.3.h.iii. These remedies shall be in addition to the remedies in "Penalties and Enforcement" of this article.

VI.B. TREE PRESERVATION

VI.B.1. Critical Root Zone Impacts. A tree's root system ranges well beyond the drip line. The critical root zone (CRZ) has been established to set a practical limit beyond which any loss of roots would not have a significant impact on a tree's survival. Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone. Weighing this fact with what appears to be an acceptable degree of risk to most trees, the following minimum design criteria (maximum allowable impacts) have been established:

VI.B.1.a. A minimum of fifty percent (50%) of the critical root zone shall be preserved at natural grade, with natural groundcover.

VI.B.1.b. No cut or fill greater than four (4) inches shall be located closer to the tree trunk than one-half (1/2) the CRZ radius distance.

VI.B.1.c. This standard requires that construction impacts associated with various design features be considered. For example, the installation of a curb typically requires excavation of two (2) feet behind the back of curb. In such a case, the line of impact on the CRZ will be two (2) feet behind the curb line shown on the plan.

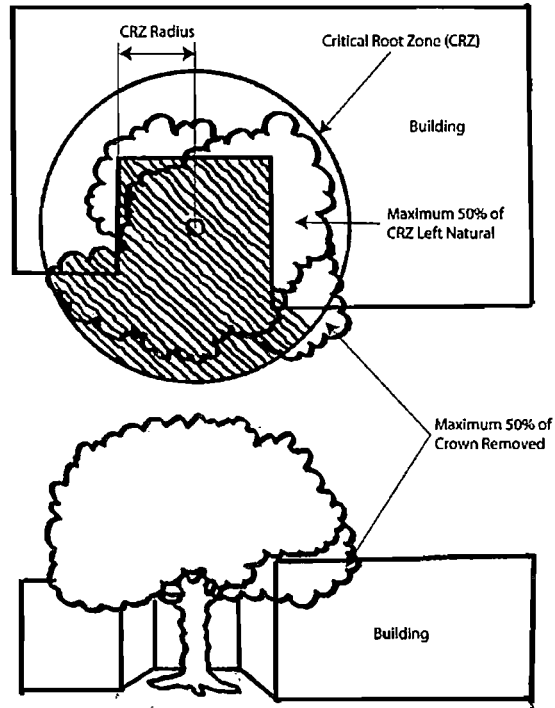
VI.B.1.d. In order to assure that the remaining root zones are adequately preserved, project designers should show the tree protection fence locations on plans for those trees with CRZ infringements.

VI.B.2. Tree Crown Impacts. The following is the minimum design criteria (maximum allowable impact) for tree crowns:

VI.B.2.a. A maximum of thirty percent (30%) of the viable portion of a tree's crown may be removed.

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- VI.B.2.b.** Construction methods must also be considered when implementing this design standard. For example, a building wall may only require the removal of thirty percent (30%) of the crown, but the scaffolding necessary to construct the building may require the removal of another twenty percent (20%) of the crown.



Critical Root Zone Preservation

- VI.B.2.c.** These criteria represent minimum standards for determining whether or not a tree is “preserved.” Greater impacts may be allowed, provided that all design alternatives have been proven unfeasible and that some acceptable form of mitigation such as a remedial care program is negotiated. Conversely, some cases may require that a larger area of root zone be preserved to increase the survival potential of particularly significant trees.

VI.B.3. Hazardous Activities

Activities hazardous to the health of any Protected Tree being preserved are prohibited including but not limited to the following and as generally described in the Nursery Standards & Practices:

- VI.B.3.a. Physical damage.** Any physical damage, including Tree Topping and/or pruning.
- VI.B.3.b. Equipment cleaning and liquid disposal.** Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the Critical Root Zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
- VI.B.3.c. Grade changes.** Grade changes (cut or fill) within the limits of the Critical Root Zone unless adequate construction methods are approved by the City Staff .
- VI.B.3.d. Impervious paving.** Paving with asphalt, concrete or other impervious materials within the limits of the Critical Root Zone in a manner which may reasonably be expected to kill a tree.

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- VI.B.3.e. Material storage.** Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the Critical Root Zone.
- VI.B.3.f. Tree attachments.** Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
- VI.B.3.g. Vehicular traffic.** Vehicular and/or construction equipment traffic, parking, or storage within the limits of the Critical Root Zone, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the Critical Root Zone for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
- VI.B.3.h. Utility encroachment.** Installation of utilities and appurtenances within the Critical Root Zone or crown except as otherwise approved by the City Staff .
- VI.B.3.i. Excavation and trenching.** Excavation and trenching within the limits of the Critical Root Zone, except as otherwise approved by the City Staff.
- VI.B.4. Plans**
 - VI.B.4.a.** These design criteria are enforced in the field as well as on the plan. Plan adjustments made during construction must be reviewed and approved by the City.
 - VI.B.4.b.** Details and notes prohibiting the above activities as generally provided in the Nursery Standards & Practices shall be included on all Tree Protection Plans and Tree Replacement Plans.

VI.C. TREE MITIGATION

VI.C.1. TREE REMOVAL PERMITTING PROCESS

VI.C.1.a. Protected Tree Removal Through the Site Development /Subdivision Plan Process

Tree removal requests, Tree Surveys, Tree Protection Plans and Tree Replacement Plans for all projects requiring site plan approval, shall be submitted to the Planning Director, as part of the site plan application approval process.

VI.C.1.a.i. Tree Survey and Tree Inventory:

- (a). A Tree Survey for C1, C2, R, NS, O1, O2, LI and UC zoning shall accompany all site plans submitted in accordance with the Development Process of these Design Standards and will be reviewed by the Planning Director as part of the development process.
- (b). A Tree Survey will not be required if a land surveyor certifies that there are no Protected Trees on the proposed site.
- (c). A Tree Inventory in lieu of a Tree Survey may be accepted by the City Staff to document trees outside the limits of construction.
- (d). A Tree Survey or inventory of protected trees (20" and larger) is required for 2 or more residential lots proposed for new construction.

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- (e). A Tree Inventory, of Heritage Trees only, shall accompany all Residential, Multifamily, and HI Zoning site plans submitted in accordance with the Development Process of these Design Standards and will be reviewed by the Planning Director as part of the development process.
- (f). A request to use a Tree Inventory or a Partial Tree Survey shall be made in writing to the City Staff in conjunction with the preliminary site plan submittal. City Staff shall provide written notification approving or disapproving the request within the preliminary site plan review cycle.

VI.C.1.a.ii. Tree Protection, Removal and Replacement:

The applicant shall configure a site in such a manner that Protected Trees will not be removed or damaged due to the building layout and construction within the site. With respect to said building layout and construction, the following will apply:

- (a). A Tree Replacement Plan and Tree Protection Plan shall accompany the site development permit application to the Planning Department. The Tree Replacement Plan and Tree Protection Plan will be reviewed in conjunction with the site development permit application and will be approved or denied by the Planning Department.
- (b). When replacement trees are required, replacement shall be in accordance with the Development Standards, which may be credited toward the requirements in the Landscape Section of these Guidelines.
- (c). The Critical Root Zone of any Protected Tree not being removed shall be preserved in accordance with this section and shall be shown on the Tree Protection Plans.
- (d). During site construction, tree protection measures as listed in this section shall apply to all Protected Trees being preserved.
- (e). For all nonresidential applications and all applications for condominiums, town homes, amenity centers and multifamily residential projects in any district, the following minimum landscape requirements shall be provided:
- (f). Fifty percent (50%) of the existing trees on site that are eight-inch caliper or greater and are from species included in the preferred plant list or of equivalent value shall be retained and protected during development of the site.
- (g). Based on special circumstances of the site such as physical characteristics or traffic issues, any request to retain less than fifty percent (50%) requires the approval of the Planning Director, upon recommendation of the City.

VI.C.1.a.iii. No person shall remove or cause the removal of any Protected Tree without first securing an application approval from the City, except as provided below:

- (a). When any protected tree sustains damage in the form of a broken trunk, broken limbs, which creates a hazard to life or property, no application is required for only the removal of the damaged part or parts of the tree, provided that the removal is effected in a timely manner so as to maintain the integrity and vigor of the tree.
- (b). Preliminary plans and site development plans depicting removal of any Protected Trees shall be submitted to the City for evaluation and recommendation for administrative

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approval or, when required, submission to the Planning and Zoning Commission. Final approval of the final plat or site plan constitutes an approval for tree removal of a protected tree, provided it is specifically identified on the plat or site plan as being removed with the development and provided that each such removal is specifically reviewed and approved by the City.

VI.C.1.a.iv. Notwithstanding any of the foregoing provisions of this chapter, the City shall approve an application for the removal of a Protected Tree under the following circumstances:

- (a). The City determines that the tree constitutes a hazard to life or property which cannot reasonably be mitigated without removing the tree; or
- (b). The City determines that the tree is dying, dead or diseased to the point that its restoration to sound condition is not practicable or that its disease can be expected to be transmitted to other trees and to endanger their health.

VI.C.2. TREE REPLACEMENT

VI.C.2.a. Requirements and Regulations

VI.C.2.a.i. Except as expressly provided herein, when protected trees are removed, tree replacement shall be required.

VI.C.2.a.ii. Replacement trees of the same or similar species as the protected tree to be removed shall be planted as required in the tree replacement schedule of this section. Each replacement tree shall be a minimum of three inches caliper and a minimum of ten feet in height and five-foot spread, when planted. All replacement trees shall comply with generally accepted criteria such as those provided by the International Society of Arboriculture.

VI.C.2.a.iii. Each replacement tree shall have an irrigation system or watering schedule in accordance with the generally accepted methods in the tree technical manual.

VI.C.2.a.iv. Each replacement tree shall be planted on the same subdivision or development site from which the tree was removed. In the event that there is not a suitable location for the replacement tree(s) on the same site, as determined and certified by a landscape architect and approved by the Planning Director, or if the Planning Director determines that replacement trees are unable to survive on the site based on information submitted by the landscape architect, the owner of the site will be allowed to do one of the following:

- (a). Make a cash payment into the tree fund in accordance with the tree replacement schedule provided below, which shall be used to fund tree plantings or tree replacement on public property; or
- (b). Plant trees on public property according to the tree replacement schedule provided below, as approved by the Planning Director.

VI.C.2.a.v. Replacement trees required under the subdivision process shall be planted no later than two years from the date of the acceptance letter for the subdivision public improvements, provided that fiscal security is posted in accordance with section VI.C.4

VI.C.2.a.vi. The tree replacement schedule is provided below and the replacement inches shall be calculated as follows: Total diameter of trees in a single category multiplied by the tree replacement ratio for that category equals the tree replacement required for that category of trees. The tree replacement ratio applies to the diameter of the existing tree to be removed.

DESIGN STANDARDS FOR BELTON, TEXAS

- VI.C.2.a.vii. Except as provided herein, any replacement tree that dies prior to the expiration of two years after a certificate of occupancy is issued shall be replaced by the developer or owner. This paragraph shall not apply to any replacement trees planted on lots zoned for single-family or two-family uses.

VI.C.2.b. Tree Replacement Fee

- VI.C.2.b.i. Fees are based on the ratios in the table above. Payment is calculated as currently established or as hereafter adopted by resolution of the City Council from time to time.
- VI.C.2.b.ii. The tree replacement fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the City, payable to the City.
- VI.C.2.b.iii. The cashier's check or other form of payment acceptable by the City shall be submitted to the Planning Director at the time of site plan approval; prior to subdivision construction plan acceptance; prior to plat recordation; or upon the tree removal permit approval, depending on the applicable review process.

Diameter of Existing Tree	Tree Replacement Ratio inches	Tree Replacement Fee (per inch)
BHT and larger	3.0	\$50.00

VI.C.2.c. Tree Credits

- VI.C.2.c.i. Except as otherwise stated, trees with diameters of three or more inches and less than eight inches located on-site may be credited toward the replacement trees required under this article. For applicable lots under subsection VI.A.2, trees with diameters of three to 19 inches located on-site may be credited toward the replacement trees required under this article.
- VI.C.2.c.ii. Up to 50 percent of the inches to be replaced may be done through tree credits.
- VI.C.2.c.iii. The trees selected for consideration toward the amount of replacement trees required shall be indicated on the tree survey and the tree replacement plan.
- VI.C.2.c.iv. The trees shown on the Tree Survey and the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree.
- VI.C.2.c.v. The Planning Director will review the trees proposed for tree credits provided in the tree survey and tree replacement plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The review of the Planning Director shall be based on the assessed health, structure, habit, disease, or decline of the tree.

VI.C.3. PENALTIES AND ENFORCEMENT

- VI.C.3.a. Any person who cuts, damages, or removes any tree in violation of the terms of this article is responsible for restitution by replanting replacement trees from the selection specified in the preferred plant list, at a caliper ratio of 2:1 and shall also be required to pay double permit fees for the removal of such trees. If the number of replacement trees required exceeds the ability to practically locate them on the site, cash in lieu to the tree program and at the same ratio of replacement cost including installation shall be required, in addition to the other applicable penalties.

DESIGN STANDARDS FOR BELTON, TEXAS

- VI.C.3.b.** Any person otherwise in violation of this article shall be subject to fine or restitution in accordance with the provisions of this article. Notification of violations pertaining to this article shall be consistent with the Texas Government Code. Enforcement of this article shall be consistent with the provisions found in this code as well as other applicable rules, regulations, and standards consistent with the code. Each day of any violation to the requirements of this article shall be considered a separate offense.

VI.C.4. FISCAL SECURITY FOR TREES

VI.C.4.a. Posting of Fiscal Security at Development

The Owner must post fiscal security with the City prior to a request for recordation of the Final Plat or prior to subdivision construction plan acceptance, whichever comes first, if the replacement trees required under the approved Tree Replacement Plan have not been installed and accepted by the City Staff.

VI.C.4.b. Amount

The amount of fiscal security posted by the Owner shall equal the estimated cost plus ten percent to complete the approved Tree Replacement Plan. The Owner's Landscape Architect or Certified Landscape Professional shall provide the City Staff with a sealed opinion of the probable cost for his approval. The fiscal security shall be posted for a two year time period, with commencement of the time period to begin upon the subdivision improvement construction acceptance or the issuance of the Certificate of Occupancy.

VI.C.4.c. Administrative Fee

The Owner shall pay an administrative fee equal to five percent (5%) of the amount to be posted for all fiscal security posting.

VI.C.4.d. Types

In a form approved by the City Attorney, an Owner may post as fiscal security:

VI.C.4.d.i. A performance bond; or

VI.C.4.d.ii. A letter of credit.

VI.C.4.e. Expenditure of Fiscal Security

The City may draw on the fiscal security and pay the cost of completing the Tree Replacement Plan approved if it determines that the Owner has breached the obligations secured by the fiscal security or the two (2) year time period for the installation of the replacement trees has expired. The City shall refund the balance of the fiscal security, if any, to the Owner. The Owner shall be liable for the cost that exceeds the amount of fiscal security, if any, including any costs incurred by the City to draw on the fiscal security.

VI.C.4.f. Return of Fiscal Security

The City shall return the fiscal security to the Owner when final inspection approval is provided by the City Staff.

VI.C.5. CITY TREE PROGRAM

The City Tree Program shall consist of fees generated as a result of heritage tree replacement requirements, penalties, as well as general donations for public tree plantings.

DESIGN STANDARDS FOR BELTON, TEXAS

VI.C.5.a. Establishment of Fund

A City Tree Program is hereby established.

VI.C.5.b. Funds to be Deposited

Tree replacement fees for the installation of replacement trees, as provided for in above, shall be deposited in the City Tree Program.

VI.C.5.c. Use of Funds

Expenditures from the City Tree Program shall be used solely for the purpose of purchasing and installing trees on public rights-of-way, public park land or any other City-owned property, and for administering the City Tree Program.

**48' RADIUS STANDARD
CUL-DE-SAC**
(ROUND OR OFFSET TERMINAL)
250 MAXIMUM ADT
(25 DWELLING UNITS)

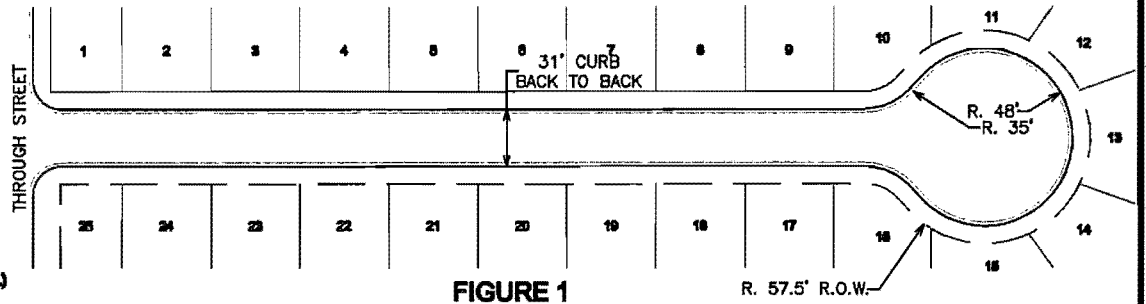


FIGURE 1

**44' RADIUS TEARDROP
CUL-DE-SAC**
(TEARDROP TERMINAL)
210 MAXIMUM ADT
(21 DWELLING UNITS)

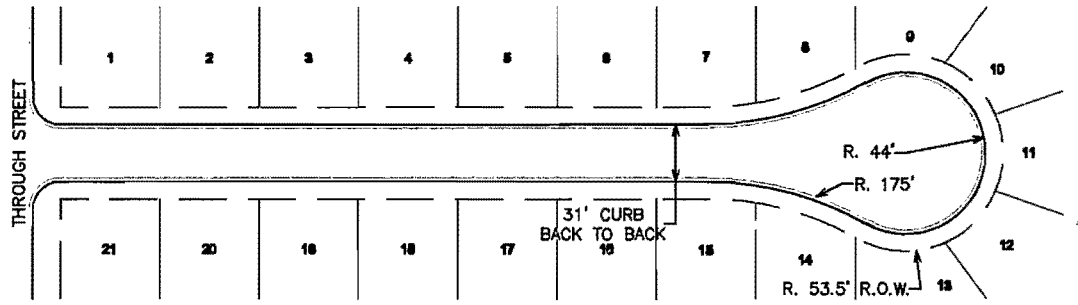


FIGURE 2

**42' RADIUS TEARDROP
CUL-DE-SAC**
(TEARDROP TERMINAL)
170 MAXIMUM ADT
(17 DWELLING UNITS)

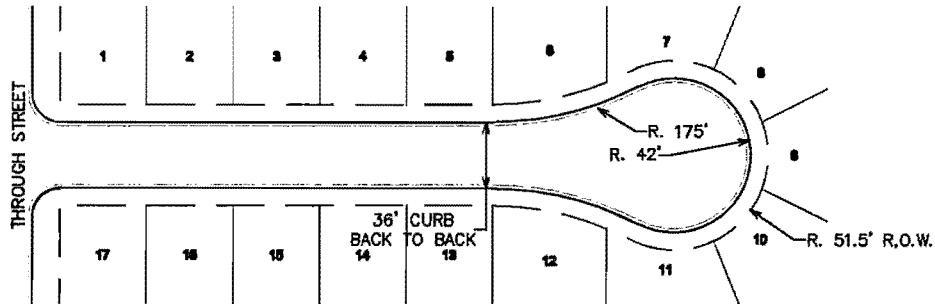


FIGURE 3

**42' RADIUS OFFSET
CUL-DE-SAC**
(ROUND OR TEARDROP OFFSET TERMINAL)
120 MAXIMUM ADT
(12 DWELLING UNITS)

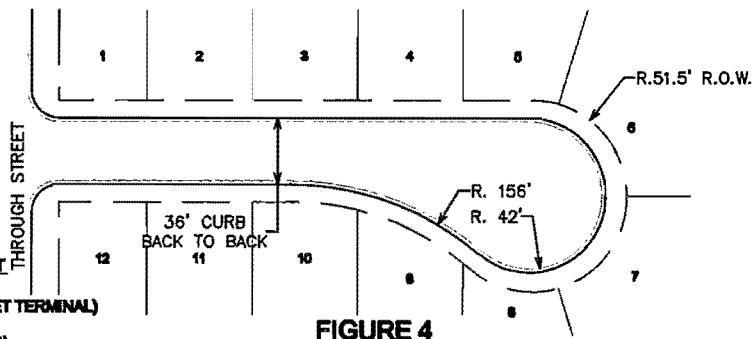


FIGURE 4

**40' RADIUS LOW DENSITY
CUL-DE-SAC**
(ROUND OR TEARDROP TERMINAL)
70 MAXIMUM ADT
(7 DWELLING UNITS)

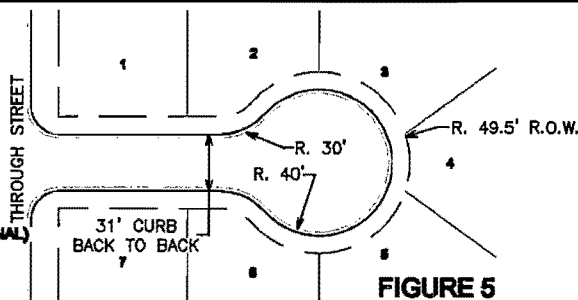


FIGURE 5

SHEET 1 OF 2



**CITY OF TEMPLE
ENGINEERING DEPARTMENT**

5210 E. Avenue H, Bldg. A

TEMPLE, TX 76781-0402

APPROVED BY: Michael C. Newman, P.E.

DESIGN APPROVED DATE: 1 OCTOBER 2008

DRAWN BY: Chris Paul

FILE NAME: CULDE-SAC.dwg

DESIGN CRITERIA-CUL-DE-SACS

SCALE:
1"=100'

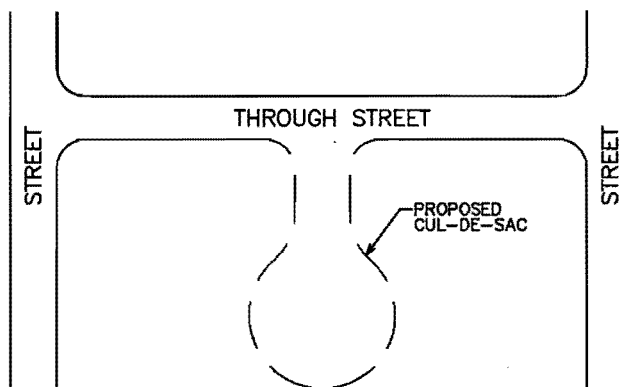


FIGURE 6
THROUGH STREET DIAGRAM

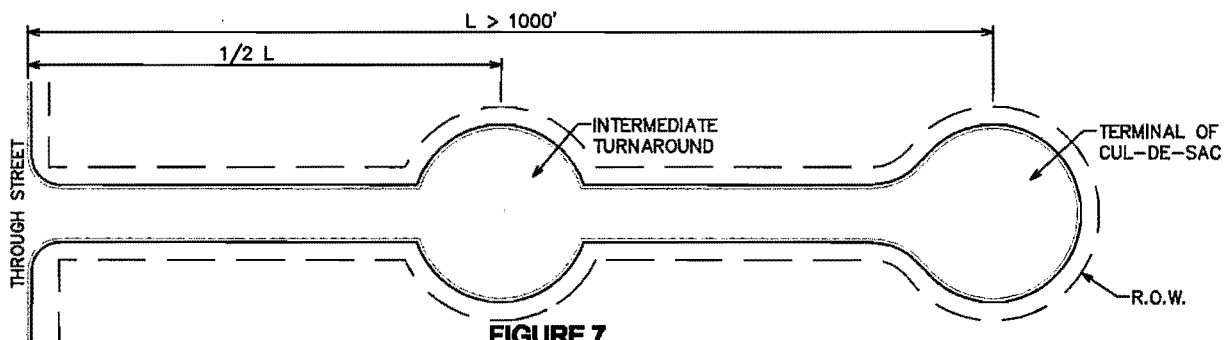


FIGURE 7
INTERMEDIATE TURNAROUND

GENERAL NOTES FOR ALL CUL-DE-SACS

1. A THROUGH STREET IS DEFINED AS A STREET THAT EXTENDS CONTINUOUSLY BETWEEN TWO OR MORE STREETS. (SEE FIG. 6)
2. PARKING SHALL NOT BE PERMITTED IN THE TERMINAL OF A CUL-DE-SAC WHEN DESIGNED PER FIGURES 2,3, OR 4 UNLESS SUCH CUL-DE-SAC'S ARE ALSO SERVED BY ALLEY'S OR DWELLINGS ARE PROTECTED WITH AN APPROVED, OPERATIONAL FIRE SPRINKLER SYSTEM.
3. WHEN EACH DWELLING ON A CUL-DE-SAC IS PROTECTED WITH AN APPROVED, OPERATIONAL FIRE SPRINKLER SYSTEM, THE CUL-DE-SAC MAY BE DESIGNED WITH A MINIMUM TERMINAL RADIUS OF 40'.
4. COMMERCIAL CUL-DE-SACS SHALL HAVE A MINIMUM 50' RADIUS AND 60' OF RIGHT OF WAY.
5. CUL-DE-SAC LOTS THAT ARE ACCESSIBLE BY ALLEYS MAY BE DESIGNED WITH A MINIMUM 40' TERMINAL RADIUS WITH EITHER A ROUND, TEARDROP, OR OFFSET TERMINAL.
6. INTERMEDIATE TURNAROUNDS ARE REQUIRED WHEN THE LENGTH OF A CUL-DE-SAC IS GREATER THAN 1000'. CONSIDERATION OF THE NUMBER OF INTERMEDIATE TURNAROUNDS SHALL BE BASED ON THE OVERALL LENGTH. (SEE FIG. 7)
7. THE PLANNING DIRECTOR MAY APPROVE UP TO A 15% INCREASE IN ADT'S WHEN OVERALL SUBDIVISION STREET DESIGN INCLUDES TRAFFIC ENHANCING DESIGN FEATURES SUCH AS: 1) STREET LAYOUT THAT PROMOTES ORDERLY AND CONVENIENT TRAFFIC FLOW 2) TRAFFIC CALMING FEATURES, OR 3) SUBDIVISION ENTRANCE DESIGN THAT FACILITATES EASE OF TRAFFIC FLOW AND ACCESS.
8. A FUTURE INTERSECTING STREET, THAT IS NOT A CUL-DE-SAC, MAY BE USED IN CALCULATING ADT'S FOR A CUL-DE-SAC, PROVIDED SUCH A FUTURE INTERSECTING STREET IS PART OF AN APPROVED PRELIMINARY OR FINAL PLAT.
9. CUL-DE-SAC'S DESIGNED TO COLLECTOR STREET WIDTH STANDARDS MAY BE DESIGNED WITH A MINIMUM 40' TURNAROUND RADIUS AND MAY BE EITHER ROUND, TEARDROP, OR OFFSET TERMINAL.
10. CONSIDERATION TO REDUCE RIGHT OF WAY IN CUL-DE-SAC WILL BE SUBJECT TO APPROVAL OF ENGINEERING DEPARTMENT. CITY STAFF MAY APPROVE ALTERNATIVE CUL-DE-SAC TERMINAL RIGHT OF WAY DESIGN TO PARTIALLY MITIGATE LOSS OF LAND RESULTING FROM INCREASED CUL-DE-SAC RADII REQUIREMENTS. ALTERNATIVE DESIGNS MUST PROVIDE CITY RIGHT OF WAY AT WATER AND WASTEWATER SERVICE POINTS ADEQUATE FOR CITY SERVICE ACCESS.
11. RADIUS ON INTERMEDIATE TURNAROUNDS SHALL BE THE SAME SIZE AS THE TERMINAL.

SHEET 2 OF 2

		CITY OF TEMPLE ENGINEERING DEPARTMENT <small>2500 E. Avenue H, Bldg. A</small> <small>TEMPLE, TX 76701-0405</small>	
APPROVED BY: <small>Michael C. Newman, P.E.</small>	DATE APPROVED: <small>1 OCTOBER 2008</small>		
DRAWN BY: <small>Chris Post</small>	FILE NAME: <small>CULDESBCK.dwg</small>		