



CITY OF BELTON

**City Council Workshop Agenda
Tuesday, June 28, 2016 - 4:30 p.m.
Smith Room, Harris Community Center
401 N. Alexander, Belton, Texas**

1. Call to order.
2. Discuss Growth Management Framework for the City of Belton.
3. Receive an update on Ordinance regarding management of construction in public rights-of-way.
4. Receive an update on Stormwater Public Education.
5. Adjourn.

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.

Growth Management Framework

City Council Workshop
June 28, 2016

Background

- Texas Municipal League (TML) hosted the 2016 Texas Municipal League Annexation Conference on May 12-13.
- TML recommended each city adopt a growth management framework prior to beginning an annexation study.
- Not a legal requirement, but from a policy perspective it is important to have a clear growth management framework.
- Such a framework will provide background on issues, objectives, and policies that will be considered when addressing major growth and development issues.
- Belton's Strategic Plan identifies Development of a Growth Management Strategy as a Goal for FY2016.

Annexation Authority

- The City of Belton has the authority to annex areas within its extraterritorial jurisdiction (ETJ) that are contiguous to the City limits.
- City Council adopted the Annexation Plan by resolution in 1999 and established all future annexations in the ETJ would comply with allowed exceptions, making Belton exempt from a three year annexation plan.
- Areas located within the Belton ETJ are exempt from the annexation plan requirements because the Plan indicates no future annexation will contain more than 100 residentially developed tracts.

Growth Management Strategies

- **Promote Economic Development**
 - Stimulate local and regional economic growth and implement sound capital improvement programming.
- **Facilitate Long Range Planning**
 - Manage development on the fringe of the City in accordance with the Comprehensive Plan.
- **Protect Future Development**
 - Extend the City's land use standards and building codes to protect future development.
- **Foster Intergovernmental Cooperation**
 - Alleviate jurisdictional conflicts with abutting municipal and county governments, and for coordinating service delivery arrangements with emergency response providers.
 - Consider boundary adjustments with adjacent municipalities.

Growth Management Policy Statements

- Evaluate areas for Annexation Based on Existing or Planned Level of Development
- Address Service Delivery Needs
- Protect Public Health, Safety, and Welfare
- Facilitate Intergovernmental Regulations
- Evaluate Fiscal Considerations
- Offer the opportunity for Non-Annexation Development Agreements

Recommendation

- The proposed Growth Management Framework will set the stage for Council analysis and decision making to determine if annexation is the right choice for the City and affected property owners.
- Recommend approval of a Resolution establishing a Growth Management Framework consistent with Belton's 2016 Strategic Plan.

Proposed Amendment to the Ordinance Regarding Management of Construction in City Rights-of-Way

Council Workshop

June 28, 2016

Purpose of the Ordinance

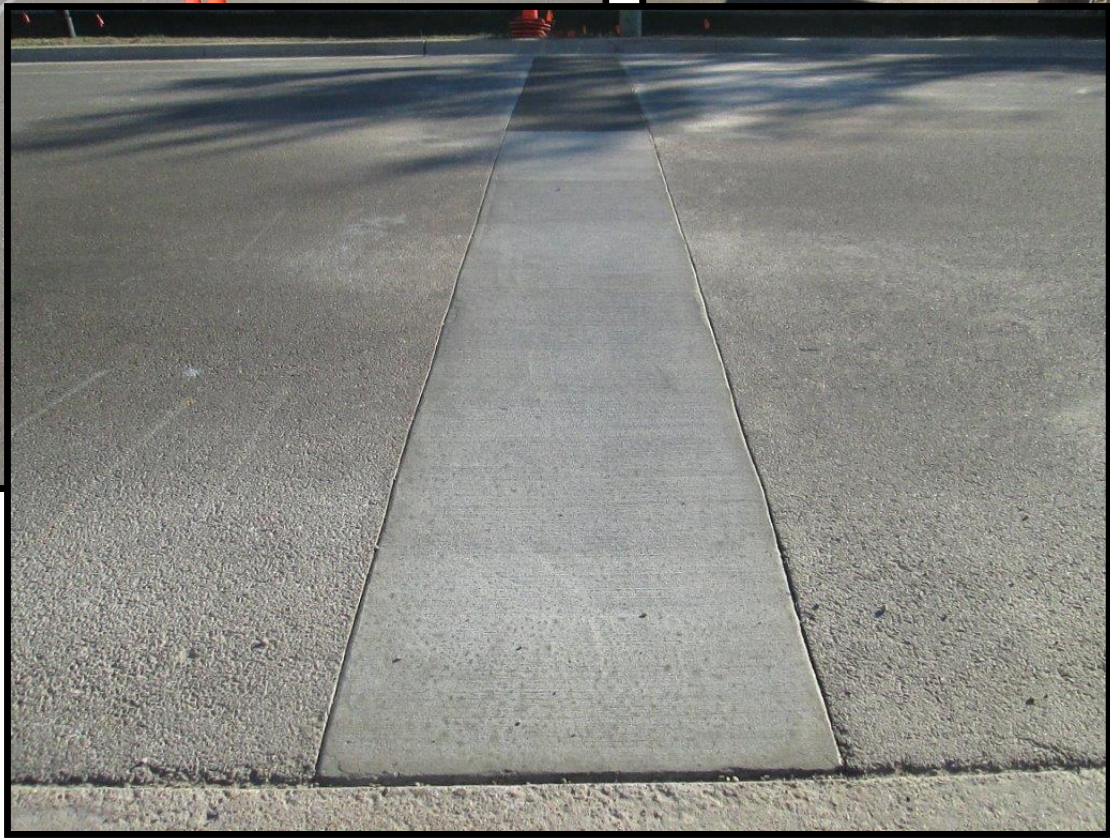
1. Assist in the management of utility facilities placed in, on or over the public rights-of-way to minimize the congestion, inconvenience, deterioration, visual impact, and the public costs from the locations in the public rights-of-way;
2. Govern the use and occupancy of the public rights-of-way;
3. Protect the public health, safety and welfare;
4. Conserve the limited physical capacity of the public rights-of-way held in public trust by the city;
5. Preserve the physical integrity of the streets and highways;
6. Control the orderly flow of vehicles and pedestrians when required for construction;
7. Keep track of the different entities using the public rights-of-way to prevent interference between them;
8. Assist on scheduling common trenching and street cuts; and
9. Protect the safety, security, appearance and condition of the public rights-of-way.

Background

Non-City owned/maintained facilities have been placed in the ROW

→ Deterioration of roadways, interruptions in traffic flow





1. Any person requesting to place facilities in the ROW must apply for a permit.
2. Director of Public Works to review and approve.
3. The City has priority over all other uses of the public rights-of-way. The City shall assign the location in or over the public rights-of-way among users of the public rights-of-way with due consideration.
4. Bonding and insurance are required.
5. Person to give 48-hour notice of beginning construction.
6. In emergency work, City Manager is to be notified immediately.
7. Post-construction, the person shall restore the ROW within 30 days.
8. As-built drawings are required.
9. Warranty of work is 2 years.

Ordinance Summary

The ordinance as it stands provides a structure for the City to manage public ROW. However, in order to properly enforce and adequately protect public ROW, Staff proposes additions and revisions to the ordinance along with a formal permitting process.

Amending the Ordinance

INITIAL APPROACH

Developed entirely new ordinance.

Used TML model ordinance to draft new City of Belton ROW Management Ordinance.

Requested 2 rounds of comments from interested parties (70+, including TABA).

Result: many comments and concerns with proposed new ordinance.

FINAL APPROACH

Took a step back.

Proposing revisions to existing ordinance with less stringent requirements.

Requested review from interested parties.

Result: fewer comments, less resistance

Proposed Amendments to the Ordinance

Section 20-143 Definitions

- Definition of Facilities: Included pipes, sidewalks, landscaping, light poles, temporary construction fencing, barricades, storage of materials such as soil, gravel, etc.
- Clarified mailboxes, irrigation systems, and driveways are not included in this ordinance.

Section 20-144 Municipal authorization required

- Clarified that any person wishing for facilities to be placed, reconstructed, demolished, repaired, maintained, or altered within the ROW must receive approval from the Director of Public Works (Director).
- Declared non-City owned or maintained facilities shall not be located within the ROW, unless otherwise approved by the Director.

Proposed Amendments to the Ordinance

Section 20-146 Construction obligations

- A traffic control plan may be required by the Director.
- If approved to be placed in the ROW, any non-City owned or maintained utilities are to be fully encased in steel pipe or concrete and access to such encasements shall be made outside of the ROW.
- A permit must be obtained at least three (3) business days prior to any work to be done in the ROW.
- The ROW must be restored to at or better than the pre-construction condition.
- In the case of emergency work, the person shall apply for a permit on the first working day after the work has been completed.

Section 147 Conditions of public ROW occupancy

- Clarified the City has the first priority over all other uses of the ROW.
- If the City were to obtain new ROW with existing utilities, the existing utilities may be required to be relocated at the direction of the Director.

Other Notes

- Instead of creating a completely new ordinance, Staff modified existing ordinance
- No Permit Fee is not included at this time
- The ordinance does not apply to ETJ, only to City limits
- Specifications on the methods and when traffic control plans are required was not included
- Underground placement of facilities is encouraged but not required (TXU Electric v City of Allen)
- Heights of overhead utilities was not included – governed by other entities

➤ Next Steps:

- A. Schedule consideration of the proposed ordinance amendment at July 12, 2016 meeting.
- B. Staff to advise interested parties.

Stormwater Public Outreach and Education

Council Workshop

MS4 PERMIT REQUIREMENT EDUCATION!

Residents

- Water quality
- Household hazardous waste program

Visitors

- What is the City doing to promote water quality?

Local Businesses, Commercial and Industrial Facilities

- Focused literature on industrial, commercial, and automotive businesses
- Develop Business Recognition Program

Developers/Home Builders

- Construction related literature

Future Leaders

- Art Contest
- Awareness Events



City of Belton
Stormwater Management Program

Together... **Cleaner Streams, a Stronger City**

Six Simple Steps to Clean Water

- 1. Help Keep Pollution Out of Storm Drains:**
Never dump anything down a storm sewer!
- 2. Never Fertilize When Heavier Rain is in the Forecast:**
Sweep, don't hose, excess fertilizer onto the lawn!
- 3. Carefully Dispose of Chemical and Oil:**
Don't top off when you fill up your gas tank! Soak up any oil spills!
- 4. Clean up After Your Pet:**
Dispose of pet waste in a trash can!
- 5. Practice Good Car Care:**
Fix leaks promptly & wash your car on the grass or at a car wash!
- 6. Properly Dispose of Travel Trailer Waste:**
Don't dump any waste on the ground or in a storm drain!

Together...

The City of Belton is the community's advocate and partner in promoting clean water. The City requires every construction project to incorporate stormwater protection measures like silt fencing and rock berms. Along with mowing and maintaining the City's detention ponds and channels, City staff inspects and cleans storm drains before every heavy rain event to prevent debris from ending up in our creeks. City leaders evaluate every proposed development with the goal to protect and preserve the City's stormwater system and creeks.



**RECYCLE OFTEN.
RECYCLE RIGHT.™**

City of Belton RECYCLING PROGRAM



RECYCLE OFTEN.



Metal Cans

Steel, tin & aluminum soda, vegetable, fruit & tuna cans



Plastic Bottles & Containers



Paper

Brown paper bags, non-confidential office paper, newspaper, magazines



Paper Cardboard, Dairy & Juice Containers



Flattened Cardboard & Paperboard

- Paper and cardboard must be dry and free of food debris.
- Tissues, paper towels or other paper that has been in contact with food is not acceptable.
- Make sure food contamination and caps are removed from cans and plastics and all containers are empty.
- Separate plastic lids from plastic bottles (often made from different materials).
- Do not place medical waste (needles, catheters or lancets) into the recycling containers.

RECYCLE RIGHT. Things you can do to ensure quality material is recycled:



DO NOT INCLUDE: Food waste, Plastic Bags, Polystyrene Foam Cups & Containers, GLASS, Ceramics, Hangers or Hazardous Waste

(See reverse for information on recycling hazardous waste)

City of Belton HOUSEHOLD HAZARDOUS WASTE PROGRAM



Do you have used motor oil in your home? Used batteries? Old paint? Unwanted TV?

There is a convenient and FREE service offered in your community for you to properly dispose and recycle home-generated special materials- safely, easily and responsibly. These items may include paints, spray paint, wood stain, household cleaners, compact fluorescent lamps (CFL), automotive products, gasoline, antifreeze, pesticide, insecticide, household and vehicle batteries, televisions, computers, DVD/CD players, desktop printers, and more, that can be conveniently picked up at your home by simply scheduling a collection.

For a complete list of acceptable items, program guidelines and to schedule a home collection:

Go to WMATYOURDOOR.COM, Call 1-800-449-7587, or Email ATYOURDOOR@WM.COM



This service is for residents of Belton, TX only, material restrictions apply. A service provided by Waste Management's At Your Special CollectionSM. 9-2-14

© WM Curbside, LLC



A Citizen's Guide to Understanding Stormwater



EPA 833-B-03-002

January 2003

Internet Address (URL) • HTTP://www.epa.gov
Recycled/Recyclable • Printed With Vegetable
Oil Based Inks on 100% Postconsumer
Process Chlorine Free Recycled Paper

or visit
www.epa.gov/nps/stormwater
www.epa.gov/nps

For more information contact:



After the Storm

What is stormwater runoff?



Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.

Why is stormwater runoff a problem?



Stormwater can pick up debris, chemicals, dirt, and other pollutants and flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water.

The effects of pollution

Polluted stormwater runoff can have many adverse effects on plants, fish, animals, and people.

- ◆ Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment also can destroy aquatic habitats.
- ◆ Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can't exist in water with low dissolved oxygen levels.
- ◆ Bacteria and other pathogens can wash into swimming areas and create health hazards, often making beach closures necessary.
- ◆ Debris—plastic bags, six-pack rings, bottles, and cigarette butts—washed into waterbodies can choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
- ◆ Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil, and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water.



- ◆ Polluted stormwater often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.

Stormwater Pollution Solutions

Residential

Recycle or properly dispose of household products that contain chemicals, such as insecticides, pesticides, paint, solvents, and used motor oil and other auto fluids. Don't pour them onto the ground or into storm drains.

Lawn care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute streams. In addition, yard clippings and leaves can wash into storm drains and contribute nutrients and organic matter to streams.

- ◆ Don't overwater your lawn. Consider using a soaker hose instead of a sprinkler.
- ◆ Use pesticides and fertilizers sparingly. When use is necessary, use these chemicals in the recommended amounts. Use organic mulch or safer pest control methods whenever possible.
- ◆ Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams.
- ◆ Cover piles of dirt or mulch being used in landscaping projects.



Septic systems

Leaking and poorly maintained septic systems release nutrients and pathogens (bacteria and viruses) that can be picked up by stormwater and discharged into nearby waterbodies. Pathogens can cause public health problems and environmental concerns.

- ◆ Inspect your system every 3 years and pump your tank as necessary (every 3 to 5 years).
- ◆ Don't dispose of household hazardous waste in sinks or toilets.



Auto care

Washing your car and degreasing auto parts at home can send detergents and other contaminants through the storm sewer system. Dumping automotive fluids into storm drains has the same result as dumping the materials directly into a waterbody.

- ◆ Use a commercial car wash that treats or recycles its wastewater, or wash your car on your yard so the water infiltrates into the ground.
- ◆ Repair leaks and dispose of used auto fluids and batteries at designated drop-off or recycling locations.



Pet waste

Pet waste can be a major source of bacteria and excess nutrients in local waters.

- ◆ When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.



Residential landscaping

Permeable Pavement—Traditional concrete and asphalt don't allow water to soak into the ground. Instead these surfaces rely on storm drains to divert unwanted water. Permeable pavement systems allow rain and snowmelt to soak through, decreasing stormwater runoff.

Rain Barrels—You can collect rainwater from rooftops in mosquito-proof containers. The water can be used later on lawn or garden areas.

Rain Gardens and Grassy Swales—Specially designed areas planted with native plants can provide natural places for rainwater to collect and soak into the ground. Rain from rooftop areas or paved areas can be diverted into these areas rather than into storm drains.

Vegetated Filter Strips—Filter strips are areas of native grass or plants created along roadways or streams. They trap the pollutants stormwater picks up as it flows across driveways and streets.



Commercial

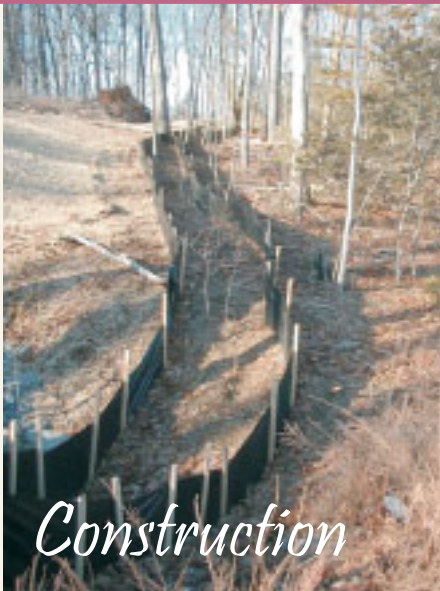
Dirt, oil, and debris that collect in parking lots and paved areas can be washed into the storm sewer system and eventually enter local waterbodies.

- ◆ Sweep up litter and debris from sidewalks, driveways and parking lots, especially around storm drains.
- ◆ Cover grease storage and dumpsters and keep them clean to avoid leaks.
- ◆ Report any chemical spill to the local hazardous waste cleanup team. They'll know the best way to keep spills from harming the environment.

Erosion controls that aren't maintained can cause excessive amounts of sediment and debris to be carried into the stormwater system. Construction vehicles can leak fuel, oil, and other harmful fluids that can be picked up by stormwater and deposited into local waterbodies.

- ◆ Divert stormwater away from disturbed or exposed areas of the construction site.
- ◆ Install silt fences, vehicle mud removal areas, vegetative cover, and other sediment and erosion controls and properly maintain them, especially after rainstorms.
- ◆ Prevent soil erosion by minimizing disturbed areas during construction projects, and seed and mulch bare areas as soon as possible.

Construction



Agriculture

Lack of vegetation on streambanks can lead to erosion. Overgrazed pastures can also contribute excessive amounts of sediment to local waterbodies. Excess fertilizers and pesticides can poison aquatic animals and lead to destructive algae blooms. Livestock in streams can contaminate waterways with bacteria, making them unsafe for human contact.

- ◆ Keep livestock away from streambanks and provide them a water source away from waterbodies.
- ◆ Store and apply manure away from waterbodies and in accordance with a nutrient management plan.
- ◆ Vegetate riparian areas along waterways.
- ◆ Rotate animal grazing to prevent soil erosion in fields.
- ◆ Apply fertilizers and pesticides according to label instructions to save money and minimize pollution.



Forestry

Improperly managed logging operations can result in erosion and sedimentation.

- ◆ Conduct preharvest planning to prevent erosion and lower costs.
- ◆ Use logging methods and equipment that minimize soil disturbance.
- ◆ Plan and design skid trails, yard areas, and truck access roads to minimize stream crossings and avoid disturbing the forest floor.
- ◆ Construct stream crossings so that they minimize erosion and physical changes to streams.
- ◆ Expedite revegetation of cleared areas.



Automotive Facilities



Uncovered fueling stations allow spills to be washed into storm drains. Cars waiting to be repaired can leak fuel, oil, and other harmful fluids that can be picked up by stormwater.

- ◆ Clean up spills immediately and properly dispose of cleanup materials.
- ◆ Provide cover over fueling stations and design or retrofit facilities for spill containment.
- ◆ Properly maintain fleet vehicles to prevent oil, gas, and other discharges from being washed into local waterbodies.
- ◆ Install and maintain oil/water separators.

Automotive Repair and Maintenance Businesses

Stormwater Best Management Practices

City of Belton, Texas
Stormwater Management Program



Quick Tips from EPA's Best Management Practices to Prevent Stormwater Pollution

- ❖ Protect floor drains from discharges
- ❖ Keep dumpster area clean and free of hazardous wastes
- ❖ Never wash spilled material down storm drain or sanitary sewer drain
- ❖ Use dry cleanup methods
- ❖ Do not store drained vehicle fluids in open containers
- ❖ Dispose of wastewater from closed-loop flushing systems as hazardous waste
- ❖ Never wash parts outdoors
- ❖ Do not dispose of spent parts-cleaning solution down the sanitary sewer, even if it is water-based
- ❖ Keep waste disposal records as required by hazardous waste regulations for inspection
- ❖ Change all fluids indoors
- ❖ Use drip pans and transfer to appropriate containers as soon as possible
- ❖ Have absorbent pads and brooms on hand for spill response
- ❖ Drain oil filters and other part containing fluids before recycling them
- ❖ Use closed-loop flushing systems to flush engines, radiators and transmissions to prevent discharges to the sanitary sewer
- ❖ Avoid using spray-on solvent brake cleaner
- ❖ Consider purchasing an aqueous brake washer
- ❖ Use water-based cleaning products
- ❖ Clean parts in a location equipped with drip pans, drain boards and drying racks
- ❖ Avoid chlorinated solvents due to air quality and employee health concerns
- ❖ Proteja de derrames las alcantarillas del suelo
- ❖ Mantenga el área del contenedor, limpia y libre de desechos tóxicos o peligrosos
- ❖ Nunca lave el material derramado en el desagüe pluvial o alcantarilla pluvial
- ❖ Use métodos de limpieza en seco
- ❖ No guarde líquidos de desecho de los vehículos en envases abiertos
- ❖ Elimine las aguas residuales de los sistemas de drenaje como desechos peligrosos
- ❖ Nunca lave las partes o refacciones afuera
- ❖ No deseche las solución usada para la limpieza de las partes en las alcantarillas aunque sean solubles al agua
- ❖ Mantenga un registro de los residuos de desecho de acuerdo con las regulaciones de desechos peligrosos para su inspección
- ❖ Cambie todos los líquidos adentro
- ❖ Use la cubeta de goteo o charola recolectora de aceite y transfíralo a envases apropiados tan pronto como sea posible
- ❖ Tenga a mano almohadillas o esponjas absorbentes y recipientes para usarlos en caso de derrame
- ❖ Escurra los filtros de aceite y otras partes que contengan líquidos antes de reciclarlos
- ❖ Use el sistema de inyección o limpieza de inyectores para purgar maquinas, radiadores y transmisiones y prevenir descargas al sistema de drenaje sanitario
- ❖ Evite usar aerosoles solventes par la limpieza de frenos
- ❖ Considere la compra de un limpiador de frenos acuosos
- ❖ Uso productos de limpieza solubles al agua
- ❖ Limpie las partes o refacciones en un lugar equipado con cubetas de goteo, escurrideros y rejillas de secado
- ❖ Evite solventes que contengan cloro que dañan la calidad del aire y perjudican la salud de sus empleados



City of Belton
Stormwater Management Program
P.O. Box 120
Belton, TX 76513

For more information, please call City of Belton Department of Public Works at (254) 933-5823.
www.beltontexas.gov



Stormwater and the Construction Industry

Protect Natural Features



Bad



Good

- Minimize clearing.
- Minimize the amount of exposed soil.
- Identify and protect areas where existing vegetation, such as trees, will not be disturbed by construction activity.
- Protect streams, stream buffers, wild woodlands, wetlands, or other sensitive areas from any disturbance or construction activity by fencing or otherwise clearly marking these areas.

Construction Phasing



Bad



Good

- Sequence construction activities so that the soil is not exposed for long periods of time.
- Schedule or limit grading to small areas.
- Install key sediment control practices before site grading begins.
- Schedule site stabilization activities, such as landscaping, to be completed immediately after the land has been graded to its final contour.

Vegetative Buffers



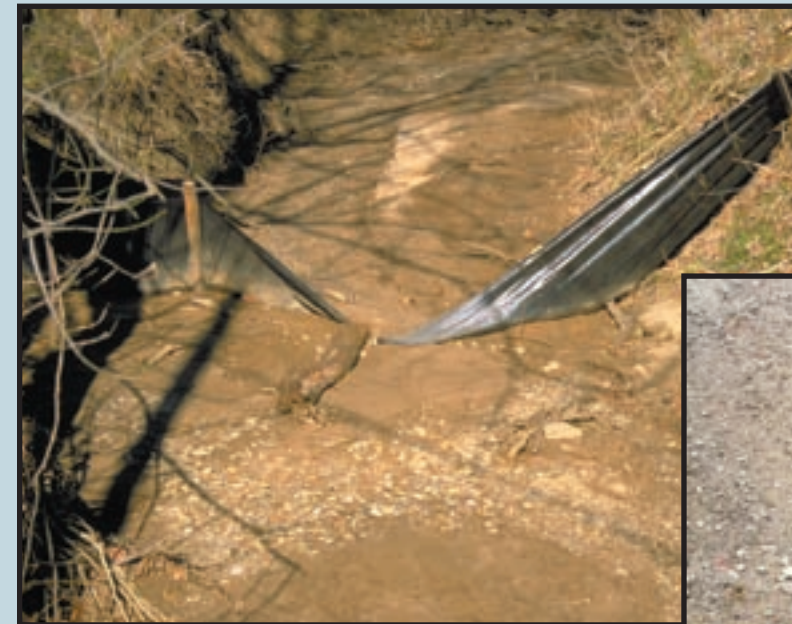
Bad



Good

- Protect and install vegetative buffers along waterbodies to slow and filter stormwater runoff.
- Maintain buffers by mowing or replanting periodically to ensure their effectiveness.

Silt Fencing



Bad



Good

- Inspect and maintain silt fences after each rainstorm.
- Make sure the bottom of the silt fence is buried in the ground.
- Securely attach the material to the stakes.
- Don't place silt fences in the middle of a waterway or use them as a check dam.
- Make sure stormwater is not flowing around the silt fence.

Maintain your BMPs!

www.epa.gov/npdes/menuofbmps

Site Stabilization



Bad



Good

- Vegetate, mulch, or otherwise stabilize all exposed areas as soon as land alterations have been completed.

Construction Entrances



Bad



Good

- Remove mud and dirt from the tires of construction vehicles before they enter a paved roadway.
- Properly size entrance BMPs for all anticipated vehicles.
- Make sure that the construction entrance does not become buried in soil.

Slopes



Bad



Good

- Rough grade or terrace slopes.
- Break up long slopes with sediment barriers, or under drain, or divert stormwater away from slopes.

Dirt Stockpiles



Bad



Good

- Cover or seed all dirt stockpiles.

Storm Drain Inlet Protection



Bad



Good

- Use rock or other appropriate material to cover the storm drain inlet to filter out trash and debris.
- Make sure the rock size is appropriate (usually 1 to 2 inches in diameter).
- If you use inlet filters, maintain them regularly.

Stormwater and the Construction Industry

Planning and Implementing Erosion and Sediment Control Practices

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands, and oceans. Through the use of best management practices (BMPs), construction site operators are the key defense against erosion and sedimentation.

As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. High volumes of stormwater can also cause stream bank erosion, and destroy downstream aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed BMPs, and mitigate damage to other people's property or to natural resources.

Best Management Practice (BMP)

A BMP is a method used to prevent or control stormwater runoff and the discharge of pollutants, including sediment, into local waterbodies. Silt fences, inlet protection, and site-stabilization techniques are typical BMPs on a construction site.

Operator

An operator is someone who has control over and the ability to modify construction plans and specifications (e.g. owner, general contractor)

or

Someone who has control over the day-to-day operations at a site (e.g., owner, general contractor) that are necessary to ensure compliance with the permit requirements. It is the responsibility of a construction site owner or operator to contain stormwater runoff and prevent erosion during all stages of a project.

There may be more than one person at a site who meets these definitions and must apply for permit coverage. (States may have different definitions of the term "operator.")

So what's being done about polluted runoff?

The Clean Water Act includes the National Pollutant Discharge Elimination System (NPDES) permitting program. As of January 2003, 44 states and territories are authorized to issue NPDES stormwater permits. If your state isn't authorized to operate the NPDES stormwater permit program, EPA issues the permits. Permits vary from state to state, so contact your state or EPA for specific information. Your permitting authority has specific information on your state's NPDES stormwater permit program. In general, construction permits require construction operators to do all of the following:

- Develop and implement a stormwater pollution prevention plan
- Submit a permit application or notice of intent (NOI)
- Comply with the permit, including maintaining BMPs and inspecting the site

Under the NPDES program, construction activities that disturb 1 or more acres are required to obtain stormwater permit coverage. States have different names for the plans that construction operators must develop, such as

- Stormwater pollution prevention plan
- Erosion and sediment control plan
- Erosion control and stormwater management plan
- Stormwater management plan
- Water pollution control plan
- Pollution prevention plan

This document uses the term "*Plan*."

I think I need a permit... Where do I start?

All land-disturbing activities, including clearing, grading, and excavation, that disturb **1 or more acres** are required to be covered under a state or EPA-issued NPDES construction stormwater permit **prior to land disturbance**. Permit requirements vary by state. Begin by researching the specific requirements in your state. You might already be subject to local erosion and sediment control requirements, but that doesn't release you from the requirements of the NPDES program at the state or EPA level. Although you must comply with both sets of requirements, in most cases they have been designed to be complementary. Contact your permitting authority to find out exactly what you need to do. A good place to start your search is the Construction Industry Compliance Assistance web site at <http://www.envcap.org/cica>.

The NPDES permit requirements include small construction activities that are part of a larger common plan of development or sale, such as a single lot within a larger subdivision. For developments with multiple operators, all operators must have permit coverage for their individual parts of the larger development, no matter how large or small each operation happens to be. When there are multiple operators at one site, they're encouraged to develop and share one comprehensive Plan and obtain permit coverage as co-permittees.

The **owner or operator** of the construction site is responsible for complying with the requirements of the permit. Responsibilities include developing a Plan, obtaining permit coverage, implementing BMPs, and stabilizing the site at the end of the construction activity.

Determine your eligibility

All construction activity that disturbs 1 or more acres of land, as well as activity that disturbs less than 1 acre but is part of a larger common plan of development, must obtain permit coverage.

Read and understand your stormwater permit requirements

Get a copy of the permit for construction activities and a permit application (or notice of intent form) from your state or EPA permitting authority.

Develop a Plan

Most states do not require you to submit your Plan. However, you do need to keep the Plan on site. If that's impractical, you may post a notice that tells where the Plan is kept so it can be accessed by the permitting authority and other interested parties.

You'll need to post a copy of your completed application on site. Put it in a place where the public can see it so they'll know your site is covered by an NPDES permit!

Apply for permit coverage

Once you understand your permit requirements and have developed a Plan, you can submit a stormwater permit application (or notice of intent) to your permitting authority. This must be done before beginning any land disturbance on the site. Some states require a few days of lead time, so check with your permitting authority. Once you've submitted the application, you must satisfy the conditions of the permit.

Implement the Plan

Be prepared to implement the BMPs in your Plan before construction begins. Ensure that BMPs are properly maintained, and upgrade and repair them as necessary.

Developing and Implementing a Plan

You must have a Plan that includes erosion and sediment control and pollution prevention BMPs. These Plans require

- Advance planning and training to ensure proper implementation of the BMPs
- Erosion and sediment control BMPs in place until the area is permanently stabilized
- Pollution prevention BMPs to keep the construction site "clean"
- Regular inspection of the construction site to ensure proper installation and maintenance of BMPs

Fortunately, the practices and measures that must be included in your Plan are already part of the standard operating procedures at many construction sites.

Six steps are associated with developing and implementing a stormwater Plan. There's a wealth of information available on developing pollution prevention plans. Please contact your permitting authority for help in finding additional guidance materials, or visit www.epa.gov/npdes/stormwater. A sample construction plan is available at www.epa.gov/npdes/pubs/sample_swppp.pdf.

1. Site Evaluation and Design Development

- Collect site information
- Develop site plan design
- Prepare pollution prevention site map

The first step in preparing a Plan is to define the characteristics of the site and the type of construction that will occur. This involves collecting site information, identifying natural features that should be protected, developing a site plan design, describing the nature of the construction activity, and preparing a pollution prevention site map.

2. Assessment

- Measure the site area
- Determine the drainage areas
- Calculate the runoff coefficient

The next step is assessing the impact the project will have on stormwater runoff. Determine the drainage areas and estimate the runoff amounts and velocities. For more information on calculating the runoff coefficient, go to www.epa.gov/npdes/pubs/chap02_conguide.pdf, page 11.

3. Control Selection and Plan Design

- Review and incorporate state or local requirements
- Select erosion and sediment controls
- Select other controls
- Select stormwater management controls
- Indicate the location of controls on the site map
- Prepare an inspection and maintenance plan
- Coordinate controls with construction activity
- Prepare sequence of major activities

In the third step you'll actually document your procedures to prevent and control polluted stormwater runoff. You must delineate areas that will not be disturbed, including critical natural areas like streamside areas, floodplains, and trees. You must also identify the measures (or BMPs) you'll use to protect these areas.

Soil erosion control tips...

- Design the site to infiltrate stormwater into the ground and to keep it out of storm drains. Eliminate or minimize the use of stormwater collection and conveyance systems while maximizing the use of stormwater infiltration and bioretention techniques.
- Minimize the amount of exposed soil on site.
 - ◆ To the extent possible, plan the project in stages to minimize the amount of area that is bare and subject to erosion. The less soil exposed, the easier and cheaper it will be to control erosion.
 - ◆ Vegetate disturbed areas with permanent or temporary seeding immediately upon reaching final grade.
 - ◆ Vegetate or cover stockpiles that will not be used immediately.
- Reduce the velocity of stormwater both onto and away from the project area.
 - ◆ Interceptors, diversions, vegetated buffers, and check dams are a few of the BMPs that can be used to slow down stormwater as it travels across and away from the project site.
 - ◆ Diversion measures can also be used to direct flow away from exposed areas toward stable portions of the site.
 - ◆ Silt fences and other types of perimeter filters should never be used to reduce the velocity of runoff.
- Protect defined channels immediately with measures adequate to handle the storm flows expected.
 - ◆ Sod, geotextile, natural fiber, riprap, or other stabilization measures should be used to allow the channels to carry water without causing erosion. Use softer measures like geotextile or vegetation where possible to prevent downstream impacts.
- Keep sediment on site.
 - ◆ Place aggregate or stone at construction site vehicle exits to accommodate at least two tire revolutions of large construction vehicles. Much of the dirt on the tires will fall off before the vehicle gets to the street.
 - ◆ Regular street sweeping at the construction entrance will prevent dirt from entering storm drains. Do not hose paved areas.
 - ◆ Sediment traps and basins are temporary structures and should be used in conjunction with other measures to reduce the amount of erosion.
- Maintaining all BMPs is critical to ensure their effectiveness during the life of the project.
 - ◆ Regularly remove collected sediment from silt fences, berms, traps, and other BMPs.
 - ◆ Ensure that geotextiles and mulch remain in place until vegetation is well established.
 - ◆ Maintain fences that protect sensitive areas, silt fences, diversion structures, and other BMPs.

Other BMPs and Activities to Control Polluted Runoff

You'll need to select other controls to address potential pollutant sources on your site. Construction materials, debris, trash, fuel, paint, and stockpiles become pollution sources when it rains. Basic pollution prevention practices can significantly reduce the amount of pollution leaving construction sites. The following are some simple practices that should be included in the Plan and implemented on site:

- Keep potential sources of pollution out of the rain as practicable (e.g., inside a building, covered with plastic or tarps, or sealed tightly in a leak-proof container).
- Clearly identify a protected, lined area for concrete truck washouts. This area should be located away from streams, storm drain inlets, or ditches and should be cleaned out periodically.
- Park, refuel, and maintain vehicles and equipment in one area of the site to minimize the area exposed to possible spills and fuel storage. This area should be well away from streams, storm drain inlets, or ditches. Keep spill kits close by and clean up any spills or leaks immediately, including spills on pavement or earthen surfaces.
- Practice good housekeeping. Keep the construction site free of litter, construction debris, and leaking containers. Keep all waste in one area to minimize cleaning.
- Never hose down paved surfaces to clean dust, debris, or trash. This water could wash directly into storm drains or streams. Sweep up materials and dispose of them in the trash. Never bury trash or debris!
- Dispose of hazardous materials properly.

4. Certification and Notification

- Certify the Plan
- Submit permit application or notice of intent

Once the Plan has been developed, an authorized representative must sign it. Now is the time to submit the permit application or notice of intent. Your permit might require that the Plan be kept on site, so be sure to keep it available for the staff implementing the Plan.

Erosion and sedimentation control practices are only as good as their installation and maintenance.

5. Implementing and Maintaining a Plan

- Implement controls
- Inspect and maintain controls
- Update/change the Plan
- Report releases of hazardous materials

A Plan describes the practices and activities you'll use to prevent stormwater contamination and meet the NPDES permit requirements. Make sure that the Plan is implemented and that the Plan is updated as necessary to reflect changes on the site.

Erosion and sedimentation control practices are only as good as their installation and maintenance. Train the contractors that will install the BMPs and inspect immediately to ensure that the BMPs have been installed correctly.

Regularly inspect the BMPs (especially before and after rain events) and perform any necessary repairs or maintenance immediately. Many BMPs are designed to handle a limited amount of sediment. If not maintained, they'll become ineffective and a source of sediment pollution.

It's also important to keep records of BMP installation, implementation, and maintenance. Keep track of major grading activities that occur on the site, when construction activities cease (temporarily or permanently), and when a site is temporarily or permanently stabilized.

If construction plans change at any time, or if more appropriate BMPs are chosen for the site, update the Plan accordingly.

6. Completing the Project: Final Stabilization and Termination of the Permit

- Final stabilization
- Notice of Termination
- Record retention

Many states and EPA require a Notice of Termination (NOT) or other notification signifying that the construction activity is completed. An NOT is required when

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible.

- Another operator has assumed control over all areas of the site that have not been finally stabilized. That operator would need to submit a new permit application to the permitting authority.

- For residential construction only, temporary stabilization of a lot has been completed prior to transference of ownership to the homeowner, with the homeowner being made aware of the need to perform final stabilization.

Permittees must keep a copy of their permit application and their Plan for at least 3 years following final stabilization. This period may be longer depending on state and local requirements.

Preconstruction Checklist

- A site description, including
 - ◆ Nature of the activity
 - ◆ Intended sequence of major construction activities
 - ◆ Total area of the site
 - ◆ Existing soil type and rainfall runoff data
- A site map with:
 - Drainage patterns
 - Approximate slopes after major grading
 - Area of soil disturbance
 - Outline of areas which will not be disturbed
 - Location of major structural and nonstructural soil erosion controls
 - Areas where stabilization practices are expected to occur
 - Surface waters
 - Stormwater discharge locations
- ◆ Name of the receiving water(s)
- A description of controls:
 - ◆ Erosion and sediment controls, including
 - Stabilization practices for all areas disturbed by construction
 - Structural practices for all drainage/discharge locations
 - ◆ Stormwater management controls, including
 - Measures used to control pollutants occurring in stormwater discharges after construction activities are complete
 - Velocity dissipation devices to provide nonerosive flow conditions from the discharge point along the length of any outfall channel
 - ◆ Other controls, including
 - Waste disposal practices that prevent discharge of solid materials
 - Measures to minimize offset tracking of sediments by construction vehicles
 - Measures to ensure compliance with state or local waste disposal, sanitary sewer, or septic system regulations
 - ◆ Description of the timing during the construction when measures will be implemented
- State or local requirements incorporated into the Plan
- Inspection and maintenance procedures for control measures identified in the Plan
- Contractor certification and Plan certification

Implementation Checklist

- Maintain records of construction activities, including
 - ◆ Dates when major grading activities occur
 - ◆ Dates when construction activities temporarily cease on the site or a portion of the site
 - ◆ Dates when construction activities permanently cease on the site or a portion of the site
 - ◆ Dates when stabilization measures are completed on the site
- Prepare inspection reports summarizing
 - ◆ Name of person conducting BMP inspections
 - ◆ Qualifications of person conducting BMP inspections
 - ◆ BMPs/areas inspected
 - ◆ Observed conditions
 - ◆ Necessary changes to the Plan
- Report releases of reportable quantities of oil or hazardous materials
 - ◆ Notify the National Response Center at 800-424-8802 immediately
 - ◆ Report releases to your permitting authority immediately, or as specified in your permit. You must also provide a written report within 14 days.
 - ◆ Modify the Plan to include
 - The date of release
 - Circumstances leading to the release
 - Steps taken to prevent reoccurrence of the release
- Modify Plan as necessary
 - ◆ Incorporate requests of the permitting authority to bring the Plan into compliance
 - ◆ Address changes in design, construction operation, or maintenance that affect the potential for discharge of pollutants

An ounce of prevention is worth a pound of cure! It's far more efficient and cost-effective to prevent pollution than it is to try to correct problems later. Installing and maintaining simple BMPs and pollution prevention techniques on site can greatly reduce the potential for stormwater pollution and can also save you money!

Visit www.epa.gov/npdes/stormwater for more information.



CITY OF BELTON

Business Stormwater Management

Only Rain...Down the Storm Drain

WHAT IS STORMWATER?

Stormwater is water runoff from precipitation that flows across the ground and pavement when it rains or when snow and ice melt. The water seeps into the ground or drains into what we call storm sewers. These are the drains you see at street corners or at low points on the sides of streets. Collectively, the draining water is called stormwater runoff.

BUSINESS SOLUTIONS TO STORMWATER POLLUTION

Businesses need to be aware that things they do or products they use in their daily operations can enter the stormwater system and effect our water sources. Runoff from construction sites, spills at fueling areas and chemicals used to keep outdoor areas clean can be picked up by rainwater and whisked into the storm sewer system.

Vehicle wastes are among the many common stormwater pollutants that can degrade water quality. Stormwater runoff from vehicle maintenance and repair wastes has been found to contain high concentrations of metals, organics, oil and grease. When these wastes wash into our waters they can kill aquatic organisms. Metals such as chromium, cadmium, lead, and zinc have the potential to contaminate drinking water supplies as well as bioaccumulation in aquatic life. Organics such as engine degreasers, cleaners, and other solvents can also degrade water quality.

To report spills, dumping or discharges of pollutants into the street, stormwater system or streams, contact the following:

Public Works at (254) 933-5823

Code Enforcement at (254) 933-5820

Email us at: publicworks@beltontexas.gov

For more information, visit our website
www.beltontexas.gov

Texas Commission on Environmental Quality (TCEQ)
www.tceq.texas.gov

BUSINESS GUIDE FOR CLEAN STORMWATER DO'S & DON'TS

All Businesses

- ◆ Implement a recycling program to reduce the amount of litter that may end up in the nearby creeks.
- ◆ Regularly service your business vehicles to prevent oil leaks and take your business vehicles to the car wash instead of washing in the lot.

Construction/Landscape Activities

- ◆ Use filter fabric or hay to block sediment or other construction runoff from entering into the storm drain. Do not rinse or clean cement or heavily soiled trucks near a storm drain.
- ◆ Sweep up the grass clippings after mowing the lawn. Do not leave them in the street. Do not blow leaves in the street that may eventually clog storm drains.
- ◆ Use Pesticides and fertilizers sparingly, avoid excess to prevent polluted runoff.

Automotive Repair & Service

- ◆ Use drip pans or buckets to contain or catch oil leaks.
- ◆ Properly label all hazardous waste containers and dispose of hazardous waste properly.
- ◆ Regularly inspect, maintain and service your containment units to prevent leakage.

Food Service/Restaurant

- ◆ Regularly inspect, maintain and service your grease traps. Do not clean filters or traps on pavement where the grease and detergents may runoff to a storm drain.
- ◆ Sweep up litter and debris from the sidewalk and curb to prevent litter build-up in front of storm drains.

Office/Retail/Child Care/Other Services

- ◆ Sweep up litter and debris from the sidewalk and curb to prevent litter build up in front of storm drains.

Public/Private Facilities with Swimming Pool and/or Detention Basins

- ◆ Discharge chlorinated pool water on pervious surfaces at a rate allowable for infiltration that does not cause erosion. Do not discharge chlorinated pool water down storm drains or directly into the creek.
- ◆ Use due diligence in inspecting and maintaining detention basins.

STORMWATER DRAINAGE AREA



STORMWATER DRAINAGE AREA SIGNAGE

These signs bring awareness that the area is a drainage site and that floodwaters may rise unexpectedly. The City of Belton has installed nearly 25 signs at the City's major detention ponds.

If you would like to request a sign to be placed near a drainage area, please email us the proposed location at publicworks@beltontexas.gov.

BEST MANAGEMENT PRACTICES (BMPs)...

What are They?

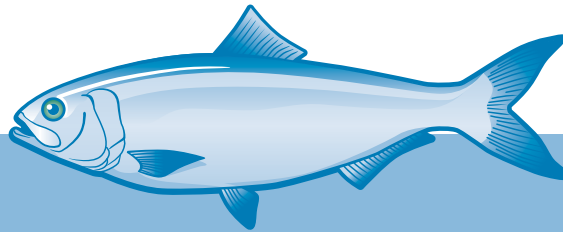
CLEAN STREETS MEAN CLEAN STREAMS

Inexpensive to implement
and easy to use,
BMPs help you to do
your share to protect
the environment.



The term Best Management Practice (BMP) refers to practices or measures used to control water pollution that keep our rivers and streams as clean as possible. BMPs can be employed at commercial, residential and industrial sites to help control and prevent stormwater runoff pollution. While many simple BMPs are inexpensive to implement, other BMPs are more costly. The Clean Water Partners program promotes using simple and less costly **Good Housekeeping BMPs** to prevent stormwater from picking up debris, wastes and chemical pollutants. Good Housekeeping BMPs are common sense measures that help businesses manage site activities and operations to control pollution. When employed, these BMPs prevent materials and wastes from being exposed to stormwater, thereby preventing stormwater runoff pollution.

“Treatment” BMPs include structures and devices specifically designed to remove pollutants in stormwater runoff. Treatment BMPs generally are more costly and involve methods of mechanically trapping or chemically altering pollutants in stormwater runoff, prior to stormwater being discharged off site.



10 GOOD HOUSEKEEPING PRACTICES Your Business Should Employ

I. Sweep Regularly and Employ Dry Methods for Cleaning

- Routinely sweep paved areas to remove and pick up silt, sand, dirt, debris, and litter for proper disposal as solid waste into a dumpster or trash receptacle.
- Avoid using water to hose down dirty sidewalks, bays, and other paved areas to prevent washing debris, silt, grease, and detergents into storm drains and streams.
- Use dry methods (such as granular or fabric absorbent products) to clean up spilled or leaked oil, grease or chemicals. Absorbents should be selected based on the type of chemical that was spilled. Spent absorbents must be picked up after use and properly disposed.
- Spot clean stains where necessary to remove oil, grease or chemical residues. Take steps to limit water usage when spot cleaning to reduce the production of wastewater. If wastewater is generated, collect and properly dispose of the liquid into a drain connected to a wastewater treatment system or sanitary sewer, according to local code.
- When sweeping alone is insufficient or your area is too large, use a cleaning machine. Cleaning machines can be leased as needed or a cleaning contractor can be hired. Wastewater from these activities must be disposed at approved locations.



Sediment and debris in the water make it difficult for fish to breath, just like smoke in the air makes it difficult for humans to breath.

2. Cover, Contain, & Elevate Materials

- Cover outdoor storage containers with leak proof lids that fit securely to contain contents and materials.
- Ensure storage containers, particularly waste storage containers, are leak proof.
- Materials and wastes stored outdoors should remain contained and covered when not in use.
- Elevate materials stored outside using platforms or wood pallets to prevent direct contact with runoff.
- Locate certain activities under a cover or roof, such as an overhanging awning, a lean-to structure, or a stand-alone canopy. These activities include fueling and maintenance of vehicles; battery, hazardous material, and salvage storage.
- Use stormwater diversion methods like barriers, berms, and curbing or constructed devices, to redirect stormwater runoff away from stored materials and stockpiles.
- Use temporary covers, such as tarps, for materials that do not have permanent coverage or containment. Plastic tarps must be impermeable and well anchored to prevent them from blowing away. (Check guidelines in your municipality.)
- Control easily dissolved and eroded materials, such as earth or soil, using temporary seeding or other stabilization methods.
- Use secondary containment, including drip pans/trays, catch basins, curbing, or containers, to collect and contain materials in the event a primary storage container (i.e., fuel tank, holding tank) is breached, overflows or leaks. (Know local requirements for hazardous materials stored on site.)



- Capture pollutants before runoff enters storm drains or streams. Employ temporary or permanent treatment practices, as necessary, to filter and treat any polluted runoff that cannot be captured. (Check guidelines in your municipality.)





“Pesticides” include a large group of chemical products, designed to control or kill “pests” including mold, mildew, bacteria, plants, weeds, insects, and rodents.

3. Relocate Activities Away from Surface Drainage Paths

- Locate outdoor activities likely to pollute stormwater runoff (i.e., waste storage, material/product storage, processing and cleaning activities) as far away as possible from stormwater flow paths, including downspouts, gutters, ditches, depressions, and channels where stormwater collects, flows and drains.
- Locate outdoor activities on higher elevations to provide employees more time to recognize and clean up spilled materials before they reach stormdrains or streams.
- Locate fueling activities on an impervious surface (i.e., concrete pad) to prevent any spilled fuel from soaking into the ground.

4. Reduce or Avoid Certain Activities

- Reschedule activities (i.e., painting, mixing chemicals or fertilizing) when rain or snow are likely to occur. If an activity cannot be rescheduled, take extra precautions to prevent stormwater runoff pollution.
- Discontinue activities on sites where good housekeeping practices are not feasible or effective. For example, in lieu of washing vehicles on site, take vehicles to a commercial car wash that collects and treats wastewater. Lease enclosed storage space for supplies, overstock and salvage, when on-site space is limited or inadequate.

5. Limit Use of Toxic Products and Materials

- Seek non-toxic or alternative products and practices for cleaning, pest control, and degreasing. For example, steam cleaning systems that use water, mild detergents, and mechanical action, rather than solvents, may be an alternative to some cleaning and degreasing activities.
- Keep inventory to a minimum by purchasing only amounts needed for the foreseeable future.
- Consider possible cost savings associated with non-toxic product use compared to both the purchase and disposal costs of products containing toxic chemicals.



RADIOACTIVE

CAUTION



BIOHAZARD



POISON



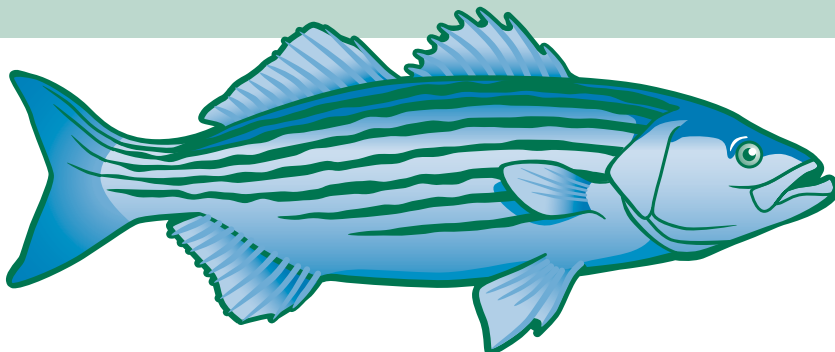
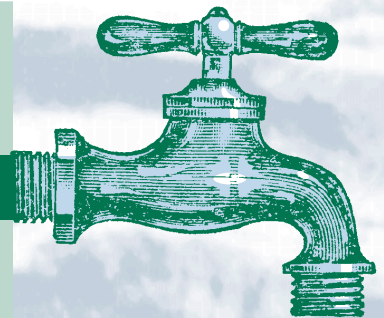
6. Inspect Outdoor Areas Regularly to Identify Maintenance Needs

- Visually inspect all outdoor areas (parking lots, loading bays, walkways, waste storage) to check for residues, stains or traces of pollutants on paved surfaces, around stormwater conveyances and structures, and ports and valves.
- Replace leaking, corroded, or otherwise deteriorating outdoor storage containers, facilities, or structures to prevent release or discharge of materials and wastes that can pollute stormwater runoff.
- Conduct periodic visual inspections to remove blockages in stormwater conveyances and structures (storm drains, gutters, grates, catch basins, basins, and ponds) to ensure their proper function. Inspections should always be conducted following storm events.
- Clean stormwater conveyances and structures on a regular basis to prevent the transport of accumulated sediment and debris from entering receiving waters.
- Routine maintenance and cleaning of stormwater facilities should always include removing pollutants, not flushing them into storm drains and receiving waters. (Check telephone directory to identify contractors providing pollutant removal services.)



7. Eliminate Illicit Connections to Storm Drainage System

- If unsure about where a drain or wastewater discharges, have a licensed plumber verify that indoor drains properly discharge to a sanitary treatment system or other approved system where wastewater is treated to remove dirt and contaminants. “Illicit connections,” as they are often called, improperly connect indoor plumbing to storm drainage systems and streams. Illicit connections to storm drainage systems are often from floor drains, slop sinks, and boilers, facility heating and cooling systems, and production processes. These occurrences are common in older buildings and can easily persist unnoticed for years.
- Wastewater containing chemicals, residues, pesticides, oil, and grease should be disposed or discharged into an approved treatment system.



The Federal Clean Water Act prohibits illicit discharges into stormwater drainage systems.

8. Stock Spill Control and Cleanup Supplies

- Stock and maintain adequate supplies of spill cleanup materials (including absorbent granules, fabrics and pads; containers/bags; brooms and dustpans; and vacuum equipment) in locations accessible to where spills and leaks are likely to occur.
- Familiarize all employees, subcontractors, and delivery personnel with spill control and clean up procedures for materials handled on site, including the proper disposal of spent clean up materials.
- Display clean up procedures as a reminder, especially for infrequent activities (i.e., periodic refueling and restocking).
- Know special handling, clean up and disposal procedures for hazardous materials/wastes used on site. Check with manufacturers, product labels, and product Material Safety Data Sheets (MSDS).

9. Educate Employees, Contractors, & Customers

- Educate your employees, suppliers, subcontractors, and customers about stormwater pollution control and associated responsibilities.
- Label stormwater inlets (i.e., storm drains) as a reminder that pollutants entering a storm drainage system discharge to nearby waterways.
- Inform employees at staff meetings or training sessions about good housekeeping practices and procedures to control stormwater runoff pollution.
- Consider offering incentives that encourage adherence to good housekeeping practices.

10. Use Plantings to Help Control Stormwater Runoff Pollution

- Maintain vegetation and landscaping in sloped areas and around the site since plants (native grasses, wildflowers, shrubs, and trees), as well as the soil they grow in, have the capacity to filter pollutants in stormwater runoff.
- Seek opportunities for stormwater to soak into the ground and be absorbed by soil and plants by directing rainwater, gutters and downspouts into stabilized and planted areas. Ensure areas where stormwater is being directed are well situated away from building foundations. Areas suitable for passive stormwater infiltration include those with little or no pedestrian and vehicular traffic, and areas that are level and well stabilized with vegetation or rock.



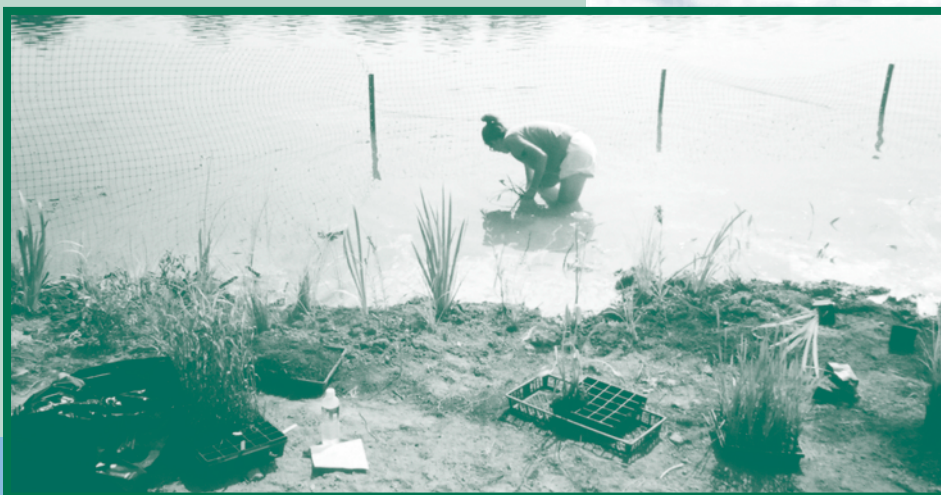
- Control dirt and disturbed earth to prevent soil erosion, which clogs stormwater grates, drains and conveyances and causes sediment pollution in waterways by employing the following erosion control measures:

Temporary Erosion Control Measures: These measures may include placing straw mulch, organic mulches, erosion control fabrics, or rock on areas during grading, construction, landscaping, and earth moving activities.

Permanent Erosion Control Measures:

- (1) Regrade to reduce the slope of the ground and to slow speed of flowing water;
- (2) Plant well-adapted grasses, ground covers, and plants with good root systems to hold soil in place and improve stormwater percolation into the ground; and
- (3) Place stone or rock on disturbed areas to prevent soil from washing away. Mulch can help control erosion depending upon slope and force of runoff.

(Obtain information from local conservation district or municipality for acceptable erosion control practices.)

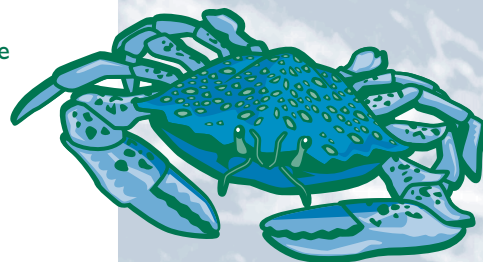


TREATMENT BEST MANAGEMENT PRACTICES

When are They Needed?

Treatment BMPs, also called structural BMPs, refer to structural methods and devices designed to remove or treat pollutants that have been picked up by stormwater runoff flowing across a site. Treatment BMPs should be considered and implemented when good housekeeping practices alone are not sufficient in preventing stormwater runoff pollution. Treatment BMPs are designed by an engineer and can be installed or constructed on site to address site-specific conditions and activities. Treatment structures designed to filter oil and grease from parking lot runoff include oil-water separators, sand filters, and stormceptors. Treatment BMPs can also include biological treatment methods such as wetponds, biofiltration swales, and constructed wetlands that use selected plants and vegetation to absorb and trap certain pollutants. All treatment BMPs require ongoing inspection and maintenance to ensure proper functioning and, generally, are more expensive to implement and maintain than Good Housekeeping BMPs.

More information about treatment BMPs, including design and inspection guidelines, can be obtained from your county or local conservation district office, state environmental protection agency, or your municipality.





City of Belton

~ Public Works ~

Clean Water Advocates (CWA) Business Recognition Program

Clean Water Advocates (CWA)

The Clean Water Advocate (CWA) Program is a voluntary, cooperative effort between the City of Belton and Belton Area businesses and multi-family residential complexes. The goal of the program is to help identify practical, cost effective ways to protect Belton's waterways through pollution prevention. CWA is a recognition initiative that helps businesses show off the good things they are doing to protect our water.

Did you know?

Clean water is everyone's responsibility. Stormwater runoff is the leading cause of pollution to surface water in the United States. Stormwater runoff occurs when precipitation from rainfall events flows over the ground. Stormwater picks up dirt, litter, automotive fluids, oils, pet waste, pesticides, yard waste, and other pollutants as it flows over paved surfaces and yards. Paved surfaces like driveways, sidewalks, and streets direct stormwater runoff into storm sewer systems, where it discharges untreated into detention basins, channels, creeks, rivers, and lakes. Anything that enters a storm sewer system is discharged into the waterbodies we use for swimming, fishing, and provide drinking water.

The most effective way to protect Belton's waterways is to prevent pollution before it ends up in stormwater. The cost of preventing pollution is generally one-tenth to one-hundredth the cost of cleaning it up, so it is the best practice for both the environment and the economy.

Reasons to Become a Clean Water Advocate

- Certificate to let consumers know you care.
- Recognition for being a responsible steward of our environment.
- Be part of the effort to protect Belton's waters.
- Show your corporate responsibility.
- Give your employees one more reason to take pride in working for you.

Apply for the Program

The purpose of the program is for the City of Belton to officially recognize local businesses who have made substantial efforts to become environmentally sustainable by adopting best practices in the following areas:

- Stormwater Pollution Prevention
- Waste Reduction & Recycling
- Fats, Oils and Grease Disposal
- Water Conservation
- Lawn Care
- Other Best Management Practices

In order to be considered for the Recognition Program, a business must demonstrate significant environmentally sustainable practices. If you are interested in being recognized, please submit the application to the City Engineer. Applications will be reviewed every March and September by the designated selection committee.



City of Belton

~ Public Works ~

Clean Water Advocates (CWA)

Business Recognition Program

Application

BUSINESS INFORMATION

Business Name			
Business Type		Email	
Contact Person		Number of Employees	
Position Title		Business Address	
Phone			

STORMWATER QUALITY

Program practices to promote water quality:

- | | |
|--|--|
| <input type="checkbox"/> Stormwater Pollution Prevention | <input type="checkbox"/> Water Conservation |
| <input type="checkbox"/> Waste Reduction & Recycling | <input type="checkbox"/> Lawn Care |
| <input type="checkbox"/> Fats, Oils and Grease Disposal | <input type="checkbox"/> Other Best Management Practices |

Water Quality Protection Measures. Respond and provide comments on the following applicable items.

I.	Employee Training	Yes	No	N/A
1	Are employees trained on stormwater quality, spill prevention, and/or spill cleanup?			
2	Are employees trained on proper grease disposal?			
3	Other:			

II.	Vehicle/Equipment Maintenance	Yes	No	N/A
1	Are spill cleanup kits kept in vehicles?			
2	Are vehicles and/or equipment checked regularly for oil and fluid leaks?			
3	Is vehicle maintenance performed under a covered area and/or are oil spots cleaned up?			
4	Other:			

III.	Waste Management	Yes	No	N/A
1	Do you provide trash and recycling containers for your employees and/or customers to use?			
2	Do you regularly check your facility for trash and debris?			
3	Are oil and grease collection containers that you use checked daily for spills?			
4	Other:			



City of Belton

~ Public Works ~

IV.	Lawn Care	Yes	No	N/A
1	Do you sweep up or otherwise collect grass clippings/leaves/yard waste to keep them out of the storm drain system?			
2	Do you keep at least 10 feet between where you fertilize and the nearest waterway/drainage system?			
3	Do you make a good faith effort to avoid applying chemicals before a rainfall event?			
4	Do you use phosphorus-free fertilizer?			
5	Do you sweep up excess fertilizer/chemicals that are spread onto pavement?			
6	Describe alternate pest control methods other than the use of pesticides:			
7	Other:			

V.	Water Conservation	Yes	No	N/A
1	Is your business adhering to the current Drought Response Stage in terms of irrigation and water usage?			
2	Is there a timer on your irrigation system?			
3	Does your business use EPA Water Sense appliances?			
4	Are any low or ultra-low restroom facilities installed?			
5	Describe any native or no-water landscaping on the property:			
6	Other:			

VI.	Other Items	Yes	No	N/A
1	For material and equipment with the potential to pollute (e.g. chemicals containers, cooking oil containers, etc.) that are stored outside, are they covered to protect them from stormwater and stored within secondary containment?			
2	Do you use a tarp, drip pan or other method to catch potential drips/spills on your equipment?			
3	When facilities are cleaned, mopped, or pressure washed inside and out, is all mop and wash water being contained, collected and disposed of in the sewer system?			
4	Are you using ONLY water when power washing?			
5	Other:			

Optional: Describe how your company is a Clean Water Advocate or provide any additional comments and supporting documentation: _____



City of Belton

~ Public Works ~

By this application for the Clean Water Advocate Program, I, as the representative of the facility owner with permission from the owner, _____, hereby acknowledge that these responses and comments are true and accurate to the best of my knowledge. I acknowledge that if chosen for recognition, a representative of the City of Belton will contact me and my business will be acknowledged on either the City's website and/or social media networks.

Applicant: _____
Printed Name Signature Date

Submit form to the City Engineer via email at publicworks@beltontexas.gov or by mail to:

City Engineer
City of Belton
P.O. Box 120
Belton, Texas 76513

CERTIFICATE OF RECOGNITION

This Certificate is Awarded To

[INSERT NAME]

to recognize local businesses who have made substantial efforts to become environmentally sustainable by adopting best practices in stormwater pollution, water conservation, waste reduction & recycling

CLEAN WATER ADVOCATE

Dated this [Day] day of [Date]



Sam A. Listi, City Manager

Angellia C. Points, P.E., City Engineer



CITY OF BELTON

City Council Meeting Agenda Tuesday, June 28, 2016 - 5:30 p.m. Wright Room, Harris Community Center 401 N. Alexander, Belton, Texas

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Craig Pearson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Assistant City Manager/Police Chief Gene Ellis.

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

Invocation. The Invocation will be given by Andy Davis, Senior Pastor at First Baptist Church of Belton.

1. Call to order.
2. Public Comments.
3. Recognize Public Safety personnel regarding their efforts in saving a life.
4. Consider minutes of previous meetings:
 - A. June 14, 2016, City Council Workshop
 - B. June 14, 2016, City Council Meeting

Planning and Zoning

5. Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I.
6. Hold a public hearing and consider a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of

East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35.

7. Hold a public hearing and consider a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street.
8. Hold a public hearing and consider an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches.
9. Hold a public hearing and consider an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex, or patio home.
10. Hold a public hearing and consider an amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.
11. Hold a public hearing and consider an amendment to Section 517, Requirements for Parkland, of the Subdivision Ordinance, regarding required parkland.

Miscellaneous

12. Consider a Resolution establishing a Growth Management Framework for the City of Belton.
13. Second Reading and Public Hearing - Consider ordinances granting a one year extension with two additional one-year automatic extensions, unless rescinded by City, of a franchise to operate and maintain a non-emergency ambulance transfer service within the public streets and highways of the City of Belton:
 - A. Acadian EMS
 - B. Serenity EMS, LLC, dba Ameristat Ambulance
 - C. Scott & White EMS
14. Consider the following:
 - A. An amendment to Ordinance No. 2013-02, regarding Institutional Control Measures, on portions of the former Rockwool Superfund Site, located east of IH 35 and FM 93 (6th Avenue), addressing changes in ownership.
 - B. An amendment to Resolution No. 2013-13-R 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 Superfund Site, located east of IH 35 and FM 93 (6th Avenue).

15. Consider an amendment to Ordinance No. 2013-26 regulating burglar alarms within the City of Belton.

Executive Session

16. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney.

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

**City Council Meeting Agenda
Tuesday, June 28, 2016 - 5:30 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Craig Pearson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Assistant City Manager/Police Chief Gene Ellis.

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

Invocation. The Invocation will be given by Andy Davis, Senior Pastor at First Baptist Church of Belton.

1. Call to order.
2. Public Comments.
3. Recognize Public Safety personnel regarding their efforts in saving a life.
4. Consider minutes of previous meetings:
 - A. June 14, 2016, City Council Workshop
 - B. June 14, 2016, City Council Meeting

Copies of minutes attached. Recommend approval.

Planning and Zoning

5. Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I.

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

- 6. Hold a public hearing and consider a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35.**

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

- 7. Hold a public hearing and consider a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street.**

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

- 8. Hold a public hearing and consider an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches.**

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

- 9. Hold a public hearing and consider an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex, or patio home.**

See Staff Report from Director of Planning Erin Smith. P&ZC recommended approval, and Staff concurs with their recommendation.

- 10. Hold a public hearing and consider an amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.**

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

- 11. Hold a public hearing and consider an amendment to Section 517, Requirements for Parkland, of the Subdivision Ordinance, regarding required parkland.**

See Staff Report from Director of Planning Erin Smith. P&ZC unanimously recommended approval, and Staff concurs with their recommendation.

Miscellaneous

12. Consider a Resolution establishing a Growth Management Framework for the City of Belton.

See Staff Report from Director of Planning Erin Smith. Recommend establishment of Growth Management Framework for the City of Belton.

13. Second Reading and Public Hearing - Consider ordinances granting a one year extension with two additional one-year automatic extensions, unless rescinded by City, of a franchise to operate and maintain a non-emergency ambulance transfer service within the public streets and highways of the City of Belton:

- A. Acadian EMS**
- B. Serenity EMS, LLC, dba Ameristat Ambulance**
- C. Scott & White EMS**

Per the City Charter, franchise agreements require two readings of the ordinance. Conduct public hearing and recommend approval of the franchise renewal ordinances on second reading.

14. Consider the following:

- A. An amendment to Ordinance No. 2013-02, regarding Institutional Control Measures, on portions of the former Rockwool Superfund Site, located east of IH 35 and FM 93 (6th Avenue), addressing changes in ownership.**
- B. An amendment to Resolution No. 2013-13-R 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 Superfund Site, located east of IH 35 and FM 93 (6th Avenue).**

See Staff Report from City Manager Sam Listi. Item 14A will provide flexibility to BEDC as it markets the former Rockwool property for sale or lease. Item 14B affirms the City's decision to transfer the Rockwool property to BEDC, with a reference to the amended institutional controls. Recommend approval of the amendments to the ordinance and resolution.

15. Consider an amendment to Ordinance No. 2013-26 regulating burglar alarms within the City of Belton.

See Staff Report from Assistant City Manager/Police Chief Gene Ellis. Recommend approval of the amendment to the ordinance.

Executive Session

16. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney.

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

BELTON CITY COUNCIL WORKSHOP
June 14, 2016 – 4:30 P.M.

The Belton City Council met in workshop session in the Smith Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh and Councilmembers Paul Sanderford, Dan Kirkley, Jerri Gauntt (arrived 4:34 p.m.), and Guy O'Banion. Councilmember Craig Pearson was absent. Staff present included Sam Listi, Gene Ellis, Amy Casey, Brandon Bozon, Chris Brown, Erin Smith, Angellia Points, Matt Bates, Bruce Pritchard and Paul Romer.

1. **Call to order.** Mayor Marion Grayson called the workshop meeting to order at 4:32 p.m.
2. **Update on South Belton Wastewater Line.**

Director of Internal Services/City Engineer Angellia Points discussed proposed alignment changes to the South Belton Sewer Project as shown on Exhibit A, brought about due to difficulty in securing right-of-way (ROW) in the original alignment. Councilmember Jerri Gauntt asked why the design did not locate the sewer line on the Leon River. Mayor Pro Tem David K. Leigh said he believed that it was due in large part to the terrain. Mrs. Gauntt said that it should be the developer's responsibility to bring their internal sewer lines to the City's trunk sewer. Mrs. Points explained that the timeline for development is unknown, and the City wants the sewer line to serve as many properties as possible without the added cost of easements, if possible. City Manager Sam Listi said that the sewer line needs to be designed to facilitate development along IH-35.

Mrs. Points discussed some issues that Staff encountered especially with property owners along Toll Bridge Road related to right of entry. She explained that due to the resistance, the sewer line will not be extended to that area. If development occurs in that area, the developer will have to bring the sewer from that area to tie into the trunk line. As a result, two IH35 bores will be reduced to one.

Councilmember Paul Sanderford asked what properties would be served by adding the additional 2,000 linear feet on the west side of the Interstate. Mrs. Points explained that the sewer line would be extended to the intersection of IH-35 and Shanklin Road because Staff believes that development will occur first at that intersection. She said that it is not critical to add this part to the project, and it is possible that a cost sharing agreement could be entered into with the future developer for getting sewer service to that area. City Manager Sam Listi suggested that section be bid as an alternate to give the Council the option to include or exclude it at the time of contract award.

3. **Overview of Possible Local Historical Tax Exemption.**

Director of Planning Erin Smith explained that there are over 30 cities in Texas that incentivize historic preservation through local property tax exemptions. Most historic tax exemption programs in Texas offer tax incentives for major renovation and

restoration of historic properties or ongoing maintenance to prevent or address blight and deterioration. Please see Exhibit B.

Mrs. Smith said that the City currently has a Façade Improvement Grant Program for downtown commercial buildings and a tax abatement policy for properties in the Downtown Development District. However, there are currently no incentives in place for historic residential properties. She added that there are over 300 historic residential properties in the City of Belton that could benefit from an historic preservation tax exemption.

Mayor Pro Tem Leigh asked if it is a value freeze or a freeze based on the cost of the improvements. Director of Finance Brandon Bozon said that it is a value freeze, and explained that the City will provide the Tax Appraisal District with a statement that the property has qualified for the historic preservation tax exemption for five years. Mrs. Smith explained that the property is only exempt from an increase in City ad valorem taxes, based on the Appraisal District's determination of increased value. The other taxing entities are not a part of this program.

Councilmember Jerri Gauntt asked how Staff will define historic properties. Mrs. Smith said the definition will be properties located within an historic district and/or properties that are 50+ years old. Councilmember Dan Kirkley said that the City has an existing ordinance requiring property owners to maintain their property as if it is a historic property if it is within an historic district. He said that we will need to "clean up" language in that ordinance.

Mrs. Smith said that the proposed policy is being written to encourage renovations and improvements to historic residential properties. Mayor Marion Grayson said that she could see some other areas of town that could benefit from something like this. Mrs. Smith said that there are properties throughout town that may be 50 years or older that could benefit from this. First, though, Staff would need to designate them as a historic structure. Councilmember Gauntt asked if that would be a City designation only. Mrs. Smith responded that it would be only a City designation.

Mrs. Smith said that she will prepare an ordinance for Council's review at a future Council meeting.

4. Presentation/Discussion on the Belton Fire Corps program.

Fire Chief Bruce Pritchard explained that the Volunteer Fire Department was disbanded in January of 2016, leaving the Fire Chief and the Assistant Fire Chief as the only two members. Additionally, the Volunteer Fire Department assigned all their assets to the Belton Fire Department. Since that time, the Assistant Fire Chief resigned which leaves the Fire Chief as the only member.

The Fire Chief held a meeting and voted to change the name of the entity to the Belton Fire Corps. The Belton Fire Corps will be a group of citizens who volunteer to help the paid department with all types of activities except fire suppression. A Fire

Corps committee of six members was established, and these existing firefighters are working on developing and creating class schedules, brochures and other documents necessary for the program. Chief Pritchard explained that the Fire Corps Committee planned to use the July 4th parade to advertise the program.

Chief Pritchard discussed the three bank accounts and land donated by the Volunteer Fire Department. The three accounts include a general account, a Santa Pal account and a Bingo account. The land that was donated is located at Loop 121 just south of Avenue O and US 190, and is currently being marketed for \$650,000. Mayor Pro Tem Leigh and City Manager Listi pointed out that the survey was incorrect. The survey shows the property as being along Highway 190, but it should say Avenue O.

Mayor Pro Tem Leigh asked if the Corps would retain the 501(c)3 to continue to receive the bingo funds. Chief Pritchard responded that they would. City Manager Listi said that Chief Pritchard has worked with City Finance Director and Neale Potts to ensure that everything has been handled properly and the transition will be smooth from the Volunteer Fire Department to the Fire Corps.

Councilmember Sanderford asked if the program will be limited to Belton citizens. Chief Pritchard responded that at least at the start it will be. Councilmember Gauntt pointed out that if there was a desire to include students, Belton ISD boundaries will need to be included, thus extending to some non-Belton residents.

5. **Adjourn.** There being no further business, the meeting was adjourned at 5:15 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Exhibit "A"

South Belton Sewer System

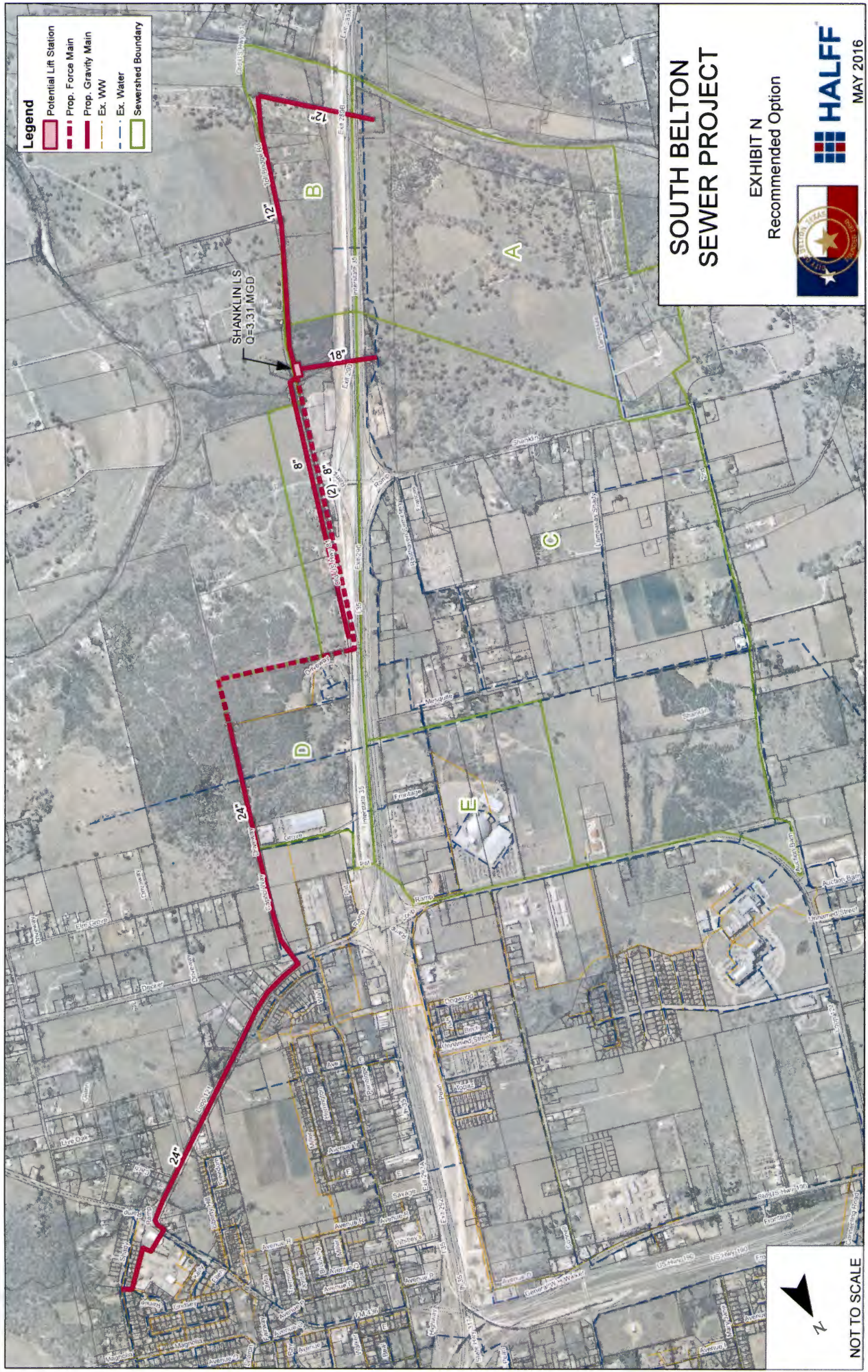
Design Update: Alignment Modification

City Council Workshop

June 14, 2016







- Legend**
- Potential Lift Station
 - Prop. Force Main
 - Prop. Gravity Main
 - Ex. WW
 - Ex. Water
 - Sewershed Boundary

SOUTH BELTON SEWER PROJECT

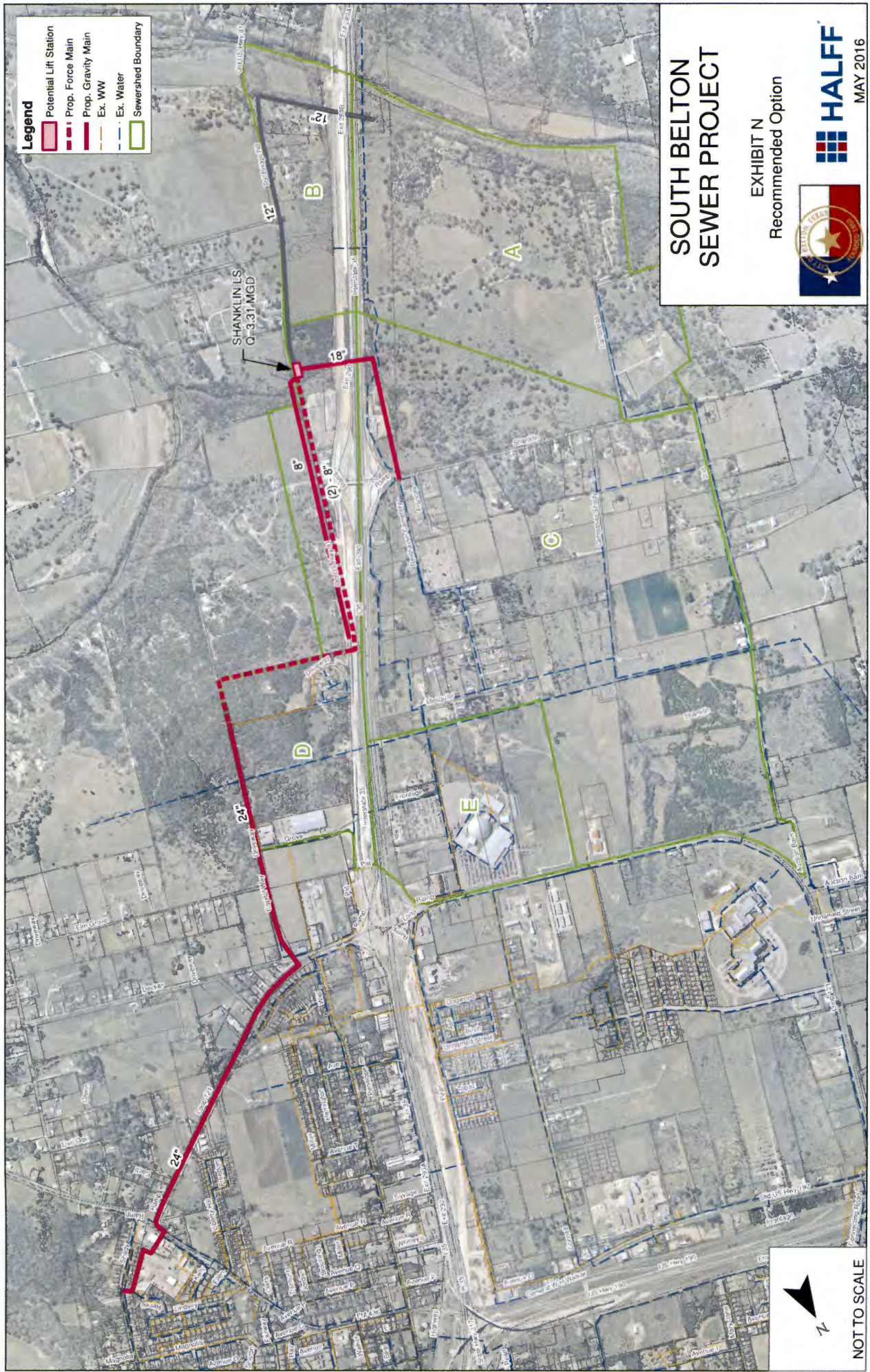
EXHIBIT N
Recommended Option



MAY 2016

April Recommended Alignment

- ✓ Two bores under IH-35
- ✓ One lift station vs. two
 - ▶ Minimizes costs, property acquisition, electrical needs, and start-up efforts
- ✓ Moved southern bore 500 feet to the north; minimizing depth of gravity sewer line from Basin A to B by 20 feet
 - ▶ Reduces service area by 20 acres (can be served with small lift station or grinder pump)
- ✓ Approx. \$6,635,000 in Total Construction Costs
- ❖ Events and Actions Since April
 - ❖ Right of Entry Requests for Survey
 - ❖ Discussions with Property Owners
 - ❖ Further evaluations of line sizing and capacities
 - ❖ Offloading of existing lift stations



SOUTH BELTON SEWER PROJECT

EXHIBIT N
Recommended Option



MAY 2016

New Alignment

- ONE bore under IH-35
- Still one lift station
- Removed gravity line south of lift station to Lampasas River from scope; however, the lift station will be designed to allow for this flow in the future (Deduct of ~\$1,255,000)
- Added 2,000 LF of sewer line on west side of IH-35 up to Shanklin Road - final alignment on this segment is TBD (Addition of ~\$570,000)
- Approx. \$5,950,000 in Total Construction Costs
 - Net Cost Savings of approx. \$685,000
- Staff recommends updated alignment to move forward into the Final Design Phase.

Moving Forward

- | | | |
|------|--|---------------------------|
| I. | Decision on the final alignment | June 2016 |
| A. | Revise report | |
| II. | Design Phase Services | June 2016 - November 2016 |
| A. | Surveying | June 2016 |
| B. | Plans and specs, OPCC, permitting, SUE's, geotechnical, environmental & archaeological evaluations | |
| C. | Submittals: 30%, 60%, 95%, and Final Design Sets, with updated OPCC's at each stage | |
| D. | Parcel exhibits for rights-of-way/easements | |
| III. | Completed Design to Council | December 2016 |
| A. | Secure Funding | |
| IV. | Bid Phase Services | TBD (1 Month) |
| V. | Construction Phase | TBD (8-12 Months) |

Historic Tax Exemptions

City Council Workshop

June 14, 2016

Exhibit "B"

Background

Over 30 cities in Texas incentivize historic preservation through local property tax exemptions, such as:

- Austin
- Dallas
- Fort Worth
- Fredericksburg
- Galveston
- Garland
- Granbury
- Houston
- Nacogdoches
- Round Rock
- San Antonio
- Temple

Most historic tax exemption programs in Texas offer tax incentives for the following:

- Major renovation/restoration of historic properties;
- Ongoing maintenance to prevent or address blight or deterioration; or
- Historic designations.

Current Incentives

- The City of Belton currently has the following incentives in place:
 - Façade Improvement Grant Program for downtown commercial buildings
 - Tax abatement policy for authorized facilities in the Downtown Development District
- There are currently no incentives in place for historic residential properties.
- Both the FIG program and tax abatement policy have been extremely successful in encouraging investment downtown.

Historic Tax Exemption Program

- Recommend creation of a tax abatement program for designated local landmarks and historically significant properties within local historic districts that complete major renovations.
- The threshold for substantial improvements would be 25% of the pre-improvement assessed value of the structure.
- Ad valorem tax exemption will create an abatement for up to five years on increases in City of Belton property taxes resulting from an approved renovation to a historic building.
- The exemption would only apply to City taxes, it will not apply to Bell County, Clearwater U.W.C.D., or BISSD school taxes.

Benefits

- The overall goal is to encourage investment in historic properties through a tax exemption program without creating a large tax burden on the City.
- City taxes will still be received on the pre-improvement assessed value, and the property owner will benefit by not paying taxes on the increase in their property value for five years.
- This historic preservation tax exemption program will promote repair and maintenance to historic properties to preserve Belton's historic building stock.
- By preserving Belton's historic built environment, the entire community benefits from improved property values, neighborhood revitalization, and overall quality of life.

Belton City Council Meeting
June 14, 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 Guy O'Banion, Dan Kirkley, Jerri Gauntt and Paul Sanderford. Councilmember Craig Pearson was absent. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Bruce Pritchard, Chris Brown, Aaron Harris, Byron Sinclair, Angellia Points, Matt Bates, Susan Allamon, Ed Bandas, Paul Romer and Cynthia Hernandez.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Jerri Gauntt, the Pledge of Allegiance to the Texas Flag was led by Fire Chief Bruce Pritchard, and the Invocation was given by Mayor Pro Tem David K. Leigh.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:30 p.m.
2. **Public Comments.** There were none.
3. **Proclamations and Recognitions:**
 - A. **Receive recognition from Leadership Belton for Generous Guardian sponsorship of the Belton Police Memorial.** Angellia Points presented Mayor Grayson with a plaque recognizing the City as a major donor to the Belton Police Memorial.
 - B. **Texas Association of Municipal Information Officer's TAMI Award for the RUOK? Program.** Public Information Officer Paul Romer presented the TAMI award, received by the City for the Police Department's RUOK? Program video, to Assistant City Manager/Police Chief Gene Ellis.
4. **Receive a presentation on the budget process and offer input on key policies and initiatives.**

Director of Finance Brandon Bozon provided an overview of the FY 2017 budget process and policy as shown in Exhibit "A." Mr. Bozon explained that personnel represents 67% of the City's budget. He reviewed changes made in the personnel structure over the last few years. He added that six full-time positions have been requested in FY2017, but only three of the requests are being recommended for funding.

Mr. Bozon discussed the City's Capital Equipment Replacement Funds that will fund replacement of vehicles, computers and HVAC systems. He is recommending \$421,325 in FY2017 as the initial amount for the General Fund for this key initiative. He is also recommending \$388,636 for the Water & Sewer Fund.

He stated that fund balance at September 30, 2016, for the General Fund is estimated at \$1.5M-\$1.6M in excess of the minimum required.

The Water & Sewer Fund FY2017 budget includes adjustments to the water and sewer rates as outlined in the five year rate plan adopted by the Council. Water rates will increase \$0.50 on the base rate and will increase \$0.21 on the volumetric rate. Sewer rates will increase \$0.50 on the base rate and will increase \$0.50 on the volumetric rate. Mr. Bozon reviewed water and sewer projects on the horizon and the estimated costs for each.

Mr. Bozon said there is no change to the drainage rate proposed for FY2017.

Mayor Grayson asked what Mr. Bozon thought was the highest priority of the items discussed. Mr. Bozon said that he felt that the Capital Equipment Replacement Fund will put the City in a better position by planning for replacement instead of just replacing or trying to repair equipment as equipment breaks. Councilmember O'Banion said that he felt it was important to fully implement the Capital Equipment Replacement Plan as quickly as possible. He asked if the plan was initiated using fund balance in FY2016. Mr. Bozon said that \$250K of fund balance was used to replace public works, parks and police vehicles. Mr. O'Banion said he feels it is important to fund the plan fully each year, even if some of the money comes from fund balance.

City Manager Listi complimented Mr. Bozon and the Department Heads for all the effort they put into creating the Capital Equipment Replacement Plan. He said it is an important step forward in planning and funding our needs.

Mr. Listi pointed out the utility rate adjustment, and said that staying true to the five year plan will help fund the important utility projects that are in the works.

Mayor Pro Tem Leigh asked about the debt funding levels. He asked if Bell County WCID will come back to us for additional funding. Mr. Bozon said that they have discussed it with Bell County WCID who has assured City Staff that they do not have any plans to do that. There may possibly be some smaller projects coming forward in 2-3 years, but the City should have the ability to fund them.

Mr. Leigh asked about sales tax projections. Mr. Bozon said that the City should end the year about where it budgeted for sales tax revenues. He said that the proposed FY2017 Budget includes a 1.9% sales tax growth.

Consent Agenda

Items 5-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

5. Minutes of the May 24, 2016, City Council Meeting.

6. **Consider appointments/reappointments to the following boards and commissions:**

A. **Parks Board**. Josh Pearson and Daniel Bucher were reappointed.

B. **Zoning Board of Adjustment**. David Jarrat and Lewis Simms were reappointed.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Guy O'Banion, the Consent Agenda items were unanimously approved upon a vote of 6-0.

Planning and Zoning

The Mayor read items 7 and 8 to be discussed together.

7. **Consider authorizing the purchase of 3.546 acres of land from Don and Billie Cameron for Lake-to-Lake Road right-of-way.**

8. **Consider a preliminary/final plat for Cameron Hills II, a 19.393 acre tract of land, located on the north side of Sparta Road, west of Lake to Lake Road right-of-way and west and south of Dawson Ranch, Phases 5 and 6.**

City Manager Sam Listi reminded Council that these items were tabled at the June 14, 2016, City Council meeting. He said that the Council expressed a couple of concerns which were addressed in a revised offer letter to the Camerons dated May 26, 2016. Mr. Listi met with the Camerons who agreed to the proposed changes and signed the revised offer letter.

Mr. Listi stated that revisions included clarifying that the City will construct Spur 2271 and the looped water line when needed in conjunction with Lake to Lake Road construction. Additionally, if the remaining Cameron property is redeveloped before the Spur 2271 connector road is needed for access between the Lake to Lake Road and Sparta Road, the connector road and water line extensions will be the responsibility of the developer. He said that within 90 days of closing, the City will set two water meters on Sparta Road, extend a 2-inch water line for Cameron domestic service, and relocate a gate to the new Cameron property line. Total acquisition cost is \$103,239.

Mr. Listi also recommended approval of the Cameron Hills II subdivision plat with the two conditions recommended by the Planning and Zoning Commission. The conditions include: (1) a variance for public street access for the interior lot which does not abut a public street and will be served by an access easement, and (2) a variance to the park fee since no additional lots are being created.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, item 7 was approved upon a vote of 6-0.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, item 8 was approved upon a vote of 6-0.

9. **Consider authorizing a Façade Improvement Grant to Libery Church of Bell County, 302 East Central Avenue.**

Director of Planning Erin Smith stated that Liberty Church of Bell County has submitted a Façade Improvement Grant (FIG) application to complete exterior repairs and renovations on the primary façade facing East Central Avenue and the northern façade facing the alley at 302 East Central Avenue.

The proposed improvements include:

Primary Façade (facing Central Avenue):

- Install 3 metal awnings;
- Replace the existing glass doors and windows;
- Install Liberty Church wall sign;
- Lime wash the existing brick façade; and
- Install two sconces and five gooseneck lights.

Rear Façade (facing rear alley):

- Paint the existing stucco;
- Replace the siding around the door with hardi board;
- Install a metal awning above the door; and
- Install two sconces.

Mrs. Smith said that the total projected cost is \$24,168 (\$19,195 for primary façade and \$4,973 for rear façade). The FIG application requests the maximum match amount of \$12,084.

Upon a motion by Councilmember Kirkley and a second by Councilmember O'Banion, item 9 was approved upon a vote of 6-0.

10. **Consider authorizing a Façade Improvement Grant to Cedon Realty, 209 East Central Avenue.**

Director of Planning Erin Smith stated that the building located at 209 East Central Avenue was built in 1930 and is located in the Downtown Belton Commercial Historic District. Don Ringler has submitted a Façade Improvement Grant (FIG) application to complete exterior repairs and renovations on the rear exterior façade of the building located at 209 East Central Avenue.

The proposed improvements include:

- Construct a limestone façade on the western wall;
- Install cedar siding and trim on two framed walls;

- Paint the exterior cedar walls and storage building; and
- Install new electrical wiring and plugs.

Mrs. Smith explained that the applicant is proposing other exterior renovations that are not eligible for FIG funding, but did require Historic Preservation Commission (HPC) approval. At their June 9th meeting, the HPC recommended approval of the FIG request and the other proposed exterior renovations.

Mrs. Smith said that the total projected cost on the application is \$8,749. The FIG application requests the maximum match amount of \$4,374.

Upon a motion by Councilmember Paul Sanderford and a second by Mayor Pro Tem Leigh, item 10 was approved upon a vote of 5-0. (Councilmember O'Banion had stepped out of the room during this item, and returned shortly after the vote.)

Miscellaneous

11. **Consider a Resolution establishing a policy regarding annexation of land into the Belton city limits.**

Director of Planning Erin Smith said that at a recent Texas Municipal League (TML) Annexation Conference, TML recommended that each city adopt an annexation policy prior to beginning any annexation proceedings. Adoption of an annexation policy is not a legal requirement, but Mrs. Smith explained that, from a policy perspective, it is important to have a clear purpose for annexation. The annexation policy provides background on issues, objectives, and policies to be considered when determining areas to annex into the Belton city limits.

She pointed out that one of the goals of the FY2016 Strategic Plan is development of a growth management strategy, and she said that Staff is working on that at this time.

Mrs. Smith stated that the City has the authority to annex areas within its ETJ that are contiguous with the existing city limits. As required by law, the City adopted an annexation policy in 1999 that states the City will not annex areas that contain more than 100 residentially developed tracts.

She reviewed the components of the proposed policy including:

- Purpose and Intent
- Annexation Authority
- History
- Strategies
- Policy Statements

Councilmember Gauntt stated that the policy seems to be common sense questions the Council would ask whether or not this policy is in place.

Councilmember Sanderford asked if Mrs. Smith was asking for direction to prepare a policy, or if what had just been presented was the policy. Mrs. Smith responded that what had been presented is the recommended policy. Mr. Sanderford said that he did not feel that he had enough of an understanding of what needs to be in the policy to be able to vote on it at this time.

Mayor Pro Tem Leigh suggested that Staff schedule a work session to discuss the proposed policy, and he made a motion to table the item to the June 28, 2016, Council workshop and meeting. The motion was seconded by Councilmember Sanderford and was approved upon a vote of 6-0.

12. Consider a resolution authorizing the City Manager to sign an Advance Funding Agreement with the Texas Department of Transportation for Phase II of the Chisholm Trail Hike and Bike Facility funded through the Transportation Alternatives Program, and authorize a local funding share.

Grants and Special Projects Coordinator Aaron Harris reminded the Council that the Texas Department of Transportation allocated \$2,136,492 in federal funding to Belton for the Chisholm Trail Hike and Bike project. This project will extend the City's hike and bike network and provide a north-south connection.

Mr. Harris stated that the City's match for this grant is \$534,123. In May 2015, the original City match was increased from \$333,000 to \$534,123 due to BNSF's position indicating it would not permit an "at-grade" crossing but would support an "underpass" crossing. This revision increased the total project cost by \$1,185,615. Mr. Harris reminded Council that Staff had been instructed to seek community financial support for the increased match. He stated that UMHB and Mayor Pro Tem Leigh had each generously pledged \$100,000 for the project.

Mr. Harris said that the next step is to procure an engineering firm. He added that the planning process is estimated to take 24 months with the construction beginning in approximately the summer of 2018. He added that no action on a budget amendment is needed at this time; an amendment to dedicate the City's portion of the local match will go before the Council later this fiscal year.

Mayor Grayson thanked Mayor Pro Tem Leigh and UMHB for their contributions.

Councilmember Sanderford asked if the Hike and Bike Trail would extend down Sparta as a part of the improvements being made to Sparta Road. Mr. Harris said that the Sparta Road project will be completed before this project will be under construction.

Councilmember Gauntt said that she hasn't been supportive of the project in the past because of the funding requirements, but she said that it is hard not to support it now when there is such support from the community. She made a motion to authorize the City Manager to sign the Advance Funding Agreement and authorize

the City's local share. Councilmember O'Banion seconded the motion which passed upon a vote of 6-0.

13. **Consider award of bid and authorizing the City Manager to execute a construction contract for the River Fair Road Widening Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.**

Director of Internal Services/City Engineer Angellia Points said that the River Fair Road Widening Project has been on the TIRZ project list for some time, and funding became available this fiscal year. She pointed out that River Fair Drive is a collector street, but the lanes are too narrow. There is also a drainage issue causing water to pond with any measurable precipitation.

Mrs. Points explained that the City contracted with Clark and Fuller to design improvements to River Fair Road. These improvements include widening the lanes, correcting the drainage issue, and improving the aesthetics of the median.

She stated that on May 19, 2016, the City received five (5) bids for this project. The low bidder was Holy Contractors from Hewitt, Texas, in the amount of \$136,288.87. Mrs. Points explained that the road would be closed during construction. However, construction will not commence until the start of school, since traffic volumes to restaurants and businesses in the area will be less after the summer break.

This project will be paid with TIRZ Capital Project Funds.

Mayor Pro Tem Leigh stated that he agrees with the need for a longer median. He suggested a brick pocket for the median that allows for the contrast of the brick against the concrete. He also suggested using the same light poles as are used in the downtown area and recommended including conduit for the light poles as a part of this project.

Upon a motion by Councilmember O'Banion and a second by Councilmember Kirkley, item 13 was approved upon a vote of 6-0.

14. **Consider authorizing the City Manager to execute an amended professional services agreement to design Phase I and Phase II improvements to the Temple-Belton Wastewater Treatment Plant.**

Director of Internal Services/City Engineer Angellia Points reminded the Council that the Cities of Belton and Temple have shared ownership of the Temple Belton Wastewater Treatment Plant (TBWWTP). She stated that, in the Fall of 2015, KPA Engineers was contracted to design Phase I of the improvements to the plant. Phase I addressed the condition of the older units at the plant including the headworks and the Orbal unit. Phase II has not been authorized at this time, but it addresses adding additional treatment capacity to the plant. Mrs. Points added that Phase III addresses items downstream from the plant.

Mrs. Points discussed changes that are proposed to the original design contract authorized on October 15, 2015. The original scope of services consisted of three tasks organized as follows:

- Task 1: Basis of Design - Hydraulic analysis, Orbal aeration design, phosphorus removal, and geotechnical
- Task 2: Phase I Final Design - Headworks, odor control, address Orbal capacity
- Task 4: Phase I Bid Services

Mrs. Points said, that after further discussions between the Cities of Temple and Belton and KPA, an amendment to the design contract is recommended to modify Task 2 to remove the Orbal improvements and add design of an equalization basin, include Task 3 Phase II design, and add Task 5 to bid Phase II improvements. (See attached Exhibit "B")

This amended contract costs are:

Task Description	Original Contract Amount	Amendment No. 1 Changes	Total Revised Contract
Task 1 – Basis of Design	\$244,200	\$50,358	\$294,558
Task 2 – Final Design Phase I	\$1,065,290	\$(132,745)	\$932,545
Task 3 – Final Design Phase II	(Additional Services: \$943,205)	Move to be authorized: \$2,086,947*	\$2,086,947
Task 4 – Bidding Phase I	\$32,065	No change	\$32,065
Task 5 – Bidding Phase II	Not in scope	\$32,550	\$32,550
TOTAL	\$1,341,555* (25% = \$335,388.75)	+\$2,037,110 (25% = \$509,277.50)	\$3,378,665 (25% = \$844,666.25)

*Total amount does not include Task 3. Total for the Additional Services (Task 3) was not authorized in Original Contract. See Page 2 of KPA Contract Dated September 18, 2015.

^The amount shown is the total amount requested to perform Task 3. Additional funding for the Additional Services amount of \$943,205 is \$1,143,742 to equal \$2,086,947. However, Task 3 was not yet authorized in the original contract.

The fiscal impact of this amendment is \$509,277, which represents Belton's share of the increase in the professional services contract with KPA from its current amount of \$335,389 to \$844,666.

Mrs. Points said that we have reached 85% of plant capacity. Mayor Grayson asked if the increased flows are due to the heavy rains that we have experienced lately. Mrs. Points said that the weather was a contributing factor, but Temple and Belton are growing which is the main reason for the increased flows.

Councilmember Sanderford asked if there was a limit on the amount of a contract amendment similar to the 25% limit on a construction contract change order. Mr. Listi and City Clerk Amy Casey said that they are not aware of a limit to a professional design contract amendment.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, item 14 was approved upon a vote of 6-0.

15. **First Reading – Set Public Hearing - Consider ordinances granting a one year extension with two additional one-year automatic extensions, unless rescinded by City, of a franchise to operate and maintain a non-emergency ambulance transfer service within the public streets and highways of the City of Belton:**

A. Acadian EMS

B. Scott & White EMS

C. Serenity EMS, LLC, dba Ameristat Ambulance

Fire Chief Bruce Pritchard told the Council that there are currently four non-emergency ambulance services operating in our City with a franchise agreement. They are Skyline EMS, Acadian EMS, Scott & White EMS and Serenity EMS. To simplify the management of these franchises, Staff requested all agencies renew their franchise agreements at the same time. Additionally, we are proposing to extend the term of the agreements from one year, to one year with two automatic one-year extensions, unless the City rescinds the franchise. Chief Pritchard added that Skyline and Serenity EMS have not made runs in Temple in the past year; however, Serenity has requested another franchise in order to keep the option available to them, and Skyline did not return our multiple calls regarding renewal.

Upon a motion by Councilmember Kirkley and a second by Councilmember Gauntt, item 15 was approved upon a vote of 6-0.

Executive Session

16. **Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney.**

The Mayor announced that the Executive Session was not needed, and there being no further business, she adjourned the meeting at 7:20 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



PROCESS & POLICY

FY 2017 Budget Discussion

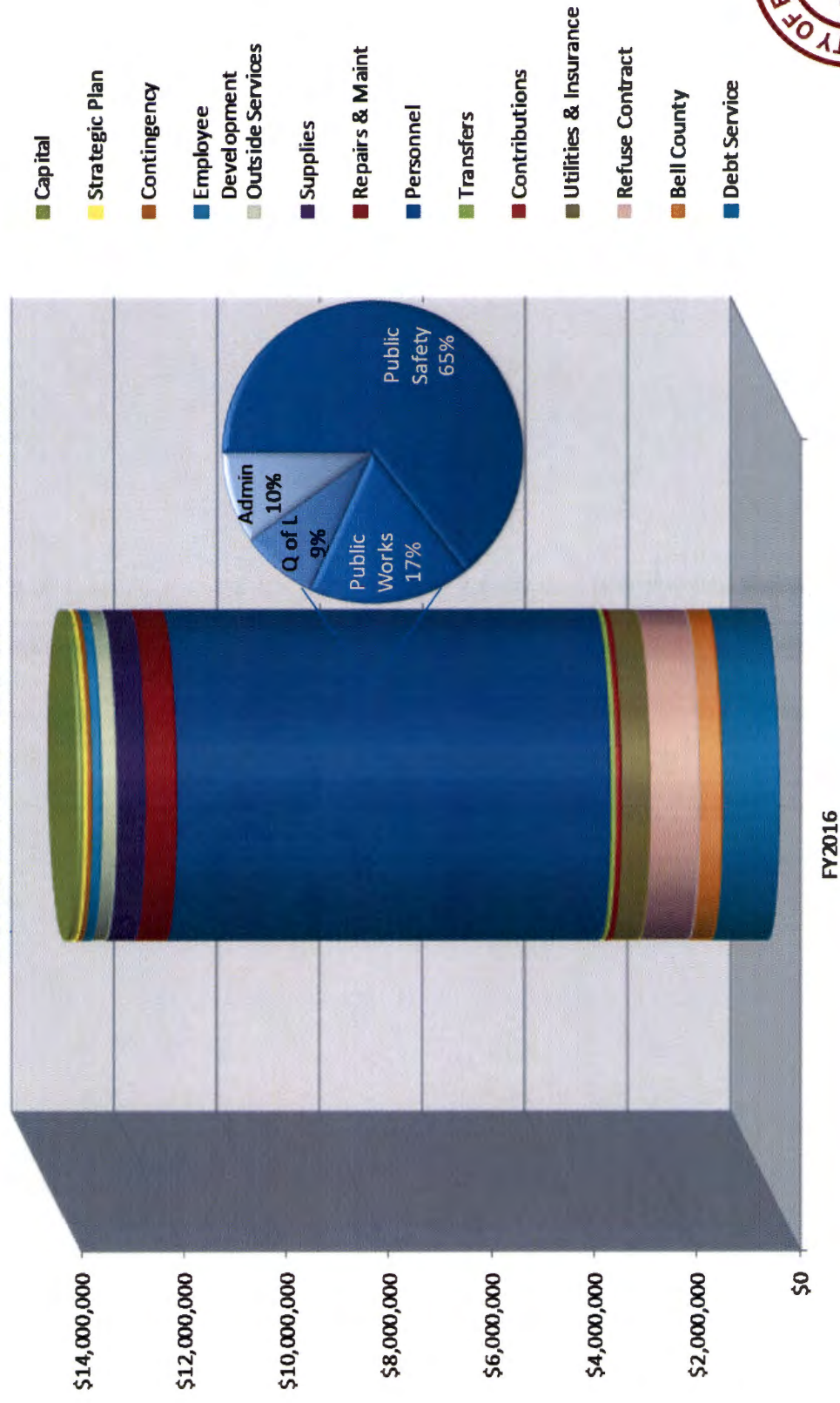
2017 Budget Calendar

- March – May
 - Department budget development
 - Revenue projection development
- June
 - Department budget review with City Manager and Finance
 - Council input on policy directives
- July – August
 - Budget presentations to Council
 - Strategic Plan review and update
 - Proposed budget filing
- September
 - Public hearings
 - Strategic Plan adoption
 - Budget adoption



FY 2016 Review

General Fund & Debt Service Fund



Personnel Review: FY 15 – FY 16

- Created School Resource Officer Sergeant position
- Created two Patrol Officer positions
- Created Fire Marshal/Training Officer position
- Created Assistant Construction Inspector position
- Created Drainage Maintenance Worker position
- Created Retail Development Coordinator position (TIRZ)
- Created three part-time positions
 - Public Works administrative assistant
 - Police Department custodian
 - BEDC administrative assistant
 - Utilized UMHB Work Study
- Implemented results of Compensation Study



Personnel Review: FY 15 – FY 16

- Eliminated full-time Recreation Coordinator position
- Eliminated full-time Court Clerk position
- Eliminated full-time Human Resources Assistant position
- Eliminated Meter Reader position
- Redefined Public Works Director position
 - Net reduction of one full-time position
 - Workload division among parks, internal services and public works
- Revamped Fire Department rank structure
 - Clarified Captain v Lieutenant duties; scalable model
- Restructured Health Insurance Benefits
 - Removed zero-deductible plan



Personnel Pressures: FY 2017

- New personnel request
 - Assistant Planner
 - Crime Scene Technician
 - Fleet Mechanic
 - Librarian Assistant(s) – Part Time
 - Parks Maintenance Worker
 - Police Cadet
- Pay-Scale requests
 - Base pay increases
 - Evaluation of assignment pay
- Benefit costs
 - TMRS Contribution rate increase of 10%
 - Anticipate 10%+ increase in health insurance from 2016 rates



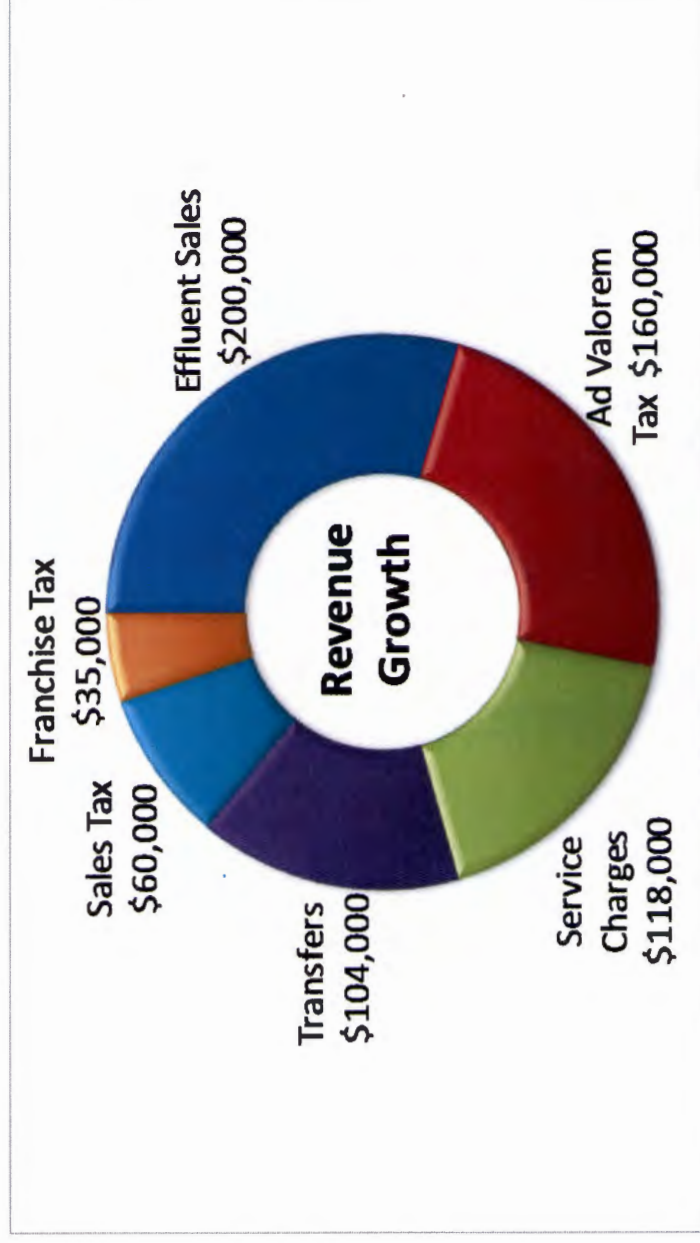
General Fund Budget Initiatives

- General Fund Capital Replacement Plans
 - Public Works & Parks vehicles and equipment
 - Police Department vehicles
 - Fire Department vehicles and equipment
 - Computers and MDTs
 - HVAC
- Plan Costs: FY 2017
 - Full Implementation: \$599,345
 - Phased-Implementation: \$421,325
- Preventative Street Maintenance Plan
 - Years 1 & 2 out for bid
 - Estimated ongoing annual cost of \$1.5 million



General Fund Budget Forecast

- Revenues
 - Estimated increase of \$677,513 over FY16 (5.37%)
 - 4% tax base growth; 1.9% sales tax growth; 3% franchise tax growth
 - \$200,000 in revenues from effluent sales



General Fund Budget Forecast

- Expenses

Type	Initial Request	Draft Budget	Reductions
New Personnel	\$ 258,468	\$ 95,570	\$ 162,898
Other Operating	\$ 12,764,867	\$ 12,695,552	\$ 69,315
Capital	\$ 1,070,988	\$ 510,273	\$ 560,715
	\$ 14,094,323	\$ 13,301,395	\$ 792,928

- Budget Comparison

- Personnel and Other Operating
 - FY 2016 - \$12,453,007
 - FY 2017 - \$12,791,122 (2.7% Growth)
- Total
 - FY 2016 - \$12,621,507
 - FY 2017 - \$13,301,395 (5.38% Growth)



General Fund Policy Direction

- Fund Balance
 - Ended FY 2015 with fund balance of \$4,774,571
 - Balance in excess of minimum \$1,697,067 at 9/30/15
 - FY 2016 uses to date
 - Commitment to Trail project
 - \$57,915 – Lake to Lake ROW purchase (Sendero Estates)
 - FY 2016 expected revenues over budgeted
 - \$300,000 - Effluent sales
 - \$100,000 - Strong franchise tax receipts and charges for service
 - Estimate balance in excess of minimum of \$1.5M - \$1.6M at 9/30/16
- Last budgeted use of fund balance was in FY 2014
 - \$100,000 for capital equipment
 - \$136,817 for strategic plan elements



FY 2016 Review

Water & Sewer Fund



Water & Sewer Budget Initiatives

- Water & Sewer capital replacement plans:
 - Water & Sewer vehicles
 - Water & Sewer equipment
 - Water Meters
- Costs:
 - Ongoing Implementation: \$228,600
 - Year 1 (FY17) Implementation: \$388,636
- Debt Funded Capital Projects



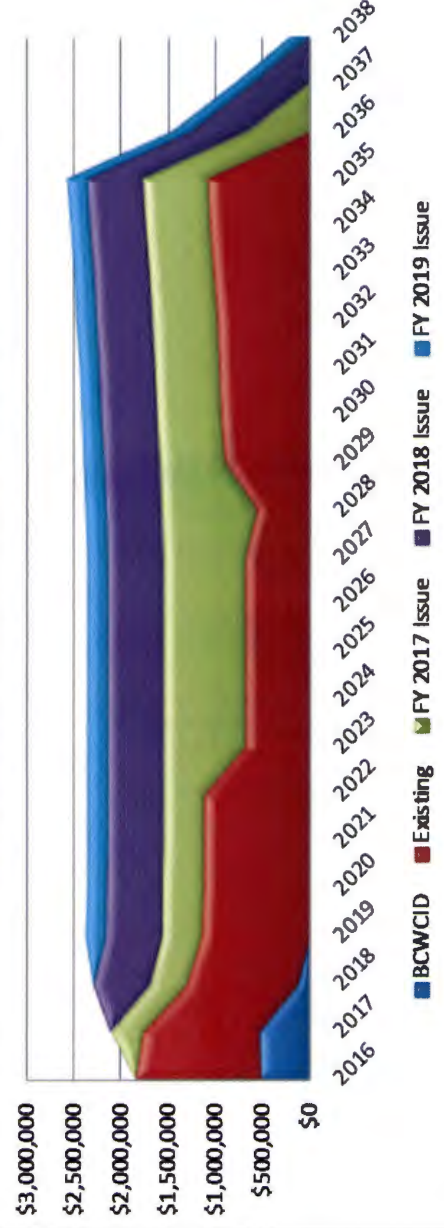
The Plan:

Project	Timeframe	Cost
Wastewater Plant Rehabilitation Phase I	2015	\$2,800,000
Nolan Creek Sewer Trunk Line Replacement	2015	\$1,200,000
South Belton Sewer Service	2015-2016	\$5,000,000
AMI	2015	\$4,300,000
Wastewater Plant Rehab/Expansion Phase II - IV	2017 -2019	\$8,000,000
Main Replacements	2015-2019	\$1,250,000
Sewer Truck Replacement	2017	\$350,000
North Water Tank	2017	\$3,000,000
TOTAL:		\$25,900,000

The Plan: Update

Debt Funded Projects	Project Cost	FY 2017	FY 2018	FY 2019
South Belton Sewer	\$ 6,000,000	\$ 6,000,000	\$ -	\$ -
North Belton Water Tank	\$ 3,000,000	\$ 3,000,000	\$ -	\$ -
Waco Road Sewer Main Replacement	\$ 300,000		\$ 300,000	
Lift Station Main Replacements	\$ 700,000		\$ 700,000	
WWTP Phases II	\$ 7,500,000	\$ -	\$ 7,500,000	\$ -
WWTP Phases III-IV	\$ 3,000,000			\$ 3,000,000
Issue Costs (2017)	\$ 135,000	\$ 135,000	\$ -	\$ -
Issue Costs (2018)	\$ 125,000	\$ -	\$ 125,000	\$ -
Issue Costs (2019)	\$ 45,000			\$ 45,000
Total	\$ 20,805,000	\$ 9,135,000	\$ 8,625,000	\$ 3,045,000

Anticipated Debt Service Cost



Policy Direction – Utility Rate Plan

Table 1: Recommended Water Rates

	2015	2016	2017	2018	2019
Minimum Bill	\$15.00	\$15.50	\$16.00	\$16.50	\$17.00
Volumetric Rate					
(Per Thousand Gallons)	\$3.49	\$3.49	\$3.70	\$3.70	\$3.70

Table 2: Recommended Wastewater Rates

	2015	2016	2017	2018	2019
Minimum Bill	\$12.00	\$12.50	\$13.00	\$13.50	\$14.00
Volumetric Rate					
(Per Thousand Gallons)	\$4.00	\$4.50	\$5.00	\$5.00	\$5.00

- Anticipated FY 17 Revenue Impact - \$420,000
- Anticipated Debt Service Cost for FY 17 Issue - \$345,000



Policy Direction – Utility Rate Plan

FY 2017 Monthly Customer Impact

Water	2016	2017	Increase
5,000	\$25.97	\$ 27.10	\$ 1.13
15,000	\$60.87	\$ 64.10	\$ 3.23
25,000	\$95.77	\$101.10	\$ 5.33

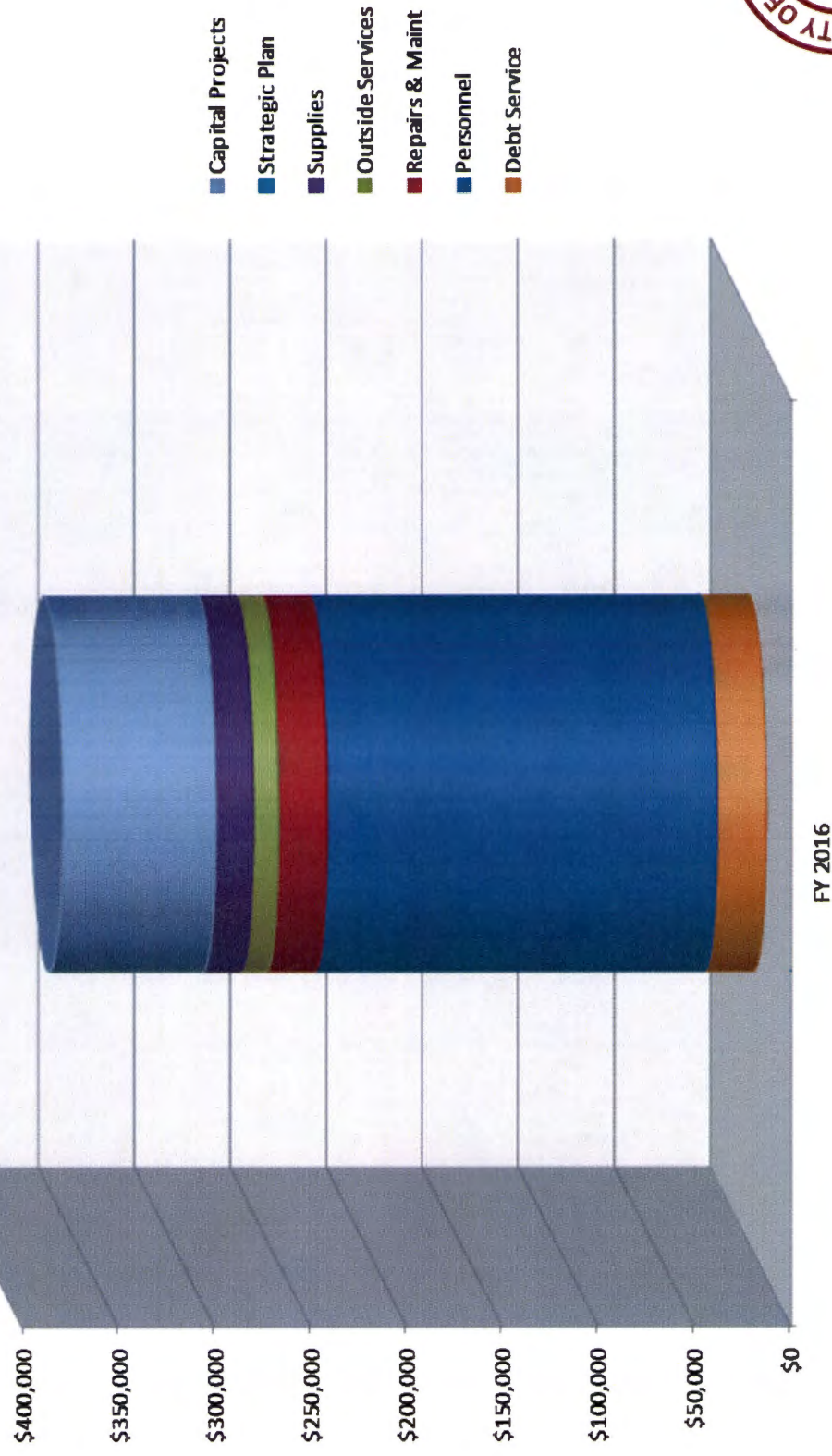
Sewer	2016	2017	Increase
5,000	\$26.00	\$ 28.00	\$ 2.00
15,000	\$71.00	\$ 78.00	\$ 7.00
25,000	\$71.00	\$ 78.00	\$ 7.00

Water & Sewer	2016	2017	Increase
5,000	\$ 51.97	\$ 55.10	\$ 3.13
15,000	\$131.87	\$142.10	\$10.23
25,000	\$166.77	\$179.10	\$12.33



FY 2016 Review

Drainage Fund



Drainage Fund

- Connell Street Project nearing completion
- Master Plan Update in-progress; priorities under review
- No change in rate structure proposed at this time



Recap

- Budget Initiatives & Council Direction
 - Response to Personnel Pressures
 - Capital Equipment Replacement Plans
 - Water and Sewer Capital Projects
 - Water and Wastewater Rate Plan



**Contract Amendment to
TBWWTP
Design and Bid Phase Services**

City Council

June 14, 2016

TBWWTP

- ◆ Temple-Belton Wastewater Treatment Plant
- ◆ Serves 70% of Temple and 100% of Belton
- ◆ Permitted to treat 10,000,000 gallons/day (10 MGD)
- ◆ Temple's flow is 75% of total; Belton makes up 25% of total ➔ Cost Share



Engineering

Preliminary Engineering

- ◆ TCEQ requires a WWTP to be under the planning stages of design when influent flows exceed 75% of permitted capacity in 3 consecutive months.
- ◆ Trigger was met in 2010
- ◆ KPA was authorized to perform a Preliminary Engineering Report to plan the plant expansions in 2011.

Design Phase

- ◆ In Oct 2015, KPA was authorized to begin Phase I Design and Bid Phase Services
 - ◆ New headworks, odor control at the headworks, Orbal aeration design, evaluate phosphorus removal, and perform geotechnical analysis.
 - ◆ Addressing capacity: Design/evaluate aeration required for the Orbal to treat concentrated organics during the summer months

Engineering - Continued



- ◆ Phase II Design not yet authorized:
- ◆ 4 MGD IFAS Train, clarifier, sludge pumps, sludge processing units, etc.
- ◆ Bid Phase Services
- ◆ Future: Phases III and beyond, Schedule TBD
- ◆ Disinfection
- ◆ Filters
- ◆ Post-aeration, etc.

Contract Amendment Proposal

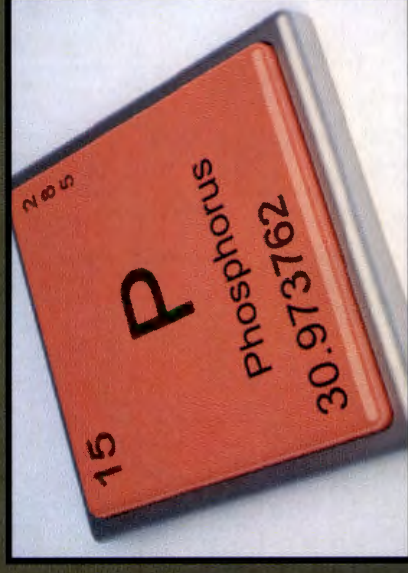
Phase I – Orbal and EQ

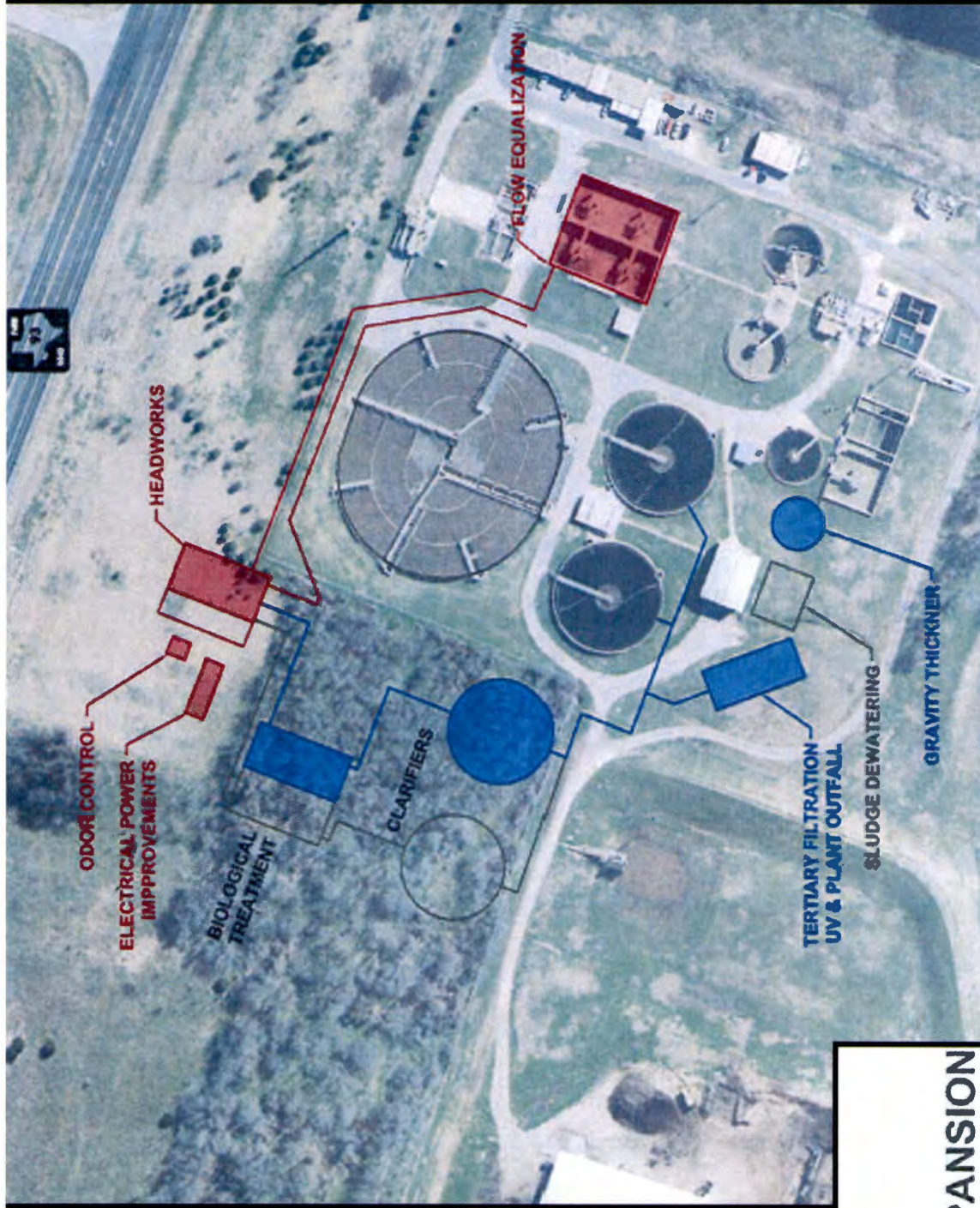
- ◆ Need better air transfer efficiency and capacity
- ◆ Dissolved oxygen decreases as the water temperature rises; summer is critical
- ◆ Solution: Cities worked with BRA to add more air to the Orbal to meet the demand. Convert abandoned aerobic digesters to equalization basins.
- ◆ Result: Net reduction in engineering services and construction costs



Contract Amendment Proposal – Cont.

- ◊ Capacity of the plant needs to be addressed as the flows have reached and exceeded the 75% TCEQ trigger.
- ◊ Flows are reaching 85% of permitted capacity and climbing.
- ◊ Phase II expands the plant capacity to meet the demand.
 - ◊ *TCEQ's total phosphorus limit will determine the level of treatment / improvements required.*





PHASE I
PHASE II
FUTURE EXPANSION

Financial Summary

- ◆ Changes in Phase I, accelerating Phase II Design and Bid Services, results in a net increase in costs for design and projected construction costs:

Funding/Expenditure	Revised Contract	Belton's 25%
Basis of Design	\$294,558	\$73,640
Phase I Engineering and Bid Phase Services	\$964,610	\$241,152
Phase I Construction Cost <i>Estimate</i>	\$7,290,000	\$1,822,500
Phase I Construction Administration <i>Estimate</i>	\$485,000	\$121,250
<u>Phase II Engineering and Bid Phase Services</u>	<u>\$2,119,497</u>	<u>\$529,874</u>
TOTAL	\$11,153,665	-
Belton's <i>Estimated</i> 25% Share	\$2,788,416	
2014 CO Funding	\$2,760,000	
<i>Estimated</i> Difference	-\$28,416	

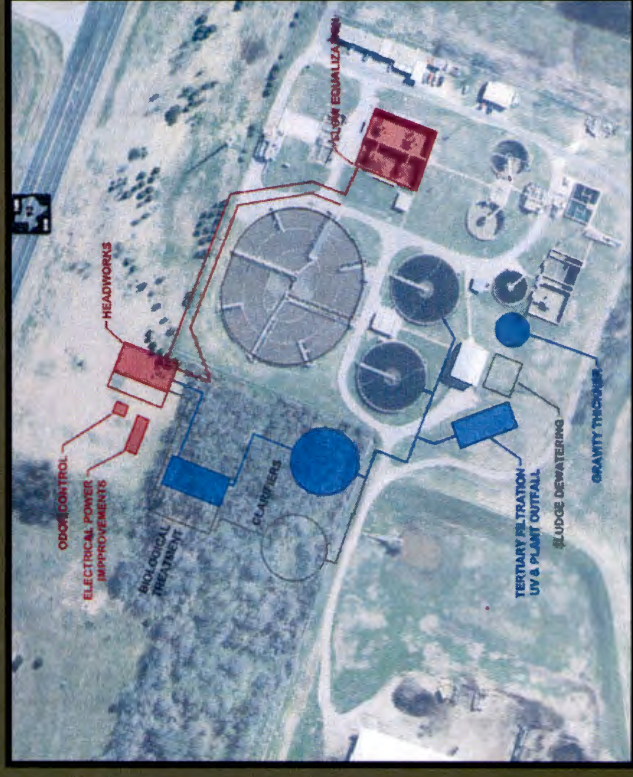
Fiscal Impact

- ◆ Increase in professional services contract with KPA from \$335,389 to \$844,666.
- ◆ Today's proposal is to increase professional services by \$509,277 to include Phase II Design.
- ◆ Funding available from the 2015 CO issue
- ◆ However, increase in authorized professional services is \$28,416 over the 2015 CO amount.
- ◆ Recommendation: No budget action is proposed at this time. Staff will return to Council with a recommendation on funding the shortfall once the projects have been bid and the final amount is known.

Schedule

(Estimated Completion Date)

- ◆ Basis of Design – Original Scope Completed (July/August 2016)
 - ◆ Phase I Design – No change in schedule (November 1, 2016)
 - ◆ Bidding and Award – 3 to 4 months (Spring 2017)
 - ◆ Construction Phase – 10 to 14 months (Completed Summer 2018)
 - ◆ Phase II Design – 12-15 Months to Complete (Dependent upon TCEQ Approval – Summer/Fall 2017)
 - ◆ Bidding and Award – 3 to 4 months (Late 2017/Early 2018)
 - ◆ Construction Phase – 15 to 18 months (Early 2018 – Summer 2019)



Staff Recommendation

- ◆ Authorize the City Manager to execute an amended professional services agreement to design Phase I and Phase II improvements to the Temple-Belton Wastewater Treatment Plant.

Staff Report – City Council Agenda Item



Date: June 28, 2016
Case No.: Z-16-07
Request: CH to C-1
Applicant: Neil Bufkin

Agenda Item #5

Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant has submitted this request for a zone change to Commercial-1 to allow for a minor auto repair shop. To the north are single family homes zoned Commercial Highway and Baird & Hunter Electric; to the east and south are single family homes zoned Commercial Highway; and to the west is L&N Auto Sales.

Current Zoning

Commercial Highway

Proposed Zoning

Commercial-1

Design Standards Type Area : 2 **Recommended Type Area:** 2

This property is in the identified Type Area 2 in the Design Standards. If approved, a Commercial-1 District use would be required to comply with all the Design Standards for Type Area 2.

Land Use Table/Allowable Uses

The Commercial-1 Zoning District with the Specific Use Permit will allow for mini-storage warehouses. The uses allowed in the base Commercial-1 Zoning District include:

- Any use permitted in the Retail District (i.e. Gasoline or service station)
- Auto sales
- Consumer repair services
- Food sales

- Home improvement Center with outside storage
- Hotel or motel
- Pawn Shop
- Trailer Rental
- Tool and Light Equipment Rental
- Wholesale club or department store

Project Analysis and Discussion

This vacant property is 0.33 acres and is currently zoned Commercial Highway. The applicant is proposing a zoning change to Commercial-1 to allow for a minor auto repair shop. The applicant owns L&N Auto Sales located directly west of this property. The applicant would like to construct a building to complete minor repair services to the vehicles for resale at the L&N Auto Sales lot. The applicant is also proposing to have a paint booth for touch-ups needed to the vehicles for resale, but the principal use will be minor vehicle repair.

In 2009, the applicant rezoned the L&N Auto Sales property to Commercial Highway with a Specific Use Permit for a full service auto repair, wrecker service, and caretaker's quarters in the existing residence. At that time, the applicant planned to have the minor auto repair service at the L&N Auto Sales location. The business has grown since 2009 and the auto sales lot is fully utilized, so the applicant purchased this property due to the close proximity to L&N Auto Sales. The applicant stated that only vehicles for resale at the L&N Auto Sales lot will receive service at this minor auto repair shop.

Transitions will be needed to the east until such time that the existing residential property converts to a business use. Staff recommends construction of a 6 feet tall wooden or metal fence. If a metal fence is installed, recommend it contain a baked-on color. The vehicles scheduled for repair should be screened from public view.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop, with development regulated under the Design Standards for Type Area 2 standards as follows:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:

- a. Site Development Standards
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
4. A 6 feet tall metal (with baked-on color) or solid wooden fence shall be constructed along the eastern and southern property lines to provide screening between this use and the adjacent single family residences. In addition, this screening shall be provided along the northeastern property line extending to the proposed driveway. The fencing directly adjacent to the driveway and roadway shall be reduced in height to ensure there is adequate visibility for vehicles and pedestrians.
5. All outside storage of repair vehicles will be screened from public view.

Attachments:

Zoning application
Property Location Map
Zoning map
Zoning notice to owners
Property owners list
P&ZC Minutes Excerpt
Ordinance

City of Belton
Request for Zoning Change

To the City Council and the
Planning and Zoning Commission
Fee: \$250.00

Date Received: 05/23/2016 Date Due: Deadline for a zoning change request is the last business day of the month.

Applicant: Neil Bufkin Phone Number: 254-933-3596

Mailing Address: 1020 S. Wall St. City: Belton State: Tx

Email Address: Neil@L-N-Sales.com

Owners Name: Wall Street Properties, LLC Phone Number: 254-933-3596

Mailing Address: 1020 S Wall Street City: Belton State: Tx

Email Address: same

Applicant's
Interest in
Property:

Owner

Legal Description of Property: Pt Blk (W110' of N126' of Blk) Block 016 Lee, addition

Is this property being simultaneously platted? no

Street Address: 501 E. Ave I

Zoning changing from: CH to: C1

Signature of Applicant

5/23/16
Date

Signature of Owner (if not applicant)

Date

Checklist for Zoning Items to be submitted with application:

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

Zoning Case # Z-16-07 Location

ZONING CHANGE:

Commercial Highway
to Commercial-1

LEGAL DESCRIPTION:

LEE, BLOCK 016,
LOT PT BLK,
(W 110' OF N 126' OF BLK)
ENHANCED LIFE EST,


PROPERTY OWNER:

WALL STREET
PROPERTIES LLC

ADDRESS/LOCATION:

501 E Ave I

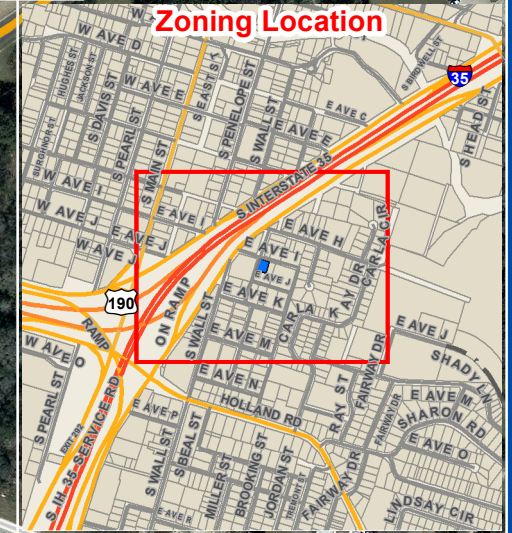
LEGEND

 Z_16_07



0 70 140 280
Feet

Zoning Location



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

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

Zoning Case # Z-16-07 Aerial

ZONING CHANGE:

Commercial Highway
to Commercial-1

LEGAL DESCRIPTION:

LEE, BLOCK 016,
LOT PT BLK,
(W 110' OF N 126' OF BLK),
ENHANCED LIFE EST,


PROPERTY OWNER:

WALL STREET
PROPERTIES LLC

ADDRESS/LOCATION:

501 E Ave I

LEGEND

 Z_16_07



0 15 30 60
Feet

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

Zoning Case # Z-16-07

ZONING CHANGE:

Commercial Highway
to Commercial-1

LEGAL DESCRIPTION:

LEE, BLOCK 016,
LOT PT BLK,
(W 110' OF N 126' OF BLK)
ENHANCED LIFE EST,




PROPERTY OWNER:

WALL STREET
PROPERTIES LLC

ADDRESS/LOCATION:

501 E Ave I

Legend

-  Z_16_07
-  200' Property Owner Notification Area
-  Tax Appraisal Parcels



0 45 90 180
Feet

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

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: NEIL BUFKIN,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 501 EAST AVENUE I,
FROM A(N) COMMERCIAL HIGHWAY ZONING DISTRICT,
TO A(N) COMMERCIAL-1 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, June 21, 2016** IN THE WRIGHT ROOM AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, June 28, 2016**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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

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

circle one

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

1. _____
2. _____
3. _____

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

DATE: _____ SIGNATURE: _____

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

3476 JOHNSON, CATHY LUCKY 502 E AVENUE I BELTON, TX 76513-3904	5142 BAIRD & HUNTER ELECTRIC PO BOX 875 BELTON, TX 76513-0875	5143 BAIRD & HUNTER ELECTRIC PO BOX 875 BELTON, TX 76513-0875
17649 CARRASCO, RANDY DELGADO 2010A S 15TH ST TEMPLE, TX 76504-7305	44934 HALE, CORDELIA 1028 S WALL ST BELTON, TX 76513-3949	61441 BUFKIN, NEIL 2033 SOUTHWINDS DR LORENA, TX 76655-3736
63012 PARKINSON, JACK DAVID 2813 STRATFORD DR TEMPLE, TX 76502	66503 LUCKY, LAVETA P 202 E MOUNT VERNON ST MABANK, TX 75147-2343	76503 GONZALEZ, ANDRES PO BOX 653 ROGERS, TX 76569-0653
76511 GUERRERO, ANDREA 611 HOLLAND RD BELTON, TX 76513	96835 BUFKIN, NEIL 2033 SOUTHWINDS DR LORENA, TX 76655-3736	97543 JACK-O-LANTERN LTD PO BOX 1786 BELTON, TX 76513-5786
97544 REGIAN, FRANK ETUX NETTIE 504 E AVENUE I BELTON, TX 76513-3904	97765 LUNA, JESSE ETAL 504 E AVENUE J BELTON, TX 76513-3906	102728 BUFKIN, NEIL M 2033 SOUTHWINDS DR LORENA, TX 76655-3736
105137 JACK-O-LANTERN LTD PO BOX 1786 BELTON, TX 76513-5786	118061 WALL STREET PROPERTIES LLC 1020 SOUTH WALL STREET BELTON, TX 76513-2052	402240 KILLEEN MAJESTIC HOMES INC PO BOX 340 TROY, TX 76579-0340
SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 76513		

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: NEIL BUFKIN,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 501 EAST AVENUE I,
FROM A(N) COMMERCIAL HIGHWAY ZONING DISTRICT,
TO A(N) COMMERCIAL-1 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, June 21, 2016** IN THE WRIGHT ROOM AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, June 28, 2016**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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

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

circle one

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

1. _____
2. _____
3. _____

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

DATE: 6/15/16 SIGNATURE: 

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

96835	102728	61441
BUFKIN, NEIL	BUFKIN, NEIL M	BUFKIN, NEIL
2033 SOUTHWINDS DR	2033 SOUTHWINDS DR	2033 SOUTHWINDS DR
LORENA, TX 76655-3736	LORENA, TX 76655-3736	LORENA, TX 76655-3736

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: NEIL BUFKIN
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 501 EAST AVENUE I
FROM A(N) COMMERCIAL HIGHWAY ZONING DISTRICT,
TO A(N) COMMERCIAL-1 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, June 21, 2016** IN THE WRIGHT ROOM AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, June 28, 2016**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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

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

circle one

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

1. _____
2. _____
3. _____

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

DATE: 6/15/16 SIGNATURE: Neil Bufkin

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

118061
WALL STREET PROPERTIES LLC
1020 SOUTH WALL STREET
BELTON, TX 76513-2052

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

3. Z-16-07 Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing.

Nettie Regian, 504 E. Avenue I, asked the Commission to take into consideration the potential for increased traffic into the area. She also stated the noise of the vehicles could be an issue. She's lived on that street for almost 30 years. With no one else requesting to speak, Chair Holmes closed the public hearing.

Mr. Minosky asked the difference between the Commercial Highway and Commercial-1 Zoning District. Ms. Smith said a car repair shop making minor repairs is not permitted for Commercial Highway zoning and Commercial-1 will allow for this proposed use. Ms. Smith said a 6-foot tall fence will be constructed along the eastern property line to provide screening between this proposed use and the adjacent residents. Also, all outdoor storage of vehicles will be screened. Chair Holmes asked for clarification. Ms. Smith said the eastern side of the property will be fenced-in. Chair Holmes suggested screening on the northern side as well. The applicant Neil Bufkin, 1020 S. Wall St., said he intends to construct a fence along the southern property line, but he would like to have a driveway along East Avenue I and South Beal Street for circulation. Mr. Naegele asked about the noise concern. Mr. Bufkin said he didn't believe the extra work would create more noise, adding that the highway noise will be more dominant than the shop's noise. He will not be soliciting public work and it will not expand into a large operation. Mr. Pamplin asked if the change is to mostly include overflow work. Mr. Bufkin said yes, and then spoke to Ms. Regian and said if she has any concerns, she can come to him.

Mr. Naegele made the motion to approve item Z-16-07 a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I. Mr. Pamplin seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

ORDINANCE NO. 2016-22

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY TO COMMERCIAL-1 ZONING DISTRICT ON A 0.33 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

WHEREAS, Neil Bufkin, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption, said district being described as follows:

501 East Avenue I, a 0.33 acre tract of land, Belton, Texas
(location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from a Commercial Highway Zoning District to Commercial-1 Zoning District, in accordance with Section 24 – Commercial-1 Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards
 - b. Building Design Standards
 - c. Landscape Design Standards

3. Sign Standards shall conform to Ordinance 2008-11.
4. A 6 feet tall metal (with baked-color) or solid wooden fence shall be constructed along the eastern property line to provide screening between this use and the adjacent single family residence.
5. All outside storage of repair vehicles will be screened from public view.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 28th day of June, 2016, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 28th day of June, 2016.

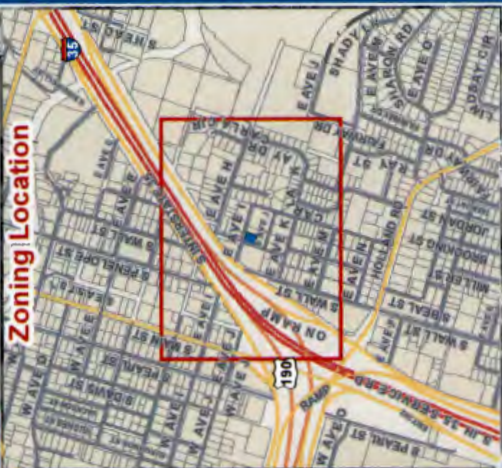
Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-16-07 Location

CITY OF
BELTON
Planning Department




ZONING CHANGE:
Commercial Highway
to Commercial-1

LEGAL DESCRIPTION:
LEE, BLOCK 016,
LOT PT BLK.
(W 110' OF N 126' OF BLK)
ENHANCED LIFE EST,

PROPERTY OWNER:
WALL STREET
PROPERTIES LLC

ADDRESS/LOCATION:
501 E Ave I

LEGEND
 Z-16_07

Staff Report – City Council Agenda Item



Date: June 28, 2016
Case No.: Z-16-08
Request: HI to LI
Applicant: City of Belton

Agenda Item #6

Hold a public hearing and consider a zoning change from Heavy Industrial to Light Industrial on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a City-initiated proposal to rezone this property from Heavy Industrial to Light Industrial, in conjunction with redevelopment of the former Rockwool property. The principal reason is to provide for compatible commercial and light industrial uses along FM 93 (East 6th Avenue), at the entrance to the City at Council's recommendation. Permitted Heavy Industrial uses, in contrast to Light Industrial uses, are listed in the attached Zoning Ordinance excerpts, as well as Specific Use Permit opportunities.

The City has submitted this request for a zone change to provide for light industrial development. To the north are APAC Texas Inc. and ECS Environmental Solutions; to the northeast are Belco Manufacturing, Tarco of Texas, and American Spincast; to the west is the Belton Police Department outdoor shooting range; and to the south is the Temple-Belton Wastewater Treatment Plant (TBWWTP).

Current Zoning

Heavy Industrial

Proposed Zoning

Light Industrial

Design Standards Type Area: 10

Recommended Type Area: 10

This property is in Type Area 10 in the Design Standards. If approved, a Light Industrial District use would be required to comply with all the Design Standards for Type Area 10.

Land Use Table/Allowable Uses

The Light Industrial Zoning District allows the following land uses, and would accommodate this request:

- Apparel and other products assembled from finished textiles
- Contractor's yard
- Electronic products manufacturing
- Facilities for the manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
- Farm implement manufacturing
- Industrial and manufacturing plants including the processing or assembling of parts for production or finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment
- Newspaper printing
- Plastic products manufacture, but not including the processing of raw materials
- Sporting and athletic equipment manufacture

A number of uses would also be possible with consideration of a Specific Use Permit.

Some Heavy Industrial uses that would not be allowed if this zone change is approved are:

- Fat Rendering
- Fertilizer Manufacturing
- Meat Packing Plant
- Petroleum Refining/Storage
- Smelting
- Stockyards
- Wrecking Yards

Project Analysis and Discussion

This property is located amidst other industrial uses. The applicant is proposing this zone change to allow for light industrial development. The Future Land Use Plan identifies this area as Heavy Industrial and it is staff's judgment that heavy and light industrial uses are compatible.

This property is a portion of the former 100-acre Rockwool Industries, Inc. site, a mineral wool insulation manufacturing plant that operated on site from 1950 to 1987. The EPA has put remedies in place to protect public health and the environment. The EPA gave a Superfund Redevelopment planning grant to the City of Belton to support the site's return to beneficial use. The environmental remedies have been completed and this property may now be developed in compliance with EPA and TCEQ conditions.

The Belton Economic Development Corporation (BEDC) will acquire this 36.326 acre site and market the property for industrial development. The ECS Environmental Solutions property is

located directly north of this site in the rezoning proposal. BEDC staff have been working with the owner regarding possible purchase of the northern 5 acres of this property for a parking lot expansion. ECS Environmental Solutions is an industrial use that develops, designs and manufactures equipment for the treatment of odorous compounds in air-streams. This zoning change will not affect the proposed parking lot expansion.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this proposed zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Heavy Industrial to Light Industrial District with development regulated under the Design Standards for Type Area 10 standards as follows:

1. The allowable uses of the property shall conform to the Light Industrial Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 10 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
4. A subdivision plat is required.

Attachments:

Zoning application

Property Location Map

Zoning map

Aerial photo

Map with zoning notice boundary (200')

Zoning notice to owners

Property owners list

Light Industrial and Heavy Industrial District Zoning Ordinance Standards

SUP, Specific Use Permit Standards Allowable in the Light Industrial District

P&ZC Minutes Excerpt

Ordinance

City of Belton
Request for a Zoning Change

**To The City Council and the
Planning and Zoning Commission**

Fee: \$250.00

Date Received: 5/25/16 Date Due: 5/31/16 Deadline for a zoning change request is the last business day of the month.

Applicant: City of Belton Phone Number: 254-933-5816
Mailing Address: P.O. Box 120 City: Belton State: TX
Email Address: esmith@beltontexas.gov

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

Applicant's Interest in Property:

Legal Description of Property:

O.T. Tyler Survey, Abstract No. 2036.326 acres

Is this property being simultaneously platted? no

Street Address: n/a

Zoning Change From HI to LI

Signature of Applicant: Ein Smith Date: 5/25/16

Signature of Owner (if not applicant): _____ Date: _____

Checklist for Zoning Items to be submitted with application:

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

Zoning Case # Z-16-08 Location

ZONING CHANGE:

Heavy Industrial
to
Light Industrial

LEGAL DESCRIPTION:

A0020BC O T TYLER,
ACRES 36.326


PROPERTY OWNER:

CITY OF BELTON TRUSTEE

ADDRESS/LOCATION:

E 6th Ave

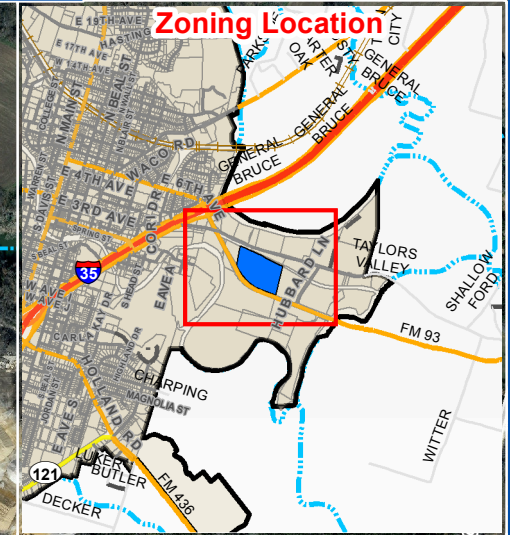
LEGEND

 Z_16_08



0 140 280 560
Feet

Zoning Location



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

Zoning Case # Z-16-08 Zoning

ZONING CHANGE:

Heavy Industrial
to
Light Industrial

LEGAL DESCRIPTION:

A0020BC O T TYLER,
ACRES 36.326

PROPERTY OWNER:

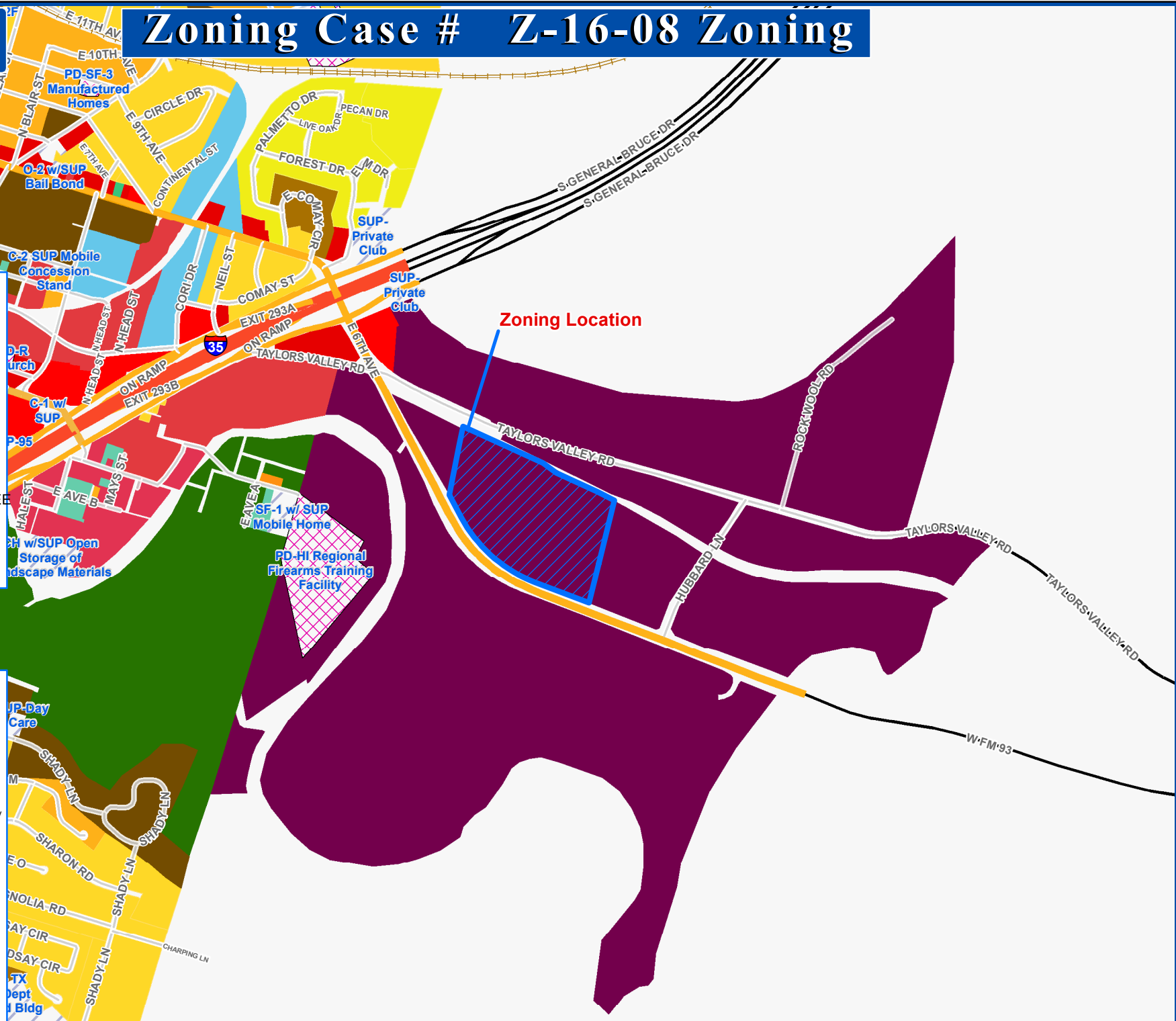
CITY OF BELTON TRUSTEE

ADDRESS/LOCATION:

E 6th Ave

Legend

- Z_16_08
- Current_Zoning**
- Agricultural
- Central Business District
- Commercial Highway
- Commercial-1
- Commercial-2
- Conservation Revitalization Overlay
- Heavy Industrial
- Light Industrial
- Mobile Home
- Multi Family
- Neighborhood Service
- Office-1
- Planned Development
- Redevelopment District
- Retail
- Single Family-1
- Single Family-2
- Single Family-3
- Specific Use Permit
- Two Family



Zoning Case # Z-16-08 Aerial

ZONING CHANGE:

Heavy Industrial
to
Light Industrial

LEGAL DESCRIPTION:

A0020BC O T TYLER,
ACRES 36.326


PROPERTY OWNER:

CITY OF BELTON TRUSTEE

ADDRESS/LOCATION:

E 6th Ave

LEGEND

 Z_16_08



0 70 140 280
Feet

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

ZONING CHANGE:

Heavy Industrial
to
Light Industrial

LEGAL DESCRIPTION:

A0020BC O T TYLER,
ACRES 36.326

PROPERTY OWNER:




CITY OF BELTON TRUSTEE

ADDRESS/LOCATION:

E FM 93

200' Property Owner
Notification Area

Legend

-  Z_16_08
-  200' Property Owner Notification Area
-  Tax Appraisal Parcels



0 125 250 500
Feet

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

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: CITY OF BELTON,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 36.326 ACRES, EAST 6TH AVENUE,
FROM A(N) HEAVY INDUSTRIAL ZONING DISTRICT,
TO A(N) LIGHT INDUSTRIAL ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, June 21, 2016** IN THE WRIGHT ROOM AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, June 28, 2016**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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

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

circle one

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

1. _____
2. _____
3. _____

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

DATE: _____ SIGNATURE: _____

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

8016	52436	71208
BELL CO COLORED CEMETERY ASSN	SMA FAMILY LIMITED PARTNERSHIP	BELL MM ENTERPRISES LLC
719 E 10TH AVE	908 CRESCENT DR	9060 W FM 93
BELTON, TX 76513-2737	BELTON, TX 76513-6722	BELTON, TX 76513-8322
100106	100107	100108
CITY OF BELTON TRUSTEE	SMA FAMILY LIMITED PARTNERSHIP	CITY OF BELTON TRUSTEE
PO BOX 120	908 CRESCENT DR	PO BOX 120
BELTON, TX 76513-0120	BELTON, TX 76513-6722	BELTON, TX 76513-0120
171401	346700	396788
CITY OF BELTON & CITY OF TEMPLE	SMA FAMILY LTD	RATLIFF READY-MIX LP
2 N MAIN ST	908 CRESCENT DR	7901 FISH POND RD STE 1
TEMPLE, TX 76501-7659	BELTON, TX 76513-6722	WACO, TX 76710-1013
399310	460599	460600
BELCO MANUFACTURING COMPANY INC	CITY OF BELTON TRUSTEE	CITY OF TEMPLE ETAL
2303 E TAYLOR'S VALLEY RD	PO BOX 120	2 N MAIN ST
BELTON, TX 76513	BELTON, TX 76513-0120	TEMPLE, TX 76501-7659
SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 76513		

SECTION 27 LI - LIGHT INDUSTRIAL DISTRICT

27.1 GENERAL PURPOSE AND DESCRIPTION:

The LI, Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses to require accessibility to major highways, rail lines or other means of transportation.

27.2 PERMITTED USES:

1. Apparel and other products assembled from finished textiles
2. Bakery, commercial
3. Book bindery
4. Bottling works
5. Bus station or terminal
6. Candy manufacturing
7. Carting, express, hauling or storage yard (trucking company)
8. Contractor's yard
9. Cosmetic manufacturer
10. Drugs and pharmaceutical products manufacturing
11. Electrical transmission lines and substations or generating plant
12. Electronic products manufacturing
13. Facilities for the manufacturing, fabrication, processing or assembly of products provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
14. Farm implement manufacturing
15. Fur goods manufacture, but not including tanning or dyeing.
16. General warehousing activities (including convenience storage or "mini" warehouse)
17. Glass products from previously manufactured glass
18. Household appliance products assembly and manufacture from prefabricated parts

19. Housing prefabrication
20. Industrial and manufacturing plants including the processing or assembling of parts for production or finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment
21. Industrialized housing, modular and mobile home manufacturing or housing prefabrication parts manufacture
22. Milk depot, dairy
23. Municipally owned structures and uses
24. Musical instruments assembly and manufacture
25. Newspaper printing
26. Outdoor drive-in theater
27. Plastic products manufacture, but not including the processing of raw materials
28. Railroad team track or spur
29. Rodeo grounds
30. Shoe manufacturing
31. Sporting and athletic equipment manufacture
32. Testing, research and scientific laboratories
33. Tire retreading or capping
34. Veterinarian clinic (with outside kennels)
35. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

27.3 HEIGHT REGULATIONS:

Maximum Height: Thirty-five feet (35'), or two (2) stories

27.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Twenty feet (20')

3. Minimum Rear Yard - Twenty feet (20')
 4. Additional - For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable State law.
- B. Size of Lot:
1. Minimum Lot Area - Seven thousand, two hundred (7,200) square feet
 2. Minimum Lot Width - Sixty feet (60')
 3. Minimum Lot Depth - one hundred feet (100')
- C. Maximum Lot Coverage: N/A
- D. Parking Regulations: As established by Section 34 , Off Street Parking and Loading Requirements
- F. Other Regulations: As established by sections 35, 36, 37, 38, 39, 40 and 41

SECTION 28 HI - HEAVY INDUSTRIAL

28.1 GENERAL PURPOSE AND DESCRIPTION:

The HI, Heavy Industrial District is established to accommodate those manufacturing, assembly and fabrication processes with operation characteristics typically not compatible with other less intensive operations. Residential uses are not compatible with the HI District. The District should have convenient access to high volume thoroughfares. Rail access is also highly desirable.

28.2 PERMITTED USES:

1. Acetylene and other gasses manufacture
2. Brick kiln or tile plant
3. Cement, lime, gypsum or plaster of Paris manufacture
4. Concrete or asphalt batch plant
5. Distillation of bones and glue manufacture
6. Fat rendering and fertilizer manufacture
7. Gravel or soil storage
8. Meat packing plant
9. Paper or pump manufacture
10. Petroleum or gas well or drilling
11. Petroleum or its products, refining or bulk tank storage
12. Refinery or chemical plant
13. Smelting of tin, copper, zinc or iron ones, and other metals
14. Stockyards or slaughter of animals including tanning of hides
15. Wrecking yards, salvage yards, reclamation of products, and junkyards but only on the condition that the premises upon which such activities are conducted are behind the front building and are wholly enclosed within a building or by a solid fence not less than eight feet (8') in height
16. Such uses as may be permitted under provisions of Specific Use Permits, Section 33

28.3 HEIGHT REGULATIONS

Maximum Height - Sixty feet (60') or three (3) stories

28.4 AREA REGULATIONS:

A. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - None, unless adjacent to a residential district or openings are provided (either doors or windows), then a sixty-foot (60') rear setback shall be observed.
3. Minimum Rear Yard - None, unless adjacent to a residential district or openings are provided (either doors or windows), then a sixty foot (60') rear setback shall be observed.
4. For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable State laws.

B. Size of Lot:

1. Minimum Lot Area: Fifteen thousand (15,000) square feet minimum
2. Minimum Lot Width: Seventy-five feet (75')
3. Minimum Lot Depth: N/A

C. Maximum Lot Coverage: In no case shall more than fifty percent (50%) of the lot area be covered by the main building and accessory buildings.

D. Floor Area Ratio: Maximum F.A.R., 1.0 to 1 (See Illustration #1)

E. Parking Regulations: As established by Section 34, Off Street Parking and Loading Requirements

F. Other Regulations: As established by Sections 35, 36, 37, 38, 39, 40 and 41

28.5 COMPLIANCE WITH STATE LAWS AND FEDERAL LAWS

No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or the Texas Water Quality Control Board, as the case may be.

SECTION 33 SUP OR S - SPECIFIC USE PERMITS

33.1 SPECIFIC USES:

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize application and shall be accompanied by a site plan (see Section 32.4, B) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

33.2 SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alley and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the SUP request.
 - 1. Is the use harmonious and compatible with surrounding existing uses or proposed uses?
 - 2. Are the activities requested by the applicant normally associated with the requested use?
 - 3. Is the nature of the use reasonable?
 - 4. Has any impact on the surrounding area been mitigated?
- B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.

- C. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council.
- D. If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission. After six (6) months from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for continued validity. If the site plan is determined invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.
- E. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration or change.
- F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
- G. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.

33.3 USE REGULATIONS:

A building or premise used for any of the following purposes shall be permitted by Specific Use Permit only. Uses listed below, which are already allowed by right in a District (as listed under "Permitted Uses"), shall not be required to have a Specific Use Permit.

33.14 LI - LIGHT INDUSTRIAL

1. Airport, heliport or helistop
2. Manufacturing of acetylene and other gases
3. Brick kiln or tile plant
4. Cemetery
5. Coal, coke or wood yard
6. Concrete or asphalt batching plant
7. Drive-in theater
8. Electric substation, transmission line and other public use utility
9. Flea market (outdoors)
10. Gravel, sandstone or petroleum extraction
11. Gun club or shooting range
12. Lumber mill (for processing raw materials)
13. Other mining activities
14. Petroleum products storage
15. Petroleum or gas well
16. Planing mill
17. Printing plant
18. Race track, horse or dog
19. Sexually oriented uses (adult bookstores, adult motion pictures, and nude modeling or photography studios)

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

4. Z-16-08 Hold a public hearing and consider a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Morgan asked about acquiring acreage for a parking lot addition. Cynthia Hernandez, Executive Director of Economic Development, said she cannot sell the property until that's been acquired by BEDC, but that is in process. She said once BEDC acquires the property, she will market the property for a minimum of 30-days, and then she may entertain offers. Mr. Morgan asked if it would need to be rezoned for the intended use. Ms. Smith answered no, since this expansion is a parking lot addition.

Mr. Minosky made the motion to approve item Z-16-08 a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35. Mr. Morgan seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

ORDINANCE NO. 2016-23

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM HEAVY INDUSTRIAL TO LIGHT INDUSTRIAL ZONING DISTRICT ON A 36.326 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 10 DESIGN STANDARDS.

WHEREAS, City of Belton, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption, said district being described as follows:

a 36.326 acre tract of land, being part of the O.T. Tyler Survey,
Abstract No. 20, Belton, Texas
(location map attached as Exhibit "A;" field notes attached as Exhibit "B")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from a Heavy Industrial Zoning District to Light Industrial Zoning District, in accordance with Section 27 – Light Industrial Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The allowable uses of the property shall conform to the Light Industrial Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 10 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards

c. Landscape Design Standards

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

4. A subdivision plat is required.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 28th day of June, 2016, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-16-08 Location

CITY OF BELTON
Planning Department



ZONING CHANGE:
Heavy Industrial
to
Light Industrial

LEGAL DESCRIPTION:
A0020BC O T TYLER,
ACRES 36.326

PROPERTY OWNER:
CITY OF BELTON TRUSTEE

ADDRESS/LOCATION:
E 6th Ave

LEGEND
Z-16_08

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:

36.326 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 36.326 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 698 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 08 min 11 sec **WEST**, a distance of 1024.20 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 2590, Page 336 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 49 sec **WEST**, a distance of 566.38 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 964.55 feet, a central angle of 41 deg 00 min 58 sec and a chord that bears **NORTH** 48 deg 19 min 32 sec **WEST**, a distance of 944.09 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 663 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 676.34 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 89 deg 59 min 20 sec E, 2177.84 feet) for the following FOUR (4), courses and distances:

- 1). SOUTH 85 deg 14 min 10 sec EAST, a distance of 855.34 feet to a 5/8" iron rod with plastic cap marked "All County" set;
- 2). SOUTH 83 deg 07 min 43 sec EAST, a distance of 168.74 feet to a 5/8" iron rod found;
- 3). SOUTH 86 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 36.326 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 0.999867. 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 36.326 acre tract is N 82°09'23" W, 518.88 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 36.326 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.
1-800-749-PLAT

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



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

escrow
Law Offices of
MESSER, POTTS & MESSER, P.C.
P.O. Box 969
Belton, Texas 76513

Staff Report – City Council Agenda Item



Date: June 28, 2016
Case No.: P-16-18
Request: Replat
Applicant: Belton Engineering

Agenda Item #7

Hold a public hearing and consider a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 3-lot subdivision for the construction of two new duplexes.

Project Analysis and Discussion

This is a 3-lot subdivision plat proposed as 93 Quarters Place subdivision. This property is zoned Single Family-2 Zoning District with a Conservation and Revitalization Overlay. The Conservation and Revitalization Overlay District allows single family, duplex, and patio homes. There is an existing house on proposed Lot 1 and proposed Lots 2 and 3 are currently vacant. The applicant would like to construct new duplexes on the two vacant lots that are compatible with this neighborhood. The existing house and proposed duplexes are required to comply with the Single Family-2 Zoning District area requirements. The Single Family-2 District requires a minimum lot area of 7,500 square feet, minimum lot width of 60 feet, and minimum lot depth of 100 feet. The proposed lots all comply with the Single Family-2 area requirements in all respects. The existing house on proposed Lot 1 complies with the Single Family-2 Zoning District setback requirements as well.

TXDOT has also reviewed the plat and stated that only one driveway is permitted on FM 93/West 2nd Avenue. The existing house has a driveway access to Alexander Street. Lot 3 will have driveway access to FM 93/West 2nd Avenue and Lot 2 will be required to have driveway access to Alexander Street. TXDOT will review the driveway request on FM 93/West 2nd Avenue and the City of Belton will review the driveway request on Alexander Street.

According to the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial

contribution for the acquisition and development of such parkland for each dwelling unit proposed. These requirements may be satisfied through parkland dedication or payment of fees-in-lieu of required parkland or a combination of the two. This subdivision requires parkland dedication of 0.04 acres or \$800 parkland fee for the additional lot. An \$800 parkland fee could be readily used at nearby parks.

City staff have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer.

Recommendation

Recommend approval of a replat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street, subject to:

1. Park fee of \$800 in lieu of land dedication in satisfaction of the developer's obligation for 4 additional units.
2. Letter to the Applicant's Engineer dated June 8, 2016.

Attachments

Final Plat Application

Final Plat

Location Map

Letter to the Applicant's Engineer dated June 8, 2016

P&ZC Minutes Excerpt

City of Belton
Request for Subdivision Plat
To the City Council and the
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision
- ☐ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☐ City Limits

Fees Due \$ 259.00

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

Applicant: Belton Engineering Inc

Phone Number: 254-731-5600

Mailing Address: 106 N. East Street, Belton, Texas 76513

Email Address: lchtay@beltonengineers.com

Owner: KJ Hsia

Phone Number: 925-523-1566

Mailing Address: Pleasanton, CA 94566

Email Address: khsia624@gmail.com

Current Description of Property:

Lot: part of LOT 4 Block: 2 Subdivision: McFarland Addition

Acres: 0.576 Survey: M.H. Connell

Abstract Number: 6 Street Address: 111 Alexander Street, Belton, Texas

Frontage in Feet: 317.4 Depth in Feet: 144.8

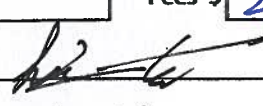
Does Zoning comply with proposed use?

☒ Yes ☐ No

Current Zoning: CR

Name of Proposed subdivision: 93 Quarters Place

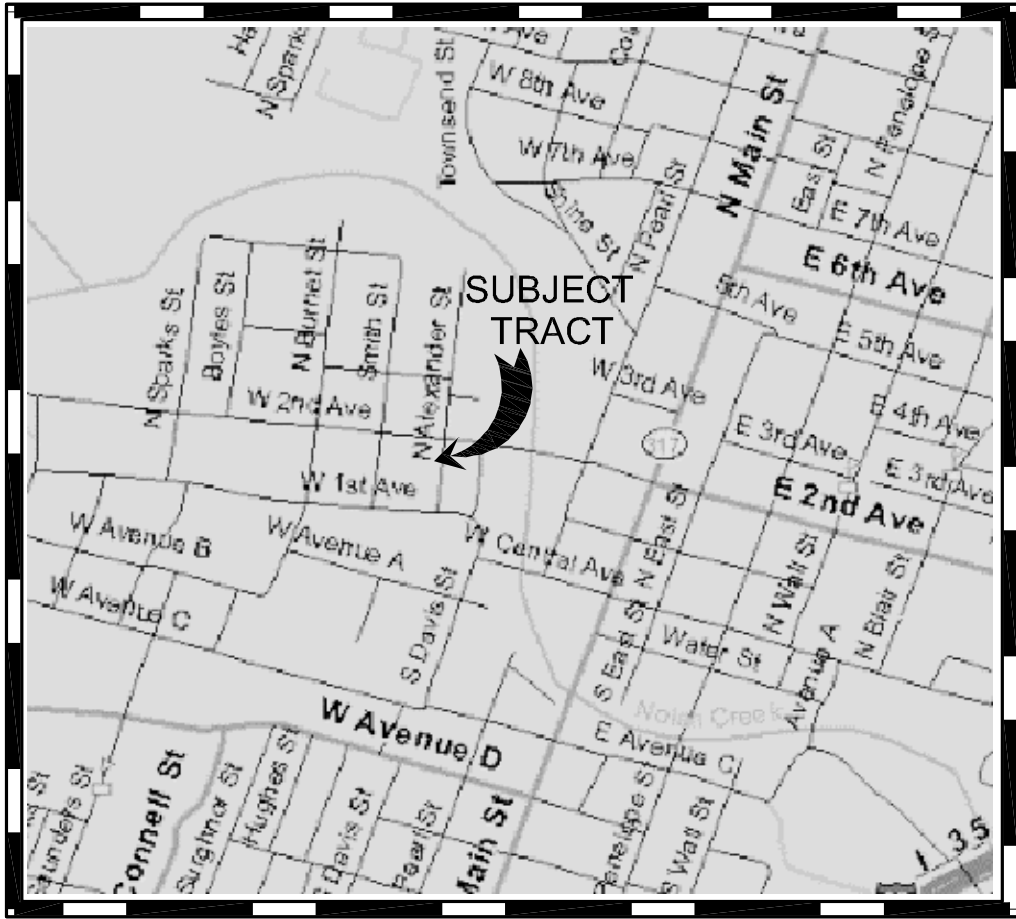
Number of Lots: 3 Fees \$ 259.00

Signature of Applicant: 

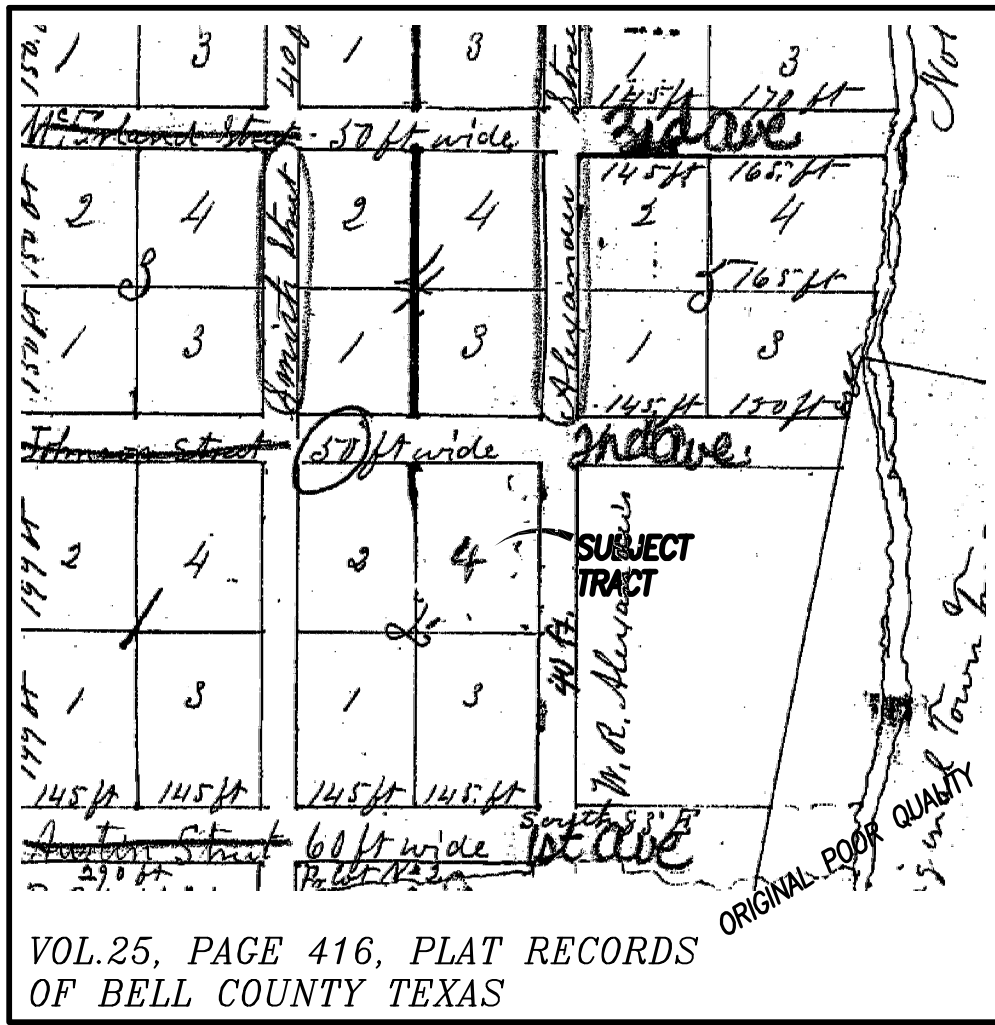
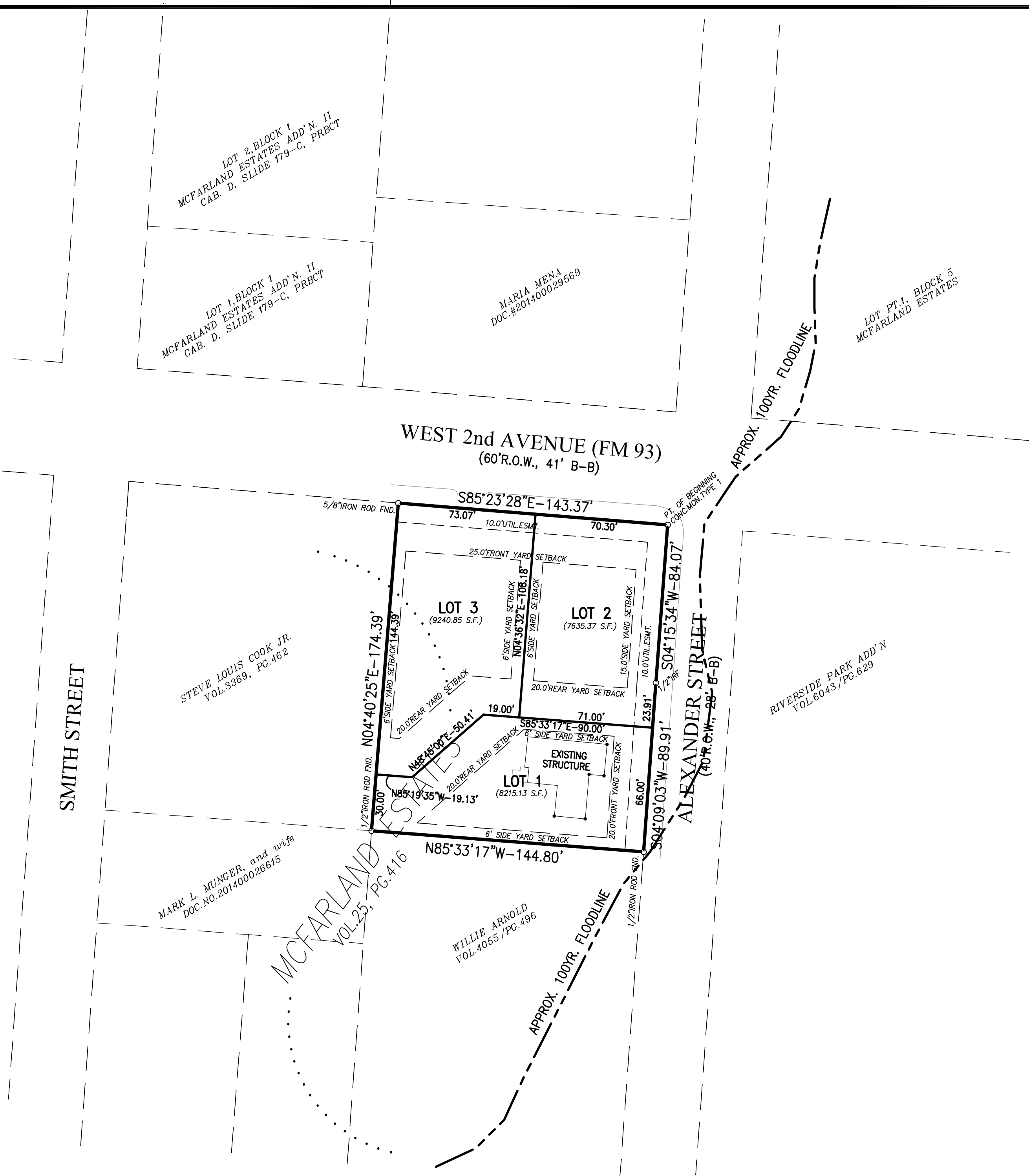
Date: 04-13-16

Signature of Owner: 

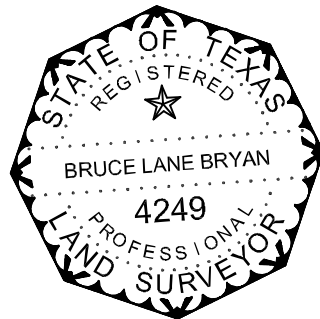
Date: 04-13-16



VICINITY MAP



ORIGINAL LOT CONFIGURATION
PART OF LOT 4, BLOCK 2, MCFARLAND ADDITION



STATE OF TEXAS
COUNTY OF BELL

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

B. L. Bryan
BRUCE LANE BRYAN, R.P.L.S. NO. 4249

STATE OF TEXAS
COUNTY OF BELL

K.J. HSE, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS 93 QUARTERS PLACE, A SUBDIVISION IN THE CITY OF BELTON, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

K.J. HSE, OWNER AND WIFE I LU

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF ____, 2016 BY K.J. HSE, AND WIFE, I LU, OWNERS.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF 93 QUARTERS PLACE TO THE CITY OF BELTON, TEXAS, WAS APPROVED THIS ____ DAY OF ____, 2016 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELTON, TEXAS.

CHAIRMAN

SECRETARY

STATE OF TEXAS
COUNTY OF BELL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF 93 QUARTERS PLACE TO THE CITY OF BELTON, TEXAS, WAS APPROVED THIS ____ DAY OF ____, 2016 BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.

MAYOR

SECRETARY

STATE OF TEXAS
COUNTY OF BELL

SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF BELTON, TEXAS.

WITNESS MY HAND THIS ____ DAY OF ____, 2016.

CITY CLERK

TAX CERTIFICATE

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

DATED THIS ____ DAY OF ____, 2016.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FILED FOR RECORD THIS ____ DAY OF ____, 2016, PLAT DOCUMENT NO. _____
PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT NO. _____, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

FINAL PLAT OF:
93 QUARTERS PLACE
3 LOTS, 1 BLOCK 0.576 ACRES

A REPLAT OF A PART OF LOT 4, BLOCK 2, MCFARLAND ESTATES
OUT OF THE M.H.CONNELL SURVEY, ABSTRACT #6, BELL COUNTY TEXAS
A SUBDIVISION IN THE CITY OF BELTON, BELL COUNTY TEXAS



0.576 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE
FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

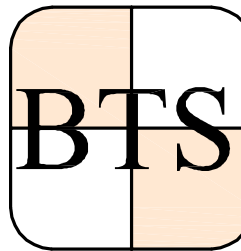
SURVEYORS NOTES:

1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C0340E, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
3. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".

FINAL PLAT

93 QUARTERS PLACE

BRYAN TECHNICAL SERVICES, INC.




911 NORTH MAIN TAYLOR, TX 76774 FIRM No. 10128500 surveying@austin.tx.com PHONE: (512) 352-9090 FAX: (512) 352-9091

NO.	DATE	REVISIONS	BY
1			
2			
3			
DRAWN BY: DVMQJCA		CHECKED BY: BLB	
SCALE: 1" = 40"		APPROVED BY: BLB	
PROJECT NO. 16-005		DATE: MAY 13, 2016	

HSIA, K J ETUX I LU



Proposed 93 Quarters Place

 P-16-18

A horizontal scale bar with a blue background and white text. The numbers 0, 185, 370, and 740 are positioned above the bar. A white vertical line is located at the 185-foot mark. The word "Feet" is written in white at the right end of the bar.

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

P-16-18 | 93 Quarters Place

PROPOSED PLAT:

Final Plat
93 Quarters Place
0.576 Acres

PROPERTY OWNER:

HSIA, K J ETUX I LU


Proposed 93 Quarters Place

W 2ND AVE

N SMITH ST

ALEXANDER ST

Legend

 P-16-18



0 15 30 60
Feet

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



City of Belton

Planning Department

June 8, 2016

Applicant: KJ Hsia / Belton Engineering Inc.

Date Submitted: 06-02-16

Project: 93 Quarters Place – Final Plat

Location: 0.576 Acres, 111 Alexander Street, Belton, Texas 76513

Please address these comments from the City of Belton following review of your submittal.

*****Please comment back in red under the comments submitted on this sheet.*****

Public Works/KPA:

1. Please change the utility easement to a dedicated City of Belton Utility Easement.
2. The sewer main needs to be a 6-inch and must be extended across the entire property with a 6-inch cleanout installed at the end. Please provide a detail for the cleanout.
3. The 4-inch sewer service needs to be shown if this location is known. This must be placed where it does not end up in the driveway, in a place that it can be easily damaged or where it cannot be serviced.
4. Note for the developer/home builder: The new water service and meter may not be placed in the driveway or in a place that it can be easily damaged.

Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

5. P-16-18 Hold a public hearing and consider a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Chair Holmes asked if there is ample parking for the duplexes. Ms. Smith said they are required to provide a minimum of two off-street parking spaces per unit, a total of four spaces.

Mr. Minosky made the motion to approve the item P-16-18 a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street. Ms. Schmuck seconded the motion, which was approved unanimously with 9 ayes, 0 nays, subject to the letter to the applicant's engineer and parkland fee.

Staff Report – City Council Agenda Item



Agenda Item #8

Hold a public hearing and consider an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

According to Section VI, Tree Protection, Preservation, and Mitigation, of 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, an applicant is required to provide payment of \$50 per diameter inch of Belton Heritage Tree removed for replanting elsewhere. The following is a list of tree species with heritage tree recognition (sizes vary due to tree species):

- American Elm - 38" DBH
- Bald Cypress - 34" DBH
- Bur Oak - 32" DBH
- Cedar Elm - 25" DBH
- Live Oak - 36" DBH
- Mexican Sycamore - 37" DBH
- Monterrey (Mexican White) Oak - 28" DBH
- Pecan - 34" DBH
- Post Oak - 24" DBH
- Shumard Red Oak - 21" DBH

The 2009 Design Standards required a tree replacement fee of \$200 per diameter inch for removal of a heritage tree. Replacement in 2009 was triggered for all trees on the list over 30 inches regardless of tree species. Copperas Cove, Harker Heights, and Killeen have no 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.

Staff presented tree mitigation recommendations to Council on March 8th for possible future consideration, given the changes from 2009 to present – \$200 to \$50 per diameter inch – and questions raised about the current replacement ratio of 3:1. At this

meeting, Council recommended researching the City of Flower Mound. The table below summarizes the landscape requirements for Belton and Flower Mound.

Belton	Flower Mound
Protected Trees: 8 inches and above Protected Trees (SF & MF): 20 inches and above Heritage Trees: See list	Protected Trees: 6 inches to 12 inches Specimen Trees: 13 inches and above Historic Trees: Designated by the Town Council
Site Clearing Permit Fee: No permit fee.	Tree Removal Permit Fee: No permit fee unless tree removal request for more than 10 protected trees or 4 specimen trees, then the permit fee is \$1,000.
Permit Reviewed and Approved by: Director of Planning	Permit Reviewed by: Tree Preservation and Enforcement Officer Tree Removal Permit Approved By: a) Protected Tree Removal: Tree Preservation and Enforcement Officer b) Specimen or Historic Tree Removal: Environmental Conservation Commission and Town Council
Tree Removal a) Protected Trees: 50% of the protected trees shall remain. If more than 50% removed, each replacement tree must be a minimum of 3 inches caliper and a minimum of 10 feet in height. <ol style="list-style-type: none"> 1) Each replacement tree shall be planted on the same subdivision or development. If replacement trees are unable to survive, the owner of the site can: <ul style="list-style-type: none"> • Make a cash payment into the tree fund; or • Plant trees on public property. b) Heritage Trees: 3:1 replacement or \$50 per diameter inch for heritage trees.	Tree Removal a) Protected Trees: <ol style="list-style-type: none"> 1) Tree replacement is 1.5 times that of the tree removed. 2) Tree removal permit is \$100.00 per tree not to exceed \$2,000.00 per permit application. b) Specimen Trees: <ol style="list-style-type: none"> 1) Tree replacement is 2 times that of the tree removed. 2) Tree removal permit is \$250.00 per tree. c) Historic Trees: <ol style="list-style-type: none"> 1) Tree replacement is 2.5 times that of the tree removed. 2) Tree removal permit is \$250.00 per tree.

In most instances, a developer has chosen to remove a heritage tree and pay the fee-in-lieu of mitigation due to a lack of space needed on a site to plant the required number of trees. For example, if a 40" live oak tree is removed, the developer now has the

option to either replace the heritage tree with 120 inches of trees, in addition to the landscape requirements, or pay a \$2,000 fee-in-lieu of mitigation. To encourage heritage tree mitigation, staff recommends changing the tree mitigation fee to \$100.00 per diameter inch. 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.

Fiscal Impact

None.

Recommendation

Recommend approval of an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches as follows:

1. Increase the tree replacement fee when triggered from \$50 to \$100 per diameter inch.
2. Reduce the tree replacement ratio when triggered from 3:1 to 1:1.

Attachments

Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards
P&ZC Minutes Excerpt
Ordinance

Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards

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.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 \$50.00 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.
- 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.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

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

7. Hold a public hearing and consider an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Pamplin said Ms. Smith is correct, replacing 120 inches of trees is much more expensive than paying a \$2,000 fee. The objective is that the City is encouraging people to replace the trees rather than pay a fee. Chair Holmes commented that park funding would go to the park fund. Ms. Smith stated that the funds are utilized for landscaping in parks and other public spaces., as allowed

Mr. Pamplin said he believed this to be an improvement to the plan currently in place. This amendment will increase the tree replacement fee, when triggered, from \$50 to \$100 per diameter inch and reduce the tree replacement ratio when triggered from 3:1 to 1:1.

Chair Holmes asked if anyone in the public reviewed it because he did not want to send it to the City Council to receive criticism from people who aren't aware of the proposed changes. Ms. Smith answered that she conducted a public workshop at the March 8th Council meeting, the amendments were posted in the local newspaper, and the agenda was emailed to the Temple Area Builder's Association (TABA).

Ms. Schmuck made the motion to approve the amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches. Mr. Minosky seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

ORDINANCE NO. 2016-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 37, BELTON DESIGN STANDARDS, OF THE ZONING ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

WHEREAS, the City Council recognizes heritage trees increase quality of life and are an important component to the Belton community; and

WHEREAS, the City's primary objective is to update the Tree Mitigation Requirements as a component of the City's Zoning Ordinance, to ensure heritage trees are mitigated when properties are developed; and

WHEREAS, these standards recognize that Belton heritage trees take several years to grow before they reach full maturity; and

WHEREAS, the proposed amendments will provide more opportunity for mitigation on-site;

WHEREAS, changing the 3:1 replacement to a 1:1 replacement will encourage the option to replace the trees instead of paying the fee;

WHEREAS, the tree mitigation requirements serve as a reference guide during review of new developments; and

WHEREAS, the standards contained within this ordinance are intended to ensure consistent practices in new development or in redevelopment; and

WHEREAS, the City Council has determined that the proposed Tree Mitigation Requirements are reasonable.

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

PART 1: The existing “Section 37, Belton Design Standards,” of the Zoning Ordinance for the City of Belton, Texas, is hereby amended as follows:

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

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

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 \$100.00 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.

VI.C.2.b. Tree Replacement Fee

Diameter of Existing Tree	Tree Replacement Ratio Inches	Tree Replacement Fee (per inch)
BHT and larger	1.0	\$100.00

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

PART 3: This ordinance shall take effect June 28, 2016, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

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

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the

time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #9

Hold a public hearing and consider an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex, or patio home.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

According to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, maximum height of a fence or wall in a required front yard of a single-family, duplex, or patio home may not exceed 3 feet. Staff has received several permit requests for 4 feet tall fences in the front yard. A majority of fencing sold at home improvement stores is 4 feet, 6 feet, and 8 feet tall. It is difficult to find fencing that is 3 feet tall. The table below summarizes area cities' maximum front yard fence height requirements.

Copperas Cove	No fences are allowed in the required front yard.
Salado	No fence or wall permitted in front yards of any SF residence that is adjacent to a public street.
Belton	3 feet maximum
Temple	<ul style="list-style-type: none">• 4 feet maximum.• Applies to SF 1&2.• If 3 feet or less it can be solid wood.• Higher than 3 feet must have open design with minimum 50 percent visibility and cannot impede visibility within 10 feet of curb or edge of pavement.
Killeen	<ul style="list-style-type: none">• 5 feet maximum.• Front yard fences higher than 4 feet cannot be solid wood and cannot be chain link.
Harker Heights	<ul style="list-style-type: none">• 5 feet maximum.• Applies to premises 5 acres or less and within the 25-foot setback.• Property that is 5 acres or larger can have a front yard fence higher than 5 feet.

The reason for the front yard fence height requirement is to achieve open space, attractive neighborhoods, and site visibility for drivers and pedestrians. There is a desire for personal fence design flexibility and the height of available fencing is often 4 feet and taller.

Staff recommends amending the current fence height requirements to allow a front yard fence not to exceed 4 feet above the grade of the adjacent property. Combinations of berms and fences shall not exceed 4 feet in height. Front yard fences are not permitted in the right-of-way or sight distance triangle areas. Any front yard fence that measures greater than 3 feet in height shall not be of an opaque character (e.g. solid wood).

Fiscal Impact

None.

Recommendation

Recommend approval of an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex, or patio home.

Attachments

Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance
P&ZC Minutes Excerpt
Ordinance

SECTION 41: SCREENING FENCE AND WALL STANDARDS

- H. In any residential district or along the common boundary between any residential and non-residential district where a wall, fence, or screening separation is erected, the following standards for height, location, and design shall be observed:
1. Any fence or wall located to the rear of the minimum required front yard line except as determined by the provisions of Section 35.2 shall not exceed eight feet (8') in height above the grade of the adjacent property.
 2. The maximum height of a fence or wall in a required front yard of a single-family, duplex, or patio home shall not exceed ~~thirty six inches (36")~~ four (4) feet above the grade of the adjacent property. Combinations of berms and fences shall not exceed ~~thirty six inches (36")~~ four (4) feet in height. Front yard fences are not permitted in the right-of-way or sight distance triangle areas. Any front yard fence that measures greater than three (3) feet in height shall not be of an opaque character (e.g. solid wood).
 3. Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall be deemed to be a side yard, which may be fenced in the same manner as any other side yard adjacent to a street, except that the fence shall be constructed on an angle beginning at the intersection of the building line with the lot line and ending at a point on the street right-of-way located a minimum of ten feet (10') from the lot line. (See Illustration 9.)

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

8. Hold a public hearing and consider an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex or patio home.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Chair Holmes asked if he could put a 4-foot-tall chain link fence in his front yard. Ms. Smith said yes, if this amendment is approved by Council. Chair Holmes suggested changing the language to “decorative fence” adding that a 4-foot-tall chain link fence in his neighborhood would not be very attractive.

Mr. Pamplin said that many HOAs restrict front yard fences. Ms. Smith said this is also taking into consideration the standpoint of affordability for Belton residents.

Ms. Lundgren asked about the color requirements of the chain link fence. Ms. Smith said the Design Standards require black chain link fences along local roadways.

Chair Holmes asked about setback requirements for fences. Ms. Smith said fences are permitted to be placed along the property line. Mr. Morgan and Mr. Minosky discussed that the grade elevation between neighbors may cause an issue by allowing fences much taller than 4 feet above the property grade if the adjacent grade is much higher. Ms. Smith said the intent is for uniformity and design. Mr. Morgan said he’s concerned with the potential loophole to install a taller fence. Mr. Morgan asked about the enforcement when the black coating of a chain link fence falls apart. Ms. Smith said it would be a code enforcement issue at that point.

Ms. Smith said she’s been told by residents that a 3-feet tall fence is more decorative than it is effective. Ms. Smith added if a property requires a 1-foot-tall retaining wall, the fence may only be 3-feet high; therefore, a combination of a berm and fence cannot exceed 4-feet high.

Mr. Berryman made the motion to approve the amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex or patio home. Mr. Pamplin seconded the motion, which was approved with 6 ayes, 3 nays by Ms. Schmuck, Chair Holmes and Mr. Baggerly.

ORDINANCE NO. 2016-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 41, SCREENING FENCE AND WALL STANDARDS, OF THE ZONING ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

WHEREAS, the City Council recognizes the need for front yard fence height requirements for single family, duplex, or patio homes; and

WHEREAS, the City's primary objective is to update the front yard fence height requirements as a component of the City's Zoning Ordinance, to ensure to achieve open space, attractive neighborhoods, and site visibility for drivers and pedestrians; and

WHEREAS, there is a desire for personal fence design flexibility and the height of available fencing is often 4 feet and taller; and

WHEREAS, the Screening, Fence and Wall Standards include a provision that any front yard fence measuring 3 feet in height or greater shall not be of an opaque character;

WHEREAS, front yard fences are not permitted in the right-of-way or sight distance triangle areas; and

WHEREAS, the City Council has determined that the proposed front yard fence requirements are reasonable.

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

PART 1: The existing "Section 41, Screening Fence and Wall Standards," of the Zoning Ordinance for the City of Belton, Texas, is hereby amended as follows:

- H. In any residential district or along the common boundary between any residential and non-residential district where a wall, fence, or screening separation is erected, the following standards for height, location, and design shall be observed:
1. Any fence or wall located to the rear of the minimum required front yard line except as determined by the provisions of Section 35.2 shall not exceed eight feet (8') in height above the grade of the adjacent property.
 2. The maximum height of a fence or wall in a required front yard of a single-family, duplex, or patio home shall not exceed four (4) feet above the grade of the adjacent property. Combinations of berms and fences shall not exceed four (4) feet in height. Front yard fences are not permitted in the right-of-way or sight distance triangle areas. Any front yard fence that measures greater than three (3) feet in height shall not be of an opaque character (e.g. solid wood).
 3. Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall be deemed to be a side yard, which may be fenced in the same manner as any other side yard adjacent to a street, except that the fence shall be constructed on an angle beginning at the intersection of the building line with the lot line and ending at a point on the street right-of-way located a minimum of ten feet (10') from the lot line. (See Illustration 9.)

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

PART 3: This ordinance shall take effect June 28, 2016, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

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

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the

time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #10

Hold a public hearing and consider an amendment to Section 502, Street Standards and Policy of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

According to Section 502 (F), Cul-de-Sacs and Dead-End Streets, of the 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. The 2009 International Fire Code requires a second means of access when subdivisions contain more than 30 lots. Recently, multiple subdivision plats have requested a variance to the maximum cul-de-sac length requirement and to allow one means of access for subdivisions exceeding 30 lots. Due to the amount of variances requested and approved, staff began researching area cities' maximum cul-de-sac length and means of access requirements. The tables below summarize area cities' maximum cul-de-sac length and means of access requirements:

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.
Belton	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.
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.
Temple	Cul-de-sacs can exceed 1,000 feet but intermediate turnarounds are required when it does.

Area Cities	Means of Access – Number of Lots
Belton	2 entrances – 30 lots
Copperas Cove	2 entrances – 30 lots
Harker Heights	2 entrances – 30 lots
Killeen	2 entrances – 50 lots
Salado	2 entrances – 50 lots
Temple	1 entrances – 1-75 lots 2 entrances – 76-150 lots 3 entrances – 151-300 lots N/A – 300 + lots

Staff presented maximum cul-de-sac length and means of access recommendations to Council for possible future adoption on March 8th. At this meeting, Council recommended that staff meet with BISD to determine if the buses travel on cul-de-sacs to pick up students. City staff met with BISD transportation department staff that provided valuable insight in regard to bus pick-up practice. TEA State Law requirements regarding walking distance to bus stops for elementary school students is ¼ mile (1,320 feet) and for middle and high school students is ½ mile (2,640 feet). The students must have a safe/clear walking path from the student's home to the bus stop. In most instances, the buses will not travel into a cul-de-sac and the students are picked-up/dropped-off where the cul-de-sac ties in with another street. At the March 8th meeting, Council also requested that staff provide a list of existing cul-de-sacs lengths and associated street widths in Belton. A table summarizing cul-de-sac lengths, street widths, and cul-de-sac radius in Belton is attached to this staff report.

Staff recommends changing the maximum cul-de-sac length to 1,000 feet. If the cul-de-sac exceeds 1,000 feet, construction of an intermediate turnaround is required, similar to the City of Temple requirements. 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.

Staff recommends changing the means of access requirements to the following:

- 1 entrance – 1-50 lots
- 2 entrances – 51-100 lots
- 3 entrances – 101 + lots

We recommend adding a means of access requirement to the Subdivision Ordinance so it may apply to Belton ETJ. There should also be a provision to allow a temporary emergency access road in the Subdivision Ordinance and Design Manual.

Fiscal Impact

None.

Recommendation

Recommend approval of an amendment to Section 502, Street Standards and Policy of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.

Attachments

Section 502 (F), Cul-de-Sacs and Dead-End Streets, of the Subdivision Ordinance
Examples of Cul-de-Sac Lengths in Belton
2009 Fire Code Means of Access Requirements
City of Temple Cul-de-Sac Requirements and Means of Access Requirements
P&ZC Minutes Excerpt
Ordinance

Section 502: Street Standards and Policy

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.

Examples of Cul-de-Sac Lengths in Belton

Location	Cul-de-Sac Length	Street Width	Radius
SW Belton			
Independence Court	760 feet	31	40
Lincoln Court	670 feet	31	40
Madison Court – S	760 feet	31	40
Madison Court – N	310 Feet	31	40
Jefferson Court – S	685 feet	31	40
Jefferson Court – N	330 feet	31	40
SE Belton			
Colette Court	500 feet	31	40
Carla Circle	375 feet	31	40
Samuel Drive	425 feet	31	40
Renee Spur	400 feet	34	45
Ellen Place	215 feet	28	38
East Avenue O	775 feet	31	40
East Avenue M	760 feet	27	40
West Central Belton			
Richardson Circle	200 feet	31	40
Dusty Trail	690 feet	29	40
Tumbleweed Drive	290 feet	29	40
Sage Brush Drive	210 feet	29	40
Point Court	150 feet	29	40
Cliff Drive	1,175 feet	29	40
Nolan Court	190 feet	29	40
Business Park			
Kennedy Court	630 feet	45	75
East Belton			
N. Wall Street (N of 15th)	345 feet	35	40
Hallmark Circle	635 feet	28	40
Atrium Circle	150 feet	28	40
River Oak Drive	430 feet	33	40
North Central Belton			
Neches Drive	615 feet	31	40
Pecos Trail	380 feet	30	40
Sundown Court	380 feet	30	40
Legend Oaks Blvd	1125 feet	27	40
West Belton			
Loving Cove	360 feet	31	40
Casawa Cove	350 feet	30	40
Matador Cove	340 feet	31	40
Pitchfork Circle	525 feet	29	40
Sarita Cove	540 feet	31	40
Remuda Court	465 feet	28	40

Location	Cul-de-sac Length	Street Width	Radius
West Belton Continued			
South Fork Circle	430 feet	29	39
Wildcatter Cove	145 feet	28	40
Greenhaven Drive	725 feet	28	39
Spring Creek Court	120 feet	28	39
De Leon Circle	410 feet	28	39
Breakers Cove	935 feet	28	39
Sanbar Circle	160 feet	28	38
Amber Forest Trail (2500 Block)	260 feet	27	43
Amber Forest Trail (3000-3100 Block)	760 feet	28	44
Twin Ridge Court	300 feet	28	39
Gardenbrook Trail	525 feet	28	39
Autumn Cove	250 feet	28	39
Spinnaker Lane	830 feet	28	44
Schooner Cove	340 feet	28	44
Genoa Cove	150 feet	27	44

2009 International Fire Code

APPENDIX D: FIRE APPARATUS ACCESS ROADS

ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

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

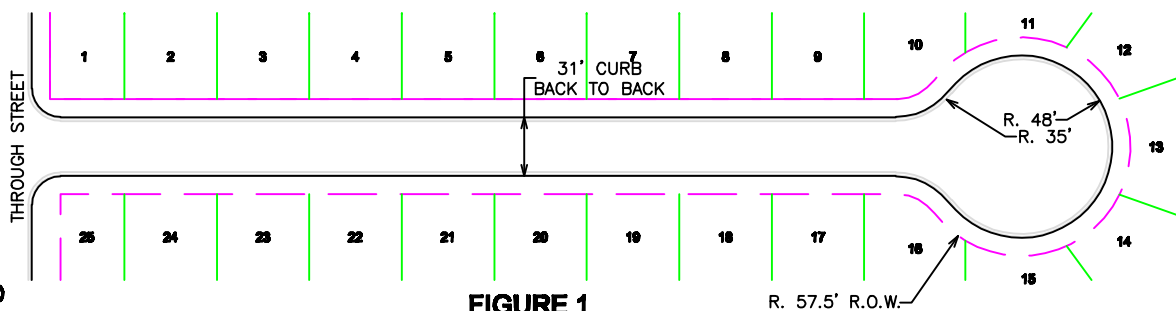


FIGURE 1

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

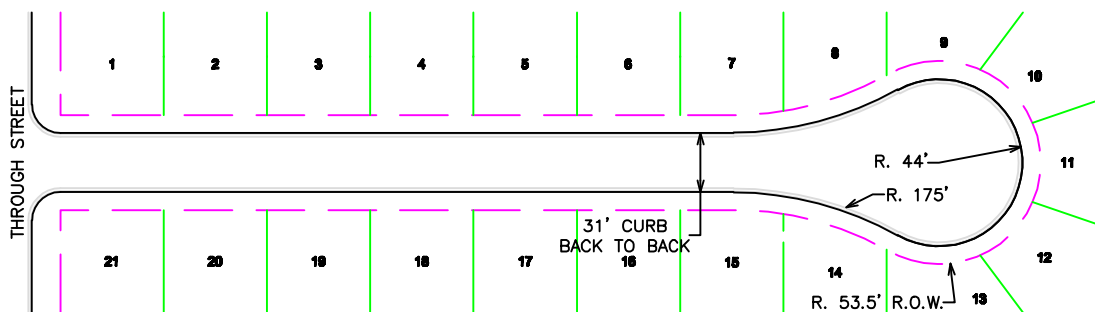


FIGURE 2

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

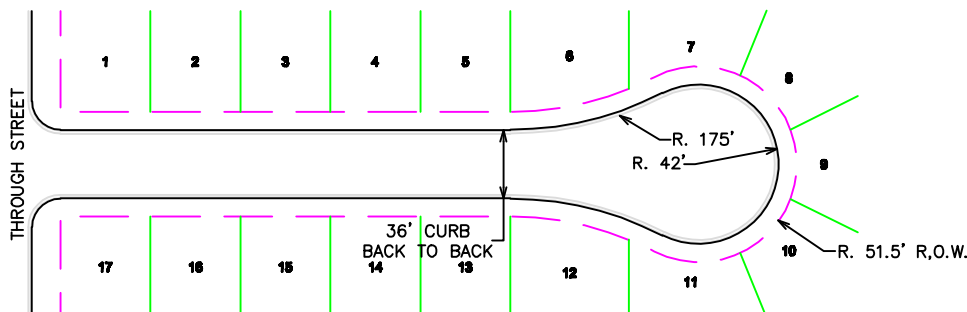


FIGURE 3

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

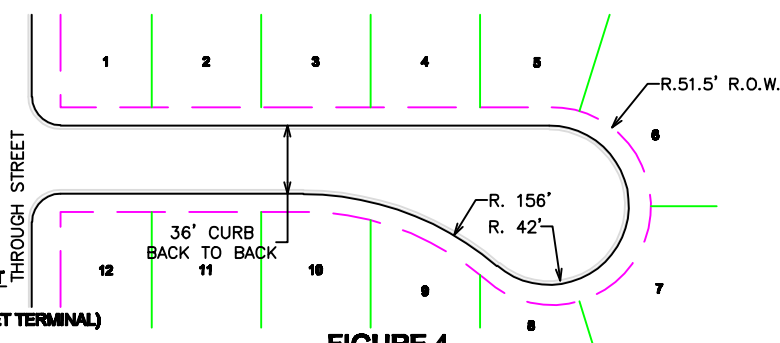


FIGURE 4

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

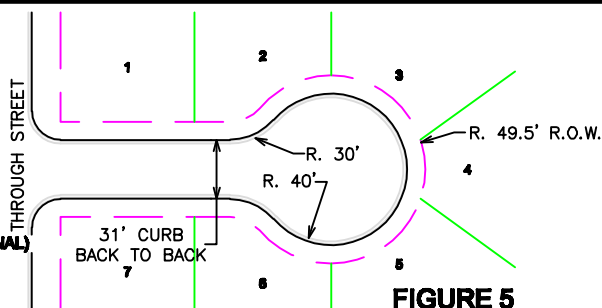


FIGURE 5

SHEET 1 OF 2



**CITY OF TEMPLE
ENGINEERING DEPARTMENT**

3210 E. Avenue H, Bldg. A

TEMPLE, TX 76701-0402

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

DEAS APPROVED DATE: 1 OCTOBER 2008

DRAWN BY: Chris Paul

FILE NAME: CULDESAC08.dwg

DESIGN CRITERIA-CUL-DE-SACS

**SCALE:
1"=100'**

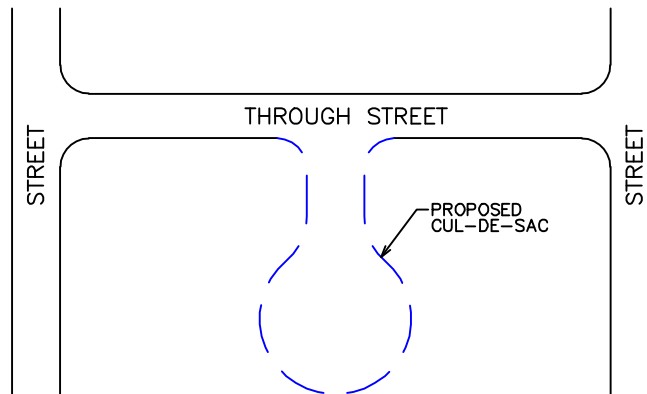


FIGURE 6
THROUGH STREET DIAGRAM

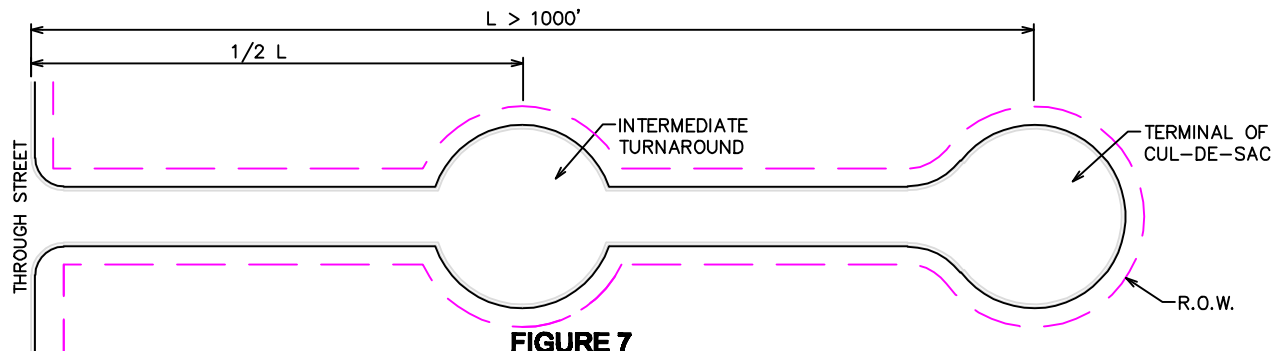


FIGURE 7
INTERMEDIATE TURNAROUND

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 RADIUS 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

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

DESIGN APPROVED DATE: 1 OCTOBER 2008

DRAWN BY: Chris Peel

FILE NAME: CULDESACBldg.dwg



**CITY OF TEMPLE
ENGINEERING DEPARTMENT**

3210 E. Avenue H, Bldg. A

TEMPLE, TX 76801-8402

DESIGN CRITERIA-CUL-DE-SACS

**SCALE:
1"=100'**

THE FOLLOWING 'STANDARD' AND 'ALTERNATE' ENTRANCE STREET DESIGNS ARE TO BE USED WHEN DESIGNING TEMPLE RESIDENTIAL SUBDIVISIONS. ALTERNATE DESIGNS AFFORD INCREASED FLEXIBILITY AND MAY BE UTILIZED TO INCREASE THE RATIO OF LOTS TO ENTRANCE.

RESIDENTIAL SUBDIVISION ENTRANCE/ACCESS DESIGN STANDARDS

NUMBER OF LOTS	STANDARD DESIGN MINIMUM ENTRANCES (LOCAL OR COLLECTOR STREET) (FIGURES 1,2,3,or4)	ALTERNATE DESIGNS MINIMUM ENTRANCES (MINIMUM CUMULATIVE STREET WIDTH 41' CB/CB) (FIGURES 2,3,4,&5or6)
1-75	1	
76-150	2(b)	1(d)
151-300	3(b&c)	2(b,c,&d)
301+	N/A	3(a,b,c,&d)

Subdivision Street Entrance/Access Design Requirements maybe satisfied with a combination of standard or alternate designs in combination with access to other subdivisions, in accordance with the table above and figures 1-7.

Fire Sprinkler Subdivisions. When all dwelling units within a subdivision are served by approved fire sprinkler systems, multiple entrance access is not required to meet fire safety requirements

Street Width and Curb Radii are determined by respective street classifications.

(a) Subdivisions with more than 300 residential lots may be required to have more than three entrance/access streets (or provision for future street connections with adjacent property) to facilitate adequate traffic flow and safety.
The Planning Director may waive the requirement for more than three entrance access street design includes traffic-enhancing features such as: 1) street layout that promotes orderly and convenient traffic flow with local street to collector street to subdivision entrance/access 2) traffic calming features, 3) continuous left and right turn exit traffic lanes, 4) direct access to a multi-lane arterial street, arterial with center turn lane, boulevard, or acceleration/deceleration lanes to/from the entrance, 5) increased radii at entrance corners.

b) Second or Third Entrance Access required under this standard may be temporarily satisfied by the execution of a development agreement between the City and the developer and the subsequent dedication and construction of a "Temporary Emergency Vehicle Access" across a public lot or easement if the "access" is constructed in accordance with Figure 7.
The development agreement must, in addition to addressing construction standards for the "Temporary Emergency Vehicle Access" provide that the City shall maintain the temporary access paving and retain the right to access until such time as the "Temporary Emergency Vehicle Access" is replaced by a permanent subdivision entrance/access constructed in accordance with these standards and accepted by the City. The development agreement shall also provide that as a condition of acceptance of a "Temporary Emergency Vehicle Access" by the City, that the developer shall create a home owners association with responsibility for maintaining vegetation adjacent to the "Temporary Emergency Vehicle Access" or shall provide financial guaranty acceptable to the City Attorney.


(c) Future Street Access may satisfy additional entrance access requirements when a future street access is a component of an approved Preliminary or Final Plat.

(d) Residential Driveway access to Entrance Streets is not permitted.

NOTES:

- ADT IS A REFERENCED TERM FROM THE TRIP GENERATION MANUAL PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS. RESIDENTIAL LOT IS ASSUMED AT 10 ADT/DWELLING UNIT.
- AN ENTRANCE ACCESS STREET IS A STREET THAT EXTENDS CONTINUOUSLY BETWEEN TWO OR MORE STREETS. WHEN THE ACCESS OF A PROPOSED SUBDIVISION IS FROM AN EXISTING LOCAL STREET, THE AVERAGE DAILY TRIPS ("ADT's") OF THE EXISTING SUBDIVISION MUST BE INCLUDED IN THE ADT CALCULATION FOR THE PROPOSED SUBDIVISION.

SHEET 1 OF 3

		CITY OF TEMPLE ENGINEERING DEPARTMENT <small>2210 E. Avenue H, Bldg. A TEMPLE, TX 76701-0402</small>	
<small>APPROVED BY: Michael C. Newman, P.E.</small> <small>DRAWN BY: Chris Peel</small>	<small>D&B APPROVED DATE: 1 OCTOBER 2008</small> <small>FILE NAME: SUBDIVENTRY.dwg</small>	DESIGN CRITERIA- RESIDENTIAL SUBDIVISION ENTRANCES	<small>SCALE: 1"=100'</small>

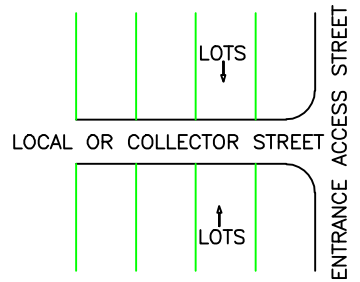


FIGURE 1
STANDARD ENTRANCE
(LOTS FACE ENTRANCE STREET)

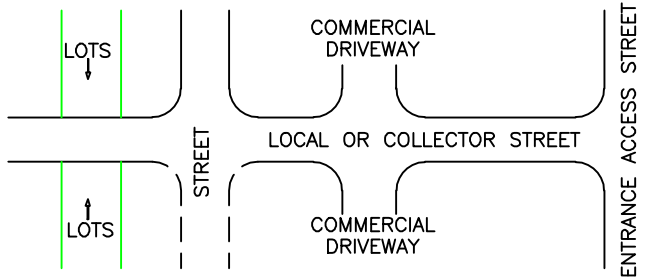


FIGURE 2
STANDARD ENTRANCE
(LOTS FACE ENTRANCE STREET AFTER INTERSECTION)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

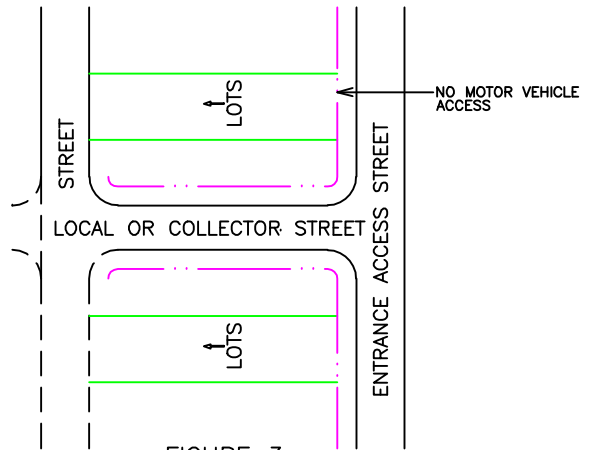


FIGURE 3
STANDARD ENTRANCE
(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

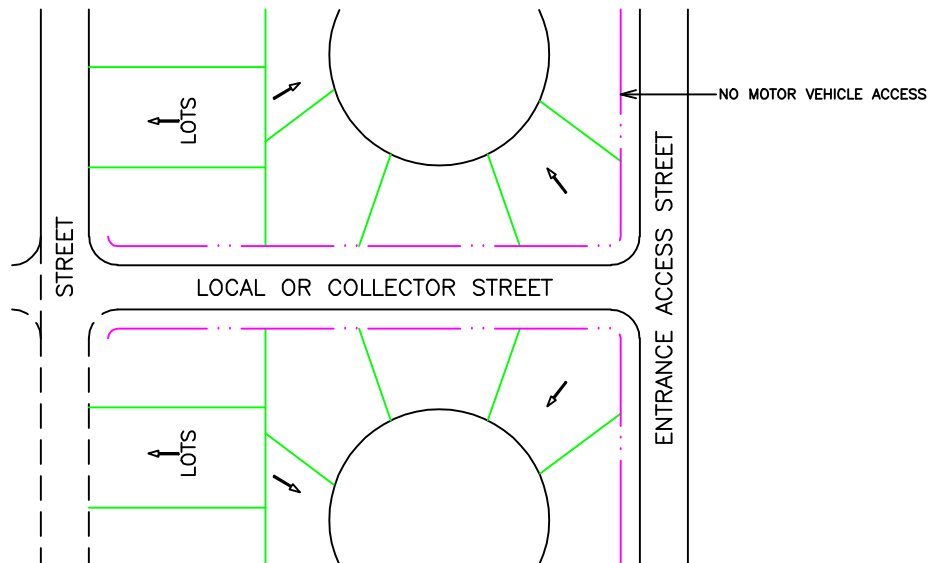


FIGURE 4
STANDARD ENTRANCE
(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS



NOTE:
THIS ALTERNATIVE IS THE
EQUIVALENT OF TWO
ENTRANCES.

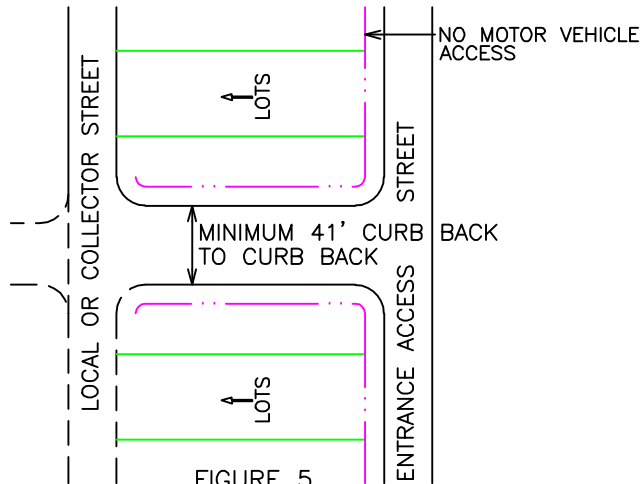


FIGURE 5
ALTERNATE ENTRANCE
MINIMUM 41' CB/CB

(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

NOTE:
THIS ALTERNATIVE IS THE
EQUIVALENT OF TWO
ENTRANCES.

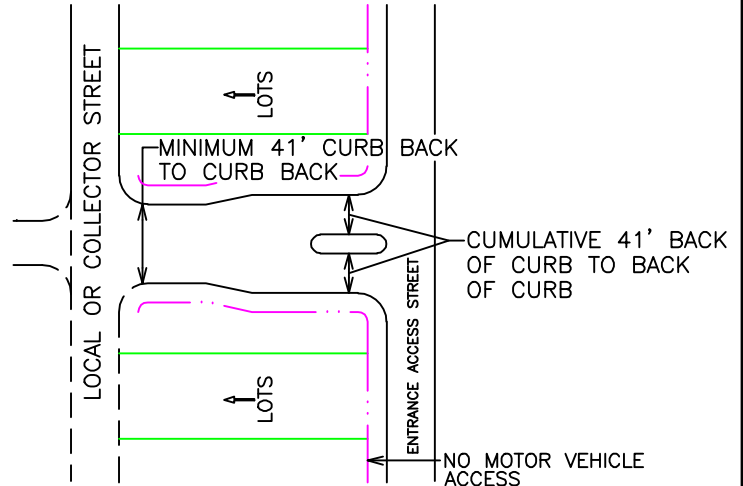


FIGURE 6
ALTERNATE ENTRANCE (BOULEVARD)
MINIMUM 41' CB/CB

(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

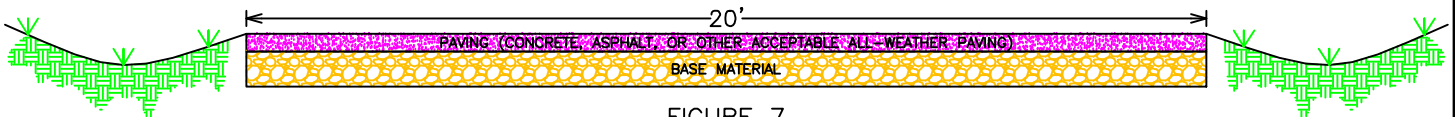


FIGURE 7
TEMPORARY EMERGENCY VEHICLE ACCESS DESIGN

MINIMUM PAVEMENT DESIGN BASED ON A GEOTECHNICAL REPORT RECOMMENDATION, MUST BE CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPARATUS WEIGHING AT LEAST 70,000 POUNDS, AND MEET STREET GRADE REQUIREMENTS OF THE MOVEABLE BARRICADES OR GATES, TO RESTRICT USE TO EMERGENCY VEHICLES, MAY BE INSTALLED WITH "NO PARKING FIRE LANE" SIGNS PER THE TEMPLE FIRE CODE.



Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

9. Hold a public hearing and consider an amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Mr. Minosky asked if the cul-de-sac that was approved for Mystic River, Phase II would be required to provide a turnaround. Ms. Smith said if it was approved by P&Z and City Council, an intermediate turnaround would be required for a cul-de-sac of that length. Mr. Morgan asked if a cul-de-sac extending from the primary cul-de-sac would meet the turnaround requirements for cul-de-sacs exceeding 1,000 feet, like existing Cliff Drive and Legend Oaks Blvd. Ms. Smith stated that each proposal will be evaluated by staff members to determine if it achieves adequate traffic circulation and emergency access needs.

Chair Holmes asked for the requirement for the radius. Ms. Smith answered 40 feet. Chair Holmes asked if it's possible that homes would be built along a turnaround. Ms. Smith answered yes.

Mr. Morgan asked about entrances into existing subdivisions. Ms. Smith stated the 2009 International Fire Code addresses access to multi-family projects. According to the Fire Code, a minimum of two separate and approved fire apparatus access roads are required for multi-family developments containing more than 100 units. Chair Holmes said it's not very clear the requirements when it comes to a permanent road or a graded road for an emergency vehicle.

Mr. Baggerly said there have been a lot of variances requested on this topic, so he believed this amendment is needed to reduce the number of variances requested.

Mr. Naegele asked about the differences between multi-family and single-family residences in relation to means of access. The Commission discussed the means of access for an apartment complex. Ms. Smith said the Fire Marshal makes the final decision regarding the required number of access driveways, according to the Fire Code. This change is intended for single family homes, she said, since apartments are covered elsewhere.

Mr. Baggerly made the motion to approve the amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision. Ms. Lundgren seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

ORDINANCE NO. 2016-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 502, STREET STANDARDS AND POLICY, OF THE SUBDIVISION ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

WHEREAS, the City Council recognizes the need to have means of access requirements for better traffic circulation and to alleviate congestion; and

WHEREAS, the City's primary objective is to include street access standards as a component of the City's Subdivision Ordinance, to ensure connectivity, accessibility, and safety are evaluated for new residential subdivisions within the City of Belton and extraterritorial jurisdiction; and

WHEREAS, these standards will address emergency access needs; and

WHEREAS, the number of street/entrance access streets requirements are determined by the number of lots in a new residential subdivision;

WHEREAS, the cul-de-sac length requirements are amended to address challenges faced for new residential subdivisions;

WHEREAS, the cul-de-sac length requirements include a provision to provide an intermediate turnaround for cul-de-sacs exceeding 1,000 feet;

WHEREAS, these standards will serve as a reference guide in subdivision plat review in the City and Extraterritorial Jurisdiction (ETJ) to ensure means of access needs and cul-de-sac length are addressed; and

WHEREAS, the standards contained within this ordinance are intended to ensure consistent design practices in new development; and

WHEREAS, the City Council has determined that the proposed subdivision access standards and cul-de-sac length requirements are reasonable.

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

PART 1: The existing "Section 502, Street Standards and Policy," of the Subdivision Ordinance for the City of Belton, Texas, is hereby amended as follows:

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 1,000 feet, except under unusual conditions with the approval of the City Council. Intermediate turnarounds are required when a cul-de-sac exceeds 1,000 feet. Consideration of the number of intermediate turnarounds shall be based on the overall length.

PART 2: The existing "Section 502, Street Standards and Policy," of the Subdivision Ordinance for the City of Belton, Texas, is hereby amended as follows:

J. Subdivision Street Access Standards

1. Pursuant to this ordinance, any single family residential subdivision within the City of Belton or the City's extraterritorial jurisdiction shall provide the number of subdivision entrance/access streets in accordance with the table below:

Number of Lots	Minimum Entrances
1-50	1
51-100	2
101+	3

2. In cases where a future subdivision phase will be submitted within twelve (12) months from the date of Council action, a temporary vehicle access street may be constructed to serve as a second or third entrance. If a subdivision plat is not submitted within that time frame, the subdivider will be required to provide a permanent access/entrance street.

PART 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 4: This ordinance shall take effect June 28, 2016, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 5: The Subdivision Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #11

Hold a public hearing and consider an amendment to Section 517, Requirements for Parkland, of the Subdivision Ordinance, regarding required parkland.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

According to Section 517.01 Parkland Required, of the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. For example, a 50-lot subdivision may dedicate 0.50 acres or pay a \$10,000 fee-in-lieu of parkland dedication, at the developer's discretion.

In some instances a developer will request to pay a fee-in-lieu of parkland dedication. It is important to ensure residential subdivisions have neighborhood parks. Open spaces in neighborhoods are important because they serve numerous purposes including preservation of natural areas and resources, preservation of scenic views, greater resident access to open areas and recreation, public health benefits, and enhancement of the quality of new development.

The current parkland requirement states that the City only reserves the right to require the dedication of land for public park purposes when two or more acres of land would be required to satisfy the parkland dedication requirements. Staff recommends amending the current parkland requirements to provide Council with discretion in all circumstances when determining the need for satisfying application of the parkland requirement in new residential subdivisions. Staff recommends the following revisions to Section 517.01 Parkland Required, of the Subdivision Ordinance:

- A. Pursuant to this ordinance, it shall be required that a subdivider of any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland, in accordance with the provisions of this Section and these regulations generally.
- B. All plats receiving subdivision approval shall conform to the requirements of this Section. To satisfy the provisions of this Ordinance, conformance with these

requirements may be through Parkland dedication or payment of fees-in-lieu of required Parkland, or a combination of the two, **at the exclusive discretion of the City Council.**

- C. In the event the subdivider offers to dedicate land for a public park classification that is defined in the Comprehensive Plan and/or Parks and Recreation Master Plan which meets the design standards of these regulations, and that is two or more acres in size, the City shall accept the parkland dedication, unless Parkland needs have been previously satisfied in that area, **if in the City's best interests.**
- D. Where a subdivider proposes to pay an in-lieu-fee as provided for below, the Council may accept such payment as satisfying the parkland dedication requirements of this Code, except that the **Councility** reserves the **exclusive** right to require the dedication of land for public park purposes **at its discretion** ~~in accordance with this Section when two or more acres of land would be required~~ to satisfy the parkland dedication requirements of this Code.

Fiscal Impact

None.

Recommendation

Recommend approval of an amendment to Section 517, Requirements for Parkland, of the Subdivision Ordinance, regarding required parkland.

Attachments

Section 517.01 Parkland Required, of the Subdivision Ordinance
P&ZC Minutes Excerpt
Ordinance

Section 517: Requirements for Parkland (Ordinance #2005-04)

517.01 Parkland Required

- A. Pursuant to this ordinance, it shall be required that a subdivider of any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland, in accordance with the provisions of this Section and these regulations generally.
- B. All plats receiving subdivision approval shall conform to the requirements of this Section. To satisfy the provisions of this Ordinance, conformance with these requirements may be through Parkland dedication or payment of fees-in-lieu of required Parkland or a combination of the two.
- C. In the event the subdivider offers to dedicate land for a public park classification that is defined in the Comprehensive Plan and/or Parks and Recreation Master Plan which meets the design standards of these regulations, and that is two or more acres in size, the City shall accept the parkland dedication, unless Parkland needs have been previously satisfied in that area.
- D. Where a subdivider proposes to pay an in-lieu-fee as provided for below, the Council may accept such payment as satisfying the parkland dedication requirements of this Code, except that the City reserves the right to require the dedication of land for public park purposes in accordance with this Section when two or more acres of land would be required to satisfy the parkland dedication requirements of this Code.

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

10. Hold a public hearing and consider an amendment to Section 517, Requirements for Parkland of the Subdivision Ordinance, regarding required parkland.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Pamplin said it could leave no choice in the matter for developers since the language would give the Council “exclusive right.” Ms. Smith said Council does have the right to require parkland, but the amended language makes this clear for this particular policy. Mr. Pamplin thinks it would be great to say “the City built this park here” instead of collecting park fees. Ms. Smith said the fee must be used within a one-mile radius of the subdivision and the City has 10 years to use the funds or it goes back to the developer. Ms. Smith said it would be better to have the parkland dedicated because buying land can end up costing more than is collected in fees.

Mr. Morgan said this provides the City Council with a clear ability to require parkland in close proximity to new residences.

Mr. Berryman asked about comparisons between other cities. Ms. Smith said the fees are consistent. He asked about the lots comparison, which Ms. Smith stated she would have to research other area cities’ land dedication requirements.

Mr. Pamplin asked if memos will show that City Council is requiring parkland. Ms. Smith stated yes, she will provide that information in the monthly P&ZC memos.

Mr. Berryman asked if the developers are informed of the parkland requirements prior to plat submission. Ms. Smith said in most instances, subdivision developers do not come in to meet with her prior to plat submission. She stated that she includes parkland requirement comments in the initial and all letters to the applicant’s engineer. Mr. Berryman said it should be very clear to them what’s expected when building in Belton. He added that this information should be sent out to the public, so when preliminary plats are looked at there is no question.

Mr. Morgan said the Commission has the ability to disapprove plats that don’t meet the parkland requirements. Ms. Smith said she believes the City has been developer-friendly, but must

determine if the proposed parkland is adequate at the preliminary plat phase. Mr. Pamplin said if the information is out there and spread through the right channels, then it should be effective.

Mr. Morgan said the goal is that developers are asking the right questions and getting clarification before they invest the time and money. Mr. Berryman said that's why he asked about neighboring cities and it cannot be black and white every time, but the rules should match up with Belton's neighbors.

Ms. Schmuck commented that she would like to see the parkland with the preliminary plat submission.

Mr. Pamplin made the motion to approve the amendment to Section 517, Requirements for Parkland of the Subdivision Ordinance, regarding required parkland. Chair Holmes seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

ORDINANCE NO. 2016-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 517.01, PARKLAND REQUIRED, OF THE SUBDIVISION ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of June, 2016, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of June, 2016, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

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

WHEREAS, the City Council recognizes the need to provide neighborhood parks in residential subdivisions; and

WHEREAS, the City's primary objective is to update the Parkland Requirements as a component of the City's Subdivision Ordinance, to ensure parks are dedicated in new residential subdivisions; and

WHEREAS, open spaces in neighborhoods are important because they serve numerous purposes including preservation of natural areas and resources, preservation of scenic views, greater resident access to open areas and recreation, public health benefits, and enhancement of the quality of new development; and

WHEREAS, amending the current parkland requirements will provide Council with discretion in all circumstances when determining the need for satisfying application of the parkland requirement in new residential subdivisions;

WHEREAS, the Parkland Requirements serve as a reference guide in subdivision plat review in the City and Extraterritorial Jurisdiction (ETJ) to ensure sidewalks needs are addressed; and

WHEREAS, the standards contained within this ordinance are intended to ensure consistent practices in new development; and

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

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

PART 1: The existing "Section 517.01, Parkland Required," of the Subdivision Ordinance for the City of Belton, Texas, is hereby amended as follows:

- A. Pursuant to this ordinance, it shall be required that a subdivider of any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland, in accordance with the provisions of this Section and these regulations generally.
- B. All plats receiving subdivision approval shall conform to the requirements of this Section. To satisfy the provisions of this Ordinance, conformance with these requirements may be through parkland dedication or payment fees-in-lieu of required Parkland, or a combination of the two, at the exclusive discretion of the City Council.
- C. In the event the subdivider offers to dedicate land for public park classification that is defined in the Comprehensive Plan and/or Parks and Recreation Master Plan which meets the design standards of these regulations, and that is two or more acres in size, the City shall accept the parkland dedication, unless Parkland needs have been previously satisfied in the area, if in the City's best interests.
- D. Where a subdivider proposes to pay an in-lieu fee as provided for below, the Council may accept such payment as satisfying the parkland dedication requirements of this Code, except that the Council reserves the exclusive right to require the dedication of land for public park purposes at its discretion to satisfy the parkland dedication requirements of this Code.

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

PART 3: This ordinance shall take effect June 28, 2016, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

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

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

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #12

Consider a Resolution establishing a Growth Management Framework for the City of Belton.

Originating Department

Erin Smith, Director of Planning

Summary Information

Texas Municipal League (TML) hosted the 2016 Texas Municipal League Annexation Conference on May 12-13 this year. At this two-day conference, legal experts, urban planners, and city leaders shared insight, knowledge, and practices that can help cities manage growth, expand services, and improve the quality of life for citizens. TML recommended that each city identify a growth management framework. While this is not a legal requirement, from a policy perspective it is important to have a clear growth management framework that may lead to annexation. The Framework will provide background on issues, objectives, and policies that will be considered when assessing these important growth issues.

The proposed Growth Management Framework for the City of Belton includes the following components:

- Purpose and Intent
- Annexation Authority
- History
- Strategies
- Policy Statements

Growth Management Strategies demonstrate how the annexation process can be administered as an important tool for guiding development in a city's ETJ. Potential strategies include: Promote Economic Development; Facilitate Long Range Planning; Protect Future Development; and Foster Intergovernmental Cooperation.

Growth Management Policy Statements include evaluation of areas for annexation based on existing or planned level of development; service delivery needs; need to protect public health, safety, and welfare; intergovernmental regulations; fiscal considerations, and considerations for the issuance of non-annexation agreements.

This comprehensive Growth Management Framework will set the stage for Council analysis and decision-making to determine if annexation is, on balance, the right choice for the City and affected property owners.

Fiscal Impact

N/A

Recommendation

Recommend approval of the Resolution establishing a Growth Management Framework for the City of Belton.

Attachments

Growth Management Framework
Resolution

City of Belton, Texas



Growth Management Framework

Adopted June 28, 2016

I. PURPOSE AND INTENT

The purpose of this Growth Management Framework is to provide the guidance and rationale for the consideration of areas within the City of Belton extraterritorial jurisdiction (ETJ) for future growth and development with the potential for annexation. The intent of this Framework is to implement the Comprehensive Plan by providing City Council with specific, objective, and prescriptive guidance for making decisions about growth issues within Belton's extraterritorial jurisdiction (ETJ).

II. ANNEXATION AUTHORITY

The City of Belton has the authority to annex areas within its extraterritorial jurisdiction (ETJ) that are contiguous to the City limits, and not already part of an agreement with another city. The extraterritorial jurisdiction (ETJ) is a legally designated area of land located a specific distance beyond a city's corporate boundaries that a city has authority to annex. State statute defines the size of the ETJ boundaries according to a city's population. The statute provides a one-mile ETJ for cities 5,000 to 24,999 inhabitants. Belton, with a population of 18,216 (per 2010 U.S. Census), has an one-mile ETJ.

The State of Texas requires all cities to adopt an Annexation Plan on or before December 31, 1999 that specifically identifies major annexations that are proposed for 2002 and beyond. The City Council adopted the Annexation Plan by resolution in 1999 (Exhibit A), and established all future annexations in the ETJ would comply with allowed exceptions, making us exempt from a three year plan. Areas located within the Belton ETJ are exempt from the annexation plan requirements because the Plan indicates no future annexation will contain more than 100 residentially developed tracts.

The Growth Management Framework applies to any annexation Belton may consider. Belton should consider Full Purpose annexation in a manner that is consistent with the strategies and policies contained in this document. Full Purpose annexation requires the City to provide City services in accordance with a Municipal Service Plan. Belton should also consider Voluntary annexation, upon request from property owners, when the request is consistent with this Growth Management Framework.

HISTORY

The City of Belton was established as a city in 1850. The map below contains City of Belton annexation history dating from the 1960's to current (Exhibit B). The current City limits contain 20.06 square miles.

III. STRATEGIES

Belton should demonstrate how a Growth Management Framework can be administered as a positive tool for guiding development in its ETJ and implementing its Comprehensive Plan. The strategies listed below will help the City achieve its goal of promoting orderly and sustainable growth.

A. PROMOTE ECONOMIC DEVELOPMENT

Belton should use its Growth Management Framework, where appropriate, as a tool to facilitate public-private partnerships intended to stimulate local and regional economic growth and implement sound capital improvement programming.

1. The City should use its ETJ area as a planning tool in developing its Growth Management Framework. Such areas would primarily consist of raw land, and be accessible to public utilities and services provided by Belton.
2. The development review process will be important in revealing growth pressures, interests and opportunities.

B. FACILITATE LONG RANGE PLANNING

Belton should use its Growth Management Framework to manage development on the fringe of the City in accordance with the Comprehensive Plan.

1. As unincorporated areas become more densely developed, the Comprehensive Plan should identify additional growth centers in the ETJ which should be considered for annexation.
2. The Comprehensive Plan should address linkages to future growth centers in the ETJ. Consideration should be given to existing and planned thoroughfares and their impact on new development patterns as they extend into the ETJ.
3. A Growth Management Framework provides for the more efficient provision of public services and infrastructure necessary to develop land in a logical manner.

C. PROTECT FUTURE DEVELOPMENT

Belton should use its Growth Management Framework as a means of acknowledging the need to extend the City's land use standards and building codes to protect future development from inadequate design and construction that may proliferate in unincorporated areas.

1. Planning, zoning, building inspections, code compliance, and other enforcement jurisdictions of the City of Belton are extended to annexed territories on the effective date of the annexation ordinance.
2. Through subsequent application of City zoning standards, annexation prevents the establishment of incompatible development patterns, while protecting existing and future land uses. Annexation, therefore, can be used as a growth management tool by promoting orderly development patterns which serve to maintain and possibly enhance property values.
3. As part of a Growth Management Framework, the Planning Department should make available the Comprehensive Plan to any interested person.

D. FOSTER INTERGOVERNMENTAL COOPERATION

Belton should use its Growth Management Framework as an approach for alleviating jurisdictional conflicts with abutting municipal and county governments, and for coordinating service delivery arrangements with emergency response providers.

Belton should consider boundary adjustments with adjacent municipalities where an exchange of ETJ could occur between the cities in the mutual interest of both cities and the citizens served by each jurisdiction. The requesting municipality should have adequate land use standards to maintain development standards equivalent to those of the City of Belton.

V. POLICY STATEMENTS

The following policy statements comprise City of Belton's Growth Management Framework. Both City-initiated and Property Owner-initiated annexations are subject to these policy statements.

A. EVALUATION OF AREAS FOR ANNEXATION BASED ON EXISTING OR PLANNED LEVEL OF DEVELOPMENT

The City of Belton should consider annexation of:

1. Undeveloped areas.

2. Areas for which dense development activity is anticipated.
3. Areas planned or designated in the Comprehensive Plan as Mixed Use or Regional Growth Centers.
4. Areas that have become developed.

B. EVALUATION OF AREAS FOR ANNEXATION BASED ON SERVICE DELIVERY NEEDS

The City of Belton should consider annexation to provide municipal services to:

1. Residential, commercial and industrial land uses that would benefit from a level of service anticipated for a city rather than an unincorporated area.
2. Territories that do not adversely impact services to areas already within the City limits.
3. Territories that establish contiguity required for strategic expansion of the City and its services.

C. EVALUATION OF AREAS FOR ANNEXATION BASED ON NEED TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE

The City of Belton should consider annexation to:

1. Provide zoning, land use, building codes, and other municipal development standards to promote and maintain safe living and working conditions and sustainable development.
2. Extend municipal standards before development occurs, on undeveloped land, where growth is anticipated.
3. Areas that, without such standards, could have an adverse impact on adjacent areas within the City.
4. Areas where unregulated development could have an adverse environmental impact.
5. Areas where unregulated development could have an adverse impact on Military missions/operations.

D. EVALUATION OF AREAS FOR ANNEXATION BASED ON INTERGOVERNMENTAL RELATIONS

The City of Belton should:

1. Protect its ability to expand its City limits.
2. Consider annexation to preclude the creation of other competing political jurisdictions.
3. Consider the impact on the City's ability to expand in the future, and potential for economic development.
4. Consider the impact on the City-owned utilities when evaluating requests for Utility Districts or other Special Districts in the ETJ.
5. Seek to ensure that Special Districts in the ETJ do not establish regulations that would be contrary to the best interests of the City.
6. Consider the following factors prior to releasing any portion of its corporate limits or ETJ to another jurisdiction, or accepting territory from another jurisdiction:
 - a. Adequate land use standards are in place in the other municipality (as determined by the City) to protect the subject property and surrounding area;
 - b. The existence of clear and logical planning boundaries are in place that define the current or proposed City limits and ETJ;
 - c. Significant negative fiscal impacts on the City's budget will not result if an area is released or accepted;
 - d. The need for City protection of environmental or other resources has been addressed;
 - e. The long-term effects of cumulative ETJ releases to other jurisdictions have been reviewed.

E. EVALUATION OF AREAS FOR ANNEXATION BASED ON FISCAL CONSIDERATIONS

The City of Belton should consider:

1. Extension of city limits ensure that areas benefitting from proximity to a urban City are contributing revenue to offset the cost of providing services within an urban environment.
2. Opportunities for agreements with other municipalities or regional/area service providers to assist with provision of services.
3. Fiscal impact to extend police, fire, street maintenance, city code enforcement, building inspection.

4. Transportation impacts of major roads to the City - IH 35, IH 14/US 190, FM 93, SH 439, TX 317, FM 436, Lake to Lake Road, Loop 121 – on its Regional Thoroughfare Plans and the City's Thoroughfare Plan.

F. CONSIDERATIONS FOR THE ISSUANCE OF NON-ANNEXATION AGREEMENTS

Non-Annexation Agreements:

1. Shall be offered to property owners, within a proposed Municipal Annexation Plan, that have Agricultural Exemptions, in accordance with state law.
2. Issued for Special Districts shall include a statement that the property owner consents to future voluntary annexation and a negotiated annexation schedule shall be included.
3. Should consider services in lieu of annexation to extend City regulations and requirements in anticipation of annexation at some point in the future.
4. Should consider revenue sharing options in exchange for the agreement, in areas that have taxing authority.
5. Shall be reviewed by the Planning Department for adherence to these policies.

Exhibit "A"

RESOLUTION NO. 99-20

A RESOLUTION ADOPTING AN ANNEXATION PLAN FOR THE CITY OF BELTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 76th Texas Legislature, 1999, adopted S.B. 89, extensively amending the Texas Annexation Act, Chapter 43, Local Government Code; and

WHEREAS, Section 17(b) of S.B. 89, 76th Texas Legislature, 1999, requires that each city adopt an annexation plan on or before December 31, 1999, that includes territory the city plans to annex three years from the date the territory is placed in the plan in accordance with Section 43.052, Local Government Code; and

WHEREAS, there are a number of exceptions that authorize annexation of territory without the territory having been placed in an annexation plan and for the foreseeable future annexations of territory contemplated by the city fit into one of these exceptions.

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

SECTION 1.

For the purposes of Section 17(b) of S.B. 89, adopted by the 76th Texas Legislature, 1999, and Section 43.052, Local Government Code, the City Council adopts the following annexation plan:

**CITY OF BELTON
ANNEXATION PLAN**

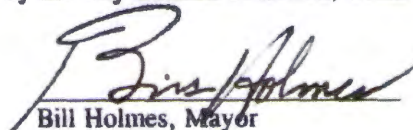
The City Council has reviewed the future expansion needs of the City and the prospects of development within the City's extraterritorial jurisdiction. After studying the effects of amendments to the Texas Annexation Act enacted by S.B. 89, 76th Texas Legislature, 1999, the City Council has determined that at this time, the City does not intend to annex any territory that in order to be annexed, is required to be in an annexation plan.

The City Council reserves the right to amend this annexation plan in the future to add territory for annexation should circumstances change.

SECTION 2.

This resolution shall take effect from and after its passage, and it is accordingly so resolved.

Passed this the 23rd day of November, 1999 by the City Council of Belton, Texas.


Bill Holmes, Mayor

ATTEST:


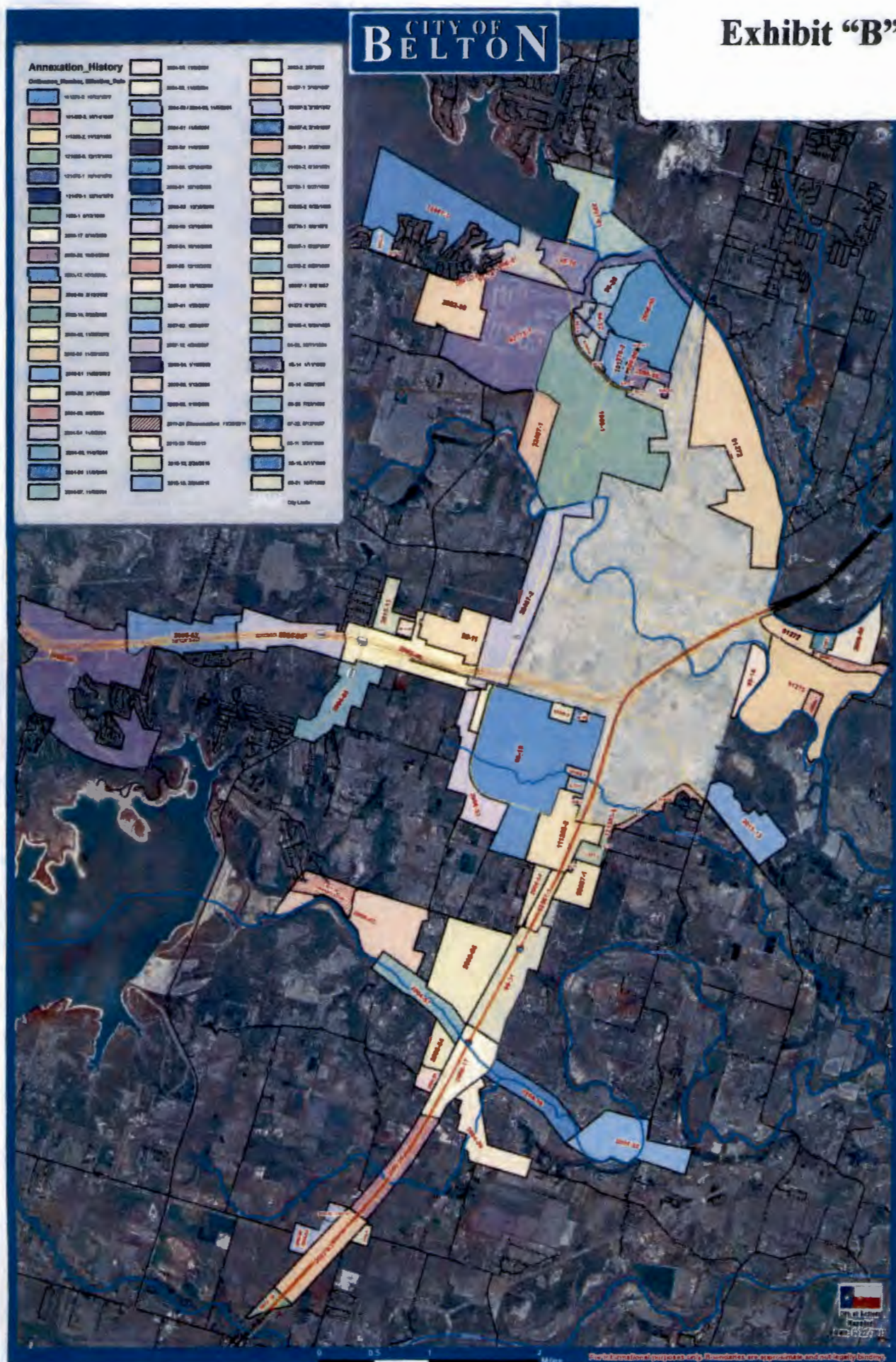

Connie Torres, City Clerk

Exhibit "B"



RESOLUTION NO. 2016-22-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ADOPTING A GROWTH MANAGEMENT FRAMEWORK TO GUIDE THE PLANNING AND PROCEDURES FOR THE ANNEXATION OF TERRITORY INTO THE CITY LIMITS AND PROVIDING AN OPEN MEETING CLAUSE.

WHEREAS, this resolution is established to provide guidance and rationale for the consideration of areas within the City of Belton extraterritorial jurisdiction (ETJ) for annexation; and

WHEREAS, the City of Belton, Texas, is committed to preserving and enhancing the quality of life and unique character of Belton, preserving the rich heritage and natural resources, promoting well-planned development, and protecting its citizens, the environment and all other assets; and

WHEREAS, Belton's land uses support economic, cultural and social activities for all residents, businesses and organizations; and

WHEREAS, Belton's historic and cultural resources need to be preserved, protected and promoted; and

WHEREAS, the positive, identifiable image of Belton needs to be enhanced and protected; and

WHEREAS, Belton's utility systems must continue to promote the economic health of the community; 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 declares that the statements contained in the preamble of this resolution are true and correct, and are adopted as finding of fact, in accordance with the resolution establishing a Growth Management Framework, attached as Exhibit A, to guide the planning and procedures for the annexation of territory into the City limits.

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 28th day of June, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Agenda Item #13

Second Reading and Public Hearing - Consider ordinances granting a one year extension with two additional one-year automatic extensions, unless rescinded by City, of a franchise to operate and maintain a non-emergency ambulance transfer service within the public streets and highways of the City of Belton:

- A. Acadian EMS
- B. Scott & White EMS
- C. Serenity EMS, LLC, dba Ameristat Ambulance

Originating Department

Fire Department - Bruce Pritchard, Fire Chief

Summary Information

Currently, there are four non-emergency ambulance services operating in our City with a franchise agreement. They are Skyline EMS, Acadian EMS, Scott & White EMS and Serenity EMS. To simplify the management of these franchises, Staff requested all agencies renew their franchise agreements at the same time. Additionally, we have extended the term of the agreements from one year to one year with two automatic one-year extensions unless the City rescinds the franchise. Skyline and Serenity EMS have not made runs in Temple in the past year; however, Serenity has requested another franchise in order to keep the option available to them. Skyline did not return our multiple calls regarding renewal.

Fiscal Impact

5% franchise fee on gross billings will be required for all calls by the applicant.

Budgeted: ☐ Yes ☒ No

Funding Source(s): EMS Franchises

Recommendation

Recommend approval of franchise agreements on first reading and set public hearings with Acadian EMS, Scott & White EMS and Serenity EMS, for non-emergency transfers in our city, with a 5% fee of all billed transports.

Attachments

Proposed Franchise Ordinances

ORDINANCE NO. 2016-19

AN ORDINANCE GRANTING A FRANCHISE TO ACADIAN EMS TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE WITHIN THE PUBLIC STREETS AND HIGHWAYS OF CITY OF BELTON.

WHEREAS, Acadian EMS, (the “Company”), operates a non-emergency ambulance transfer service for municipalities; and

WHEREAS, the Company seeks to provide a non-emergency ambulance transfer services to or from a medical facility, a nursing home, or a residence under circumstances which do not constitute an emergency to citizens within the City of Belton (the “City”); and

WHEREAS, it is in the interest of the City and its citizens to offer the Company a non-emergency ambulance transfer services under the terms and conditions as will provide the City with the controls and options necessary to provide for the public good; and

WHEREAS, the Company non-emergency ambulance transfer service franchise holder shall, during the life of said franchise, pay to the City of Belton at the Office of the Director of Finance in lawful money of the United States, the Franchise Fee as described in the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto.

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

Section 1. Agreement.

The City of Belton hereby grants a franchise to Acadian EMS in accordance with the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto as Exhibit “A”.

Section 2. Term.

The term of this agreement shall be for a period of one (1) year beginning on the effective date of this agreement and may be renewed automatically for two additional one-year periods unless franchise is rescinded by the City.

Section 3. Acceptance by Company.

Within fifteen (15) days after the passage of this Franchise, the Company shall file with the City its acceptance of the terms and provisions of this Franchise. The acceptance shall be in writing on the Company’s letterhead and provide as follows:

City of Belton
ATTN: City Clerk
333 Water Street
P.O. Box 120
Belton, Texas 76513-0120

Acadian EMS (the "Company"), acting by and through the undersigned officer who is acting within his official capacity and authority, hereby accepts the franchise to operate a non-emergency ambulance transfer service within the City as said franchise is set forth and provided in Ordinance No. 2016-19 (the "Ordinance"). The Company agrees to be bound and governed by each term, provision and condition of the Ordinance, to accept and to give the benefits provided by the Ordinance and to perform each service and duty set forth and provided for in the Ordinance in a businesslike and reasonable manner and in compliance with the Franchise.

Company: _____

By: _____

Printed Name: _____

Title: _____

Email/Phone: _____

Section 3. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 4. Endorsements and Records.

The City Clerk is directed to make endorsements as appropriate over her/his official hand and the seal of the City on the form provided at the conclusion of this Franchise, for the public record and convenience of the citizens, of the date upon which this Franchise is finally passed and adopted and, if the Company accepts the Franchise, the date of such acceptance.

PASSED AND APPROVED ON THE FIRST READING THIS THE 14th DAY OF JUNE, 2016.

PASSED AND APPROVED ON THE SECOND READING THIS THE 28TH DAY OF JUNE, 2016.

CITY OF BELTON

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

APPROVED AS TO FORM AND CONTENT:

John Messer, City Attorney

The foregoing Ordinance was passed and adopted by the City Council of the City of Belton, Texas, on the _____ day of _____, 2016 by a vote of ____ votes for the Ordinance and ____ votes against the Ordinance.

Notary Public in and for the
State of Texas

_____ accepted the foregoing Franchise by
written instrument filed on the _____ day of _____, 2016.

Notary Public in and for the
State of Texas

ORDINANCE NO. 2016-20

AN ORDINANCE GRANTING A FRANCHISE TO SCOTT & WHITE EMS TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE WITHIN THE PUBLIC STREETS AND HIGHWAYS OF CITY OF BELTON.

WHEREAS, Scott & White EMS, (the "Company"), operates a non-emergency ambulance transfer service for municipalities; and

WHEREAS, the Company seeks to provide a non-emergency ambulance transfer services to or from a medical facility, a nursing home, or a residence under circumstances which do not constitute an emergency to citizens within the City of Belton (the "City"); and

WHEREAS, it is in the interest of the City and its citizens to offer the Company a non-emergency ambulance transfer services under the terms and conditions as will provide the City with the controls and options necessary to provide for the public good; and

WHEREAS, the Company non-emergency ambulance transfer service franchise holder shall, during the life of said franchise, pay to the City of Belton at the Office of the Director of Finance in lawful money of the United States, the Franchise Fee as described in the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto.

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

Section 1. Agreement.

The City of Belton hereby grants a franchise to Scott & White EMS in accordance with the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto as Exhibit "A".

Section 2. Term.

The term of this agreement shall be for a period of one (1) year beginning on the effective date of this agreement and may be renewed automatically for two additional one-year periods unless franchise is rescinded by the City.

Section 3. Acceptance by Company.

Within fifteen (15) days after the passage of this Franchise, the Company shall file with the City its acceptance of the terms and provisions of this Franchise. The acceptance shall be in writing on the Company's letterhead and provide as follows:

City of Belton
ATTN: City Clerk
333 Water Street
P.O. Box 120
Belton, Texas 76513-0120

Scott & White EMS (the "Company"), acting by and through the undersigned officer who is acting within his official capacity and authority, hereby accepts the franchise to operate a non-emergency ambulance transfer service within the City as said franchise is set forth and provided in Ordinance No. 2016-20 (the "Ordinance"). The Company agrees to be bound and governed by each term, provision and condition of the Ordinance, to accept and to give the benefits provided by the Ordinance and to perform each service and duty set forth and provided for in the Ordinance in a businesslike and reasonable manner and in compliance with the Franchise.

Company: _____

By: _____

Printed Name: _____

Title: _____

Email/Phone: _____

Section 3. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 4. Endorsements and Records.

The City Clerk is directed to make endorsements as appropriate over her/his official hand and the seal of the City on the form provided at the conclusion of this Franchise, for the public record and convenience of the citizens, of the date upon which this Franchise is finally passed and adopted and, if the Company accepts the Franchise, the date of such acceptance.

PASSED AND APPROVED ON THE FIRST READING THIS THE 14th DAY OF JUNE, 2016.

PASSED AND APPROVED ON THE SECOND READING THIS THE 28TH DAY OF JUNE, 2016.

CITY OF BELTON

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

APPROVED AS TO FORM AND CONTENT:

John Messer, City Attorney

The foregoing Ordinance was passed and adopted by the City Council of the City of Belton, Texas, on the _____ day of _____, 2016 by a vote of ____ votes for the Ordinance and ____ votes against the Ordinance.

Notary Public in and for the
State of Texas

_____ accepted the foregoing Franchise by
written instrument filed on the _____ day of _____, 2016.

Notary Public in and for the
State of Texas

ORDINANCE NO. 2016-21

AN ORDINANCE GRANTING A FRANCHISE TO SERENITY EMS, LLC, DBA AMERISTAT AMBULANCE TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE WITHIN THE PUBLIC STREETS AND HIGHWAYS OF CITY OF BELTON.

WHEREAS, Serenity EMS, LLC, DBA Ameristat Ambulance, (the "Company"), operates a non-emergency ambulance transfer service for municipalities; and

WHEREAS, the Company seeks to provide a non-emergency ambulance transfer services to or from a medical facility, a nursing home, or a residence under circumstances which do not constitute an emergency to citizens within the City of Belton (the "City"); and

WHEREAS, it is in the interest of the City and its citizens to offer the Company a non-emergency ambulance transfer services under the terms and conditions as will provide the City with the controls and options necessary to provide for the public good; and

WHEREAS, the Company non-emergency ambulance transfer service franchise holder shall, during the life of said franchise, pay to the City of Belton at the Office of the Director of Finance in lawful money of the United States, the Franchise Fee as described in the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto.

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

Section 1. Agreement.

The City of Belton hereby grants a franchise to Serenity EMS, LLC, DBA Ameristat Ambulance in accordance with the Municipal Franchise for Public Services, Non-Emergency Ambulance Transfer Agreement attached hereto as Exhibit "A".

Section 2. Term.

The term of this agreement shall be for a period of one (1) year beginning on the effective date of this agreement and may be renewed automatically for two additional one-year periods unless franchise is rescinded by the City.

Section 3. Acceptance by Company.

Within fifteen (15) days after the passage of this Franchise, the Company shall file with the City its acceptance of the terms and provisions of this Franchise. The acceptance shall be in writing on the Company's letterhead and provide as follows:

City of Belton
ATTN: City Clerk
333 Water Street
P.O. Box 120
Belton, Texas 76513-0120

Serenity EMS, LLC, DBA Ameristat Ambulance (the "Company"), acting by and through the undersigned officer who is acting within his official capacity and authority, hereby accepts the franchise to operate a non-emergency ambulance transfer service within the City as said franchise is set forth and provided in Ordinance No. 2016-21 (the "Ordinance"). The Company agrees to be bound and governed by each term, provision and condition of the Ordinance, to accept and to give the benefits provided by the Ordinance and to perform each service and duty set forth and provided for in the Ordinance in a businesslike and reasonable manner and in compliance with the Franchise.

Company: _____

By: _____

Printed Name: _____

Title: _____

Email/Phone: _____

Section 3. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 4. Endorsements and Records.

The City Clerk is directed to make endorsements as appropriate over her/his official hand and the seal of the City on the form provided at the conclusion of this Franchise, for the public record and convenience of the citizens, of the date upon which this Franchise is finally passed and adopted and, if the Company accepts the Franchise, the date of such acceptance.

PASSED AND APPROVED ON THE FIRST READING THIS THE 14th DAY OF JUNE, 2016.

PASSED AND APPROVED ON THE SECOND READING THIS THE 28TH DAY OF JUNE, 2016.

CITY OF BELTON

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

APPROVED AS TO FORM AND CONTENT:

John Messer, City Attorney

The foregoing Ordinance was passed and adopted by the City Council of the City of Belton, Texas, on the _____ day of _____, 2016 by a vote of ____ votes for the Ordinance and ____ votes against the Ordinance.

Notary Public in and for the
State of Texas

_____ accepted the foregoing Franchise by
written instrument filed on the _____ day of _____, 2016.

Notary Public in and for the
State of Texas

Staff Report – City Council Agenda Item



Agenda Item #14

Consider the following:

- A. An amendment to Ordinance No. 2013-02, regarding Institutional Control Measures, on portions of the former Rockwool Superfund Site, located east of IH 35 and FM 93 (6th Avenue), addressing changes in ownership.
- B. An amendment to Resolution No. 2013-13-R 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 Superfund Site, located east of IH 35 and FM 93 (6th Avenue).

Originating Department

Administration – Sam A. Listi, City Manager

Summary Information

In 2005, following the federal government's (EPA's) cleanup of the Rockwool site, the City complied with EPA's directive to adopt an ordinance establishing institutional controls intended to preserve the integrity of the asphalt cap, and other on-site obligations. As Council recalls, the MATCON containment cell is located on the north side of FM 93, near the railroad tracks, and is visible from the highway due to its slight elevation. Responsibility and site monitoring shifted to the state agency (TCEQ) after EPA's five year report ended its active involvement.

In 2013, an amendment to the 2005 Ordinance, No. 2005-46, was approved deleting the property located on the south side of FM 93 from application of institutional controls. As the Council may recall, there was no contamination and no cleanup on that tract, but it had been included in the original Rockwool analysis and ordinance conditions due to common ownership, which was divided by the relocation of FM 93.

The Council has approved conveying the Northern (north of Taylor's Valley Road) and Central (between Taylor's Valley Road and FM 93) properties to Belton Economic Development Corporation (BEDC) for industrial development. This follows a recent decision by the Council to retain ownership of the property located on the south side of FM 93 for possible sewer plant expansion (TBWWTP).

As part of BEDC's effort to market and hopefully sell the properties, BEDC has engaged an environmental attorney, John Vay, who has recommended changes in Ordinance No. 2013-02 to align better with the Institutional Controls currently in place, including:

- Language to facilitate the sale and transfer of property from BEDC to subsequent owners/lessees.
- The opportunity for “commercial” uses has been added to industrial uses.
- Disturbance in the “containment cell” (cap) is permissible if approved by EPA and/or TCEQ.
- Any land use, and any disturbance of the groundwater monitoring wells, is permissible, if approved by EPA and/or TCEQ.
- The obligation for site integrity may be assumed by BEDC or any subsequent owner or lessee, subject to EPA’s/TCEQ’s review.
- Regardless of ownership changes, the City will retain the obligation to conduct one annual inspection and associated report to TCEQ and EPA each year to confirm compliance with the institutional controls by owners/lessees.
- The City’s obligation above does not supersede maintenance, monitoring, and reporting obligations of owners and/or lessees.

Mr. Vay has indicated that following passage of this revised ordinance, a copy should be provided to EPA and TCEQ to satisfy the City’s commitment to ensure compliance with Institutional Controls.

There are three remaining items needed prior to conveyance of the property from the City to BEDC. These include the approval of this revised ordinance Item 14A; approval of the revised Resolution authorizing City conveyance of the property to BEDC, referencing these revised institutional controls Item 14B; and action on the zone change requested by the Council from Heavy Industrial (HI) to Light Industrial (LI) District, Item 6 on the June 28, 2016, agenda. Following minor site cleanup and receipt of an updated Phase I ESA, to include the revised Ordinance and Resolution, BEDC will be in a position to accept the property. All indications are this conveyance can realistically take place in 30 days.

Fiscal Impact

N/A

Recommendation

Recommend approval of ordinance amending Ordinance No. 2013-02 as indicated.

Attachments

Existing Ordinance No. 2013-02

Existing Resolution No. 2016-13-R

Proposed Amended Ordinance Regarding Institutional Controls

Proposed Amended Resolution Authorizing Conveyance to BEDC

Special Warranty Deed

Site Map

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING ORDINANCE NO. 2005-46, ADOPTING INSTITUTIONAL CONTROL MEASURES AND STANDARDS; ESTABLISHING STANDARDS ON CERTAIN LAND, AND SHALLOW GROUND WATER USES; ESTABLISHING CRITERIA FOR THE IMPLEMENTATION, INSPECTION, REPORTING AND ENFORCEMENT OF THE INSTITUTIONAL CONTROL MEASURES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE STANDARDS; AMENDING THE EFFECTED BOUNDARY; ESTABLISHING NOTICE AND DURATION PROCEDURES; AND ESTABLISHING A SEVERABILITY PROVISION AND EFFECTIVE DATE.

WHEREAS, the City of Belton, Texas recognizes the Rockwool Superfund Site ("Site") located in the City of Belton, Texas, contains approximately 100 acres of land upon which hazardous substances were disposed of on portions of the 100 acres;

WHEREAS, the City of Belton, Texas recognizes the United States Environmental Protection Agency ("EPA"), with the concurrence of the Texas Commission of Environmental Quality ("TCEQ"), selected a remedy to address the hazardous substances at the Site pursuant to Section 121 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9621;

WHEREAS, the City of Belton, Texas recognizes the selected remedy was memorialized in a September 30, 2004, Record of Decision ("ROD") and an August 19, 2005, Explanation of Significant Differences ("ESD");

WHEREAS, the City of Belton, Texas recognizes that although the selected remedy is protective of human health and the environment, and complies with applicable and/or relevant and appropriate Federal and State requirements, the selected remedial action is suitable for future industrial uses and will result in hazardous substances, pollutants and/or contaminants remaining on portions of the 100 acres;

WHEREAS, the City of Belton, Texas recognizes that because the selected remedial action will result in hazardous substances, pollutants and/or contaminants remaining on a portion of the 100 acres, institutional controls were included in the selected remedy to prevent any action that would disturb any of the capped areas at the Site, to protect the integrity of the containment cell, to prevent the exposure from contaminated soil and to future use of shallow ground water at the Site, and to provide for the protection and access to ground water monitoring wells located at the Site;

WHEREAS, the City of Belton, Texas recognizes that with respect to Superfund Sites with selected remedies such as the remedial action selected for the Rockwool Superfund Site, which leave hazardous substances, pollutants, or contaminants in place, and do not provide unlimited use and unrestricted exposure, the EPA is required to conduct a review of the site to determine the protectiveness of the selected remedy pursuant to Section 121(c), 42 U.S.C. § 9621(c), every five (5) years;

WHEREAS, the City of Belton, Texas recognizes that Section 121(d)(2)(B)(ii)(III) of CERCLA, 42 U.S.C. § 9621(d)(2)(B)(ii)(III), and 40 C.F.R. § 300.430(a)(1)(iii)(C) and (D), authorizes the use of enforceable measures such as institutional controls at Superfund Sites;

WHEREAS, the City of Belton, Texas recognizes that with respect to Superfund Sites like the Rockwool Site which are remediated with Superfund funding, 40 C.F.R. § 300.510(c)(1) requires TCEQ to assure implementation of institutional controls, to assure the reliability of the institutional controls, and to assure that the institutional controls remain in place after initiation of operation and maintenance;

WHEREAS, the City recognizes that the institutional controls identified in the ROD and ESD are necessary to protect human health and the environment, and ensure the long-term reliability and protectiveness of the selected remedial action;

WHEREAS, as authorized under law, and in the best interests of the citizens of Belton, Texas, the City Council deems it expedient and necessary to establish certain standards to ensure that the institutional control measures identified in the ROD and ESD are administered in a manner that provides reliable, long-term protection to human health and the environment;

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

SECTION 1. That the City of Belton, Texas hereby adopts the institutional control measures identified in the Rockwool Superfund Site ROD and ESD, attached hereto as Exhibits A and B respectively, as the official policy of the City for those portions of the 100-acre Site with hazardous substances, pollutants or contaminants remaining in place. A map showing the locations of the capped areas and containment cell is attached hereto as Exhibit C.

SECTION 2. That the City of Belton, Texas hereby prohibits any action, including but not limited to digging, excavation, or drilling that would disturb any of the capped areas at the Site, the integrity of the caps, the integrity of the containment cell, and causes exposure or access to contaminated soil at the Site. The above prohibition is subject to one exception; that is, any exposure, access to, or construction on the contaminated soils and capped areas at the Site shall be consistent with the Rockwool Superfund Site ROD and ESD, and shall include individuals authorized by the ROD and ESD.

SECTION 3. That the City of Belton, Texas hereby prohibits any action including but not limited to the drilling, excavation of soil, and the construction of a well or other apparatus that could cause exposure or access to shallow ground water at the Site. The future use, exposure and access to the shallow ground water at the Site are prohibited. The above prohibition is subject to one exception; that is, any exposure or access to the shallow ground water at the Site shall be consistent with the Rockwool Superfund Site ROD and ESD, and shall include individuals authorized by the ROD and ESD.

SECTION 4. The City of Belton, Texas hereby prohibits any action that would disturb or damage the integrity of the ground water monitoring wells located at the Site. The access to and use of the ground water monitoring network is prohibited. The above prohibition is subject to one exception; that is, any access to or use of the ground water monitoring wells at

the Site shall be consistent with the Rockwool Superfund Site ROD and ESD, and shall include individuals authorized by the ROD and ESD.

SECTION 5. The City of Belton, Texas, is hereby obligated to preserve the integrity of the cap and the containment cell as indicated herein. Nothing contained in this ordinance prohibits the construction of permanent buildings, foundations and piers to support them, and support and accessory structures, parking lots, underground utilities, and other related facilities, so long as such construction does not cause components of the remedy selected in the Rockwool Superfund Site ROD and ESD to fail, and the EPA is afforded the opportunity to review and concur that such construction is protective of human health and the environment.

SECTION 6. The City of Belton, Texas is responsible for the implementation, inspection, reporting, and enforcement of the institutional control measures and standards included herein. The City will conduct at least one inspection of the Site every calendar year in order to determine if the institutional control measures and standards are being complied with. The inspection will evaluate and address the status of the institutional control measures and standards, whether or not the institutional control measures and standards remain protective to human health and the environment, and whether the Site property has conformed with such control measures and standards. The City will draft a report of its findings at least once every calendar year. A copy of the annual report will be submitted to the TCEQ and EPA within fourteen (14) calendar days after the completion of each calendar year.

SECTION 7. Upon discovery of any violation of the provisions of this ordinance the City of Belton, Texas is authorized to take any appropriate enforcement action including the issuance of orders necessary to ensure compliance with this ordinance, the imposition of a monetary penalty, or the initiation of administrative or civil proceedings. At a minimum, the City will issue orders as necessary to ensure compliance with the institutional control measures and standards within ten (10) days of discovery of the violation.

SECTION 8. That the City of Belton, Texas will notify TCEQ and EPA as soon as practicable, but no longer than ten (10) days after discovery of any activity inconsistent with the institutional control measures and standards provided herein, or any other action that may interfere with the effectiveness of the institutional control measures and standards provided herein. The City of Belton, Texas will notify TCEQ and EPA of the enforcement measures taken within ten (10) days of the discovery notification provided to TCEQ and EPA.

SECTION 9. That the City of Belton, Texas hereby declares the institutional control measures and standards identified herein shall remain in full force and effect until the hazardous substances, pollutants or contaminants remaining at the Site are at concentration levels sufficient to support unlimited use and unrestricted exposure. The institutional control measures and standards shall cease upon EPA's approval and TCEQ's concurrence on risk assessment data and information specific to the Rockwool Superfund Site, which demonstrates the Site can support unlimited use and unrestricted exposure.

SECTION 10. That the City of Belton, Texas will notify TCEQ and EPA at least one-hundred and twenty (120) calendar days prior to enacting any ordinance which repeals or nullifies a portion or all of the institutional control measures and standards provided herein. The City of Belton will provide TCEQ and EPA a copy of any final ordinance that modifies, changes, repeals or nullifies a portion or all of the institutional control measures and standards provided herein within ten (10) days after the effective date of the ordinance.

SECTION 11. Notwithstanding any provisions of this ordinance, and following an updated boundary survey in 2012 (Exhibit D), Tract 13, located on the south side of FM 93, is excluded from application of these institutional controls, since it should not be included in the "Affected Property", and was originally included due to common ownership only.

SECTION 12. That all ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

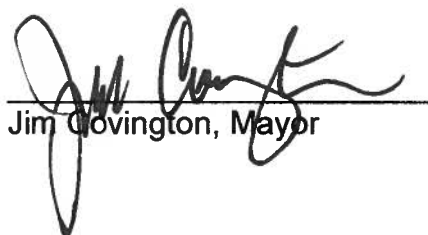
SECTION 13. Should any paragraph, sentence subdivision, clause phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional

SECTION 14. Any person or persons, firm or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

SECTION 15. This ordinance shall take effect immediately from its passage and publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, on the

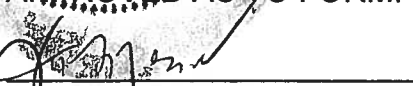
8th day of January, 2013.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk

APPROVED AS TO FORM:


John Messer, City Attorney

(con cd)

ESD - see Rockwool file or
info at library



**U.S. EPA Region 6 Public Notice
Rockwool Industries, Inc. Superfund Site
September 2005**



The U.S. Environmental Protection Agency Region 6 (EPA) has issued an Explanation of Significant Differences (ESD) for the remedy selected for the Rockwool Industries, Inc. Superfund Site in Belton, Bell County, Texas. A Record of Decision (ROD) for the Site was issued on September 30, 2004. This ESD significantly changes, but does not fundamentally alter, the remedy selected in the ROD with respect to scope, performance, or cost.

This ESD modifies the previously selected remedy in the 2004 ROD for contaminated soil in the Central Property and the Operable Unit 2 (OU2) Area of the Site. The original remedy for the Central Property and OU2 called for excavation of the contaminated soil and placement in a containment cell. The Remedial Investigation and Remedial Design estimated the volume of contaminated soil at 69,500 cubic yards and the capacity of the containment cell at 77,300 cubic yards. An additional 26,100 cubic yards of soil was discovered during excavation, bringing the total volume of contaminated soil to 95,600 cubic yards.

The remedy for these areas is modified from removal of contaminated soil and consolidation in the on-site containment cell to a partial removal and capping the remaining contaminated waste and soil in the Central Property/OU2 Area. The cover for the remaining contaminated soil will consist of 1-foot of clay and 6-inches of top soil as was done for other Site areas. This change will result in implementing the same remedy in the Central Property/OU2 Area as was done for the other soil contamination areas of the Site.

The modified remedy will continue to meet the remedial action goals that were specified for the Site in the ROD. The remedy selected in the ROD for other areas of the Site remains unchanged.

This ESD is issued in accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Section 300.435(c)(2)(i).

For More Information

The Administrative Record for the Rockwool Industries, Inc. Site, which contains the ESD, is available for review at the following locations.

Belton City Hall
333 Water Street
Belton, Texas 76513

**Texas Commission
on Environmental Quality**
12100 Park 35 Circle, Building E, 1st Floor
Austin, Texas 78753

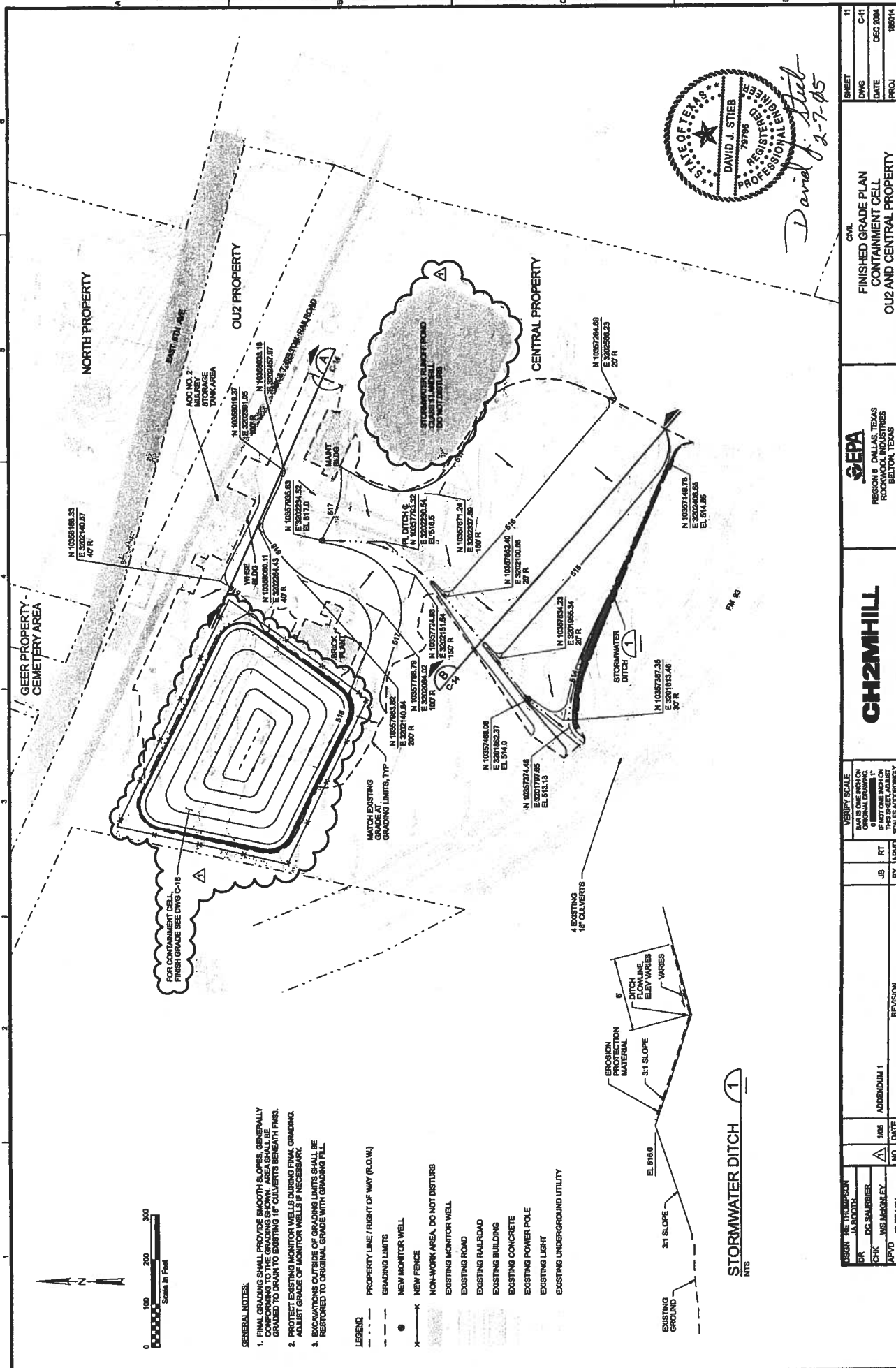
**United States Environmental Protection
Agency, Region 6**
Seventh Floor Reception Area
1445 Ross Avenue
Dallas, Texas, 75202

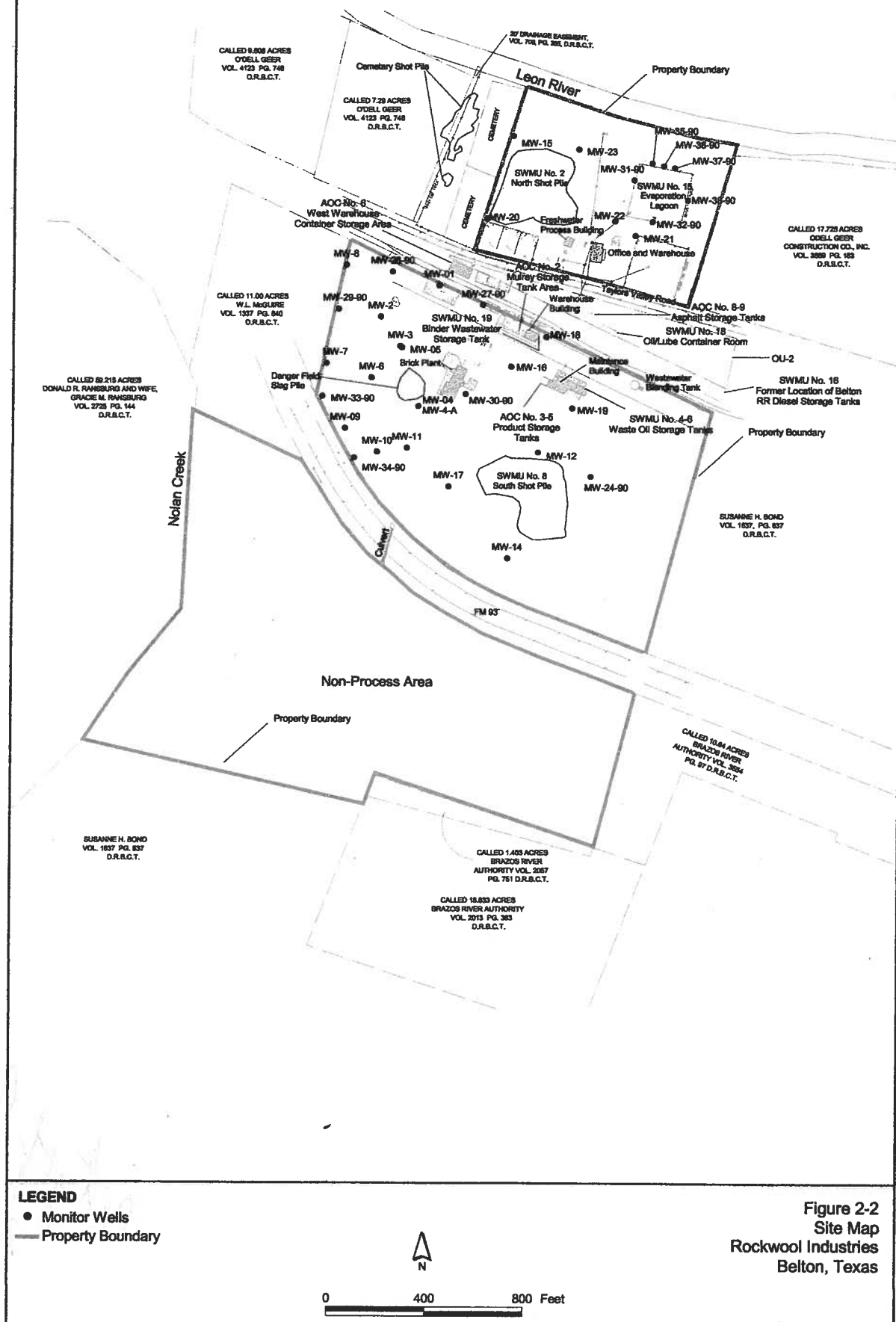
For more information about the ESD or the Rockwool Industries Site, please contact Gary Miller, U.S. EPA Remedial Project Manager, at 1-800-533-3508 (toll-free) or 214-665-8318.

CONFIRMED PUBLICATION in the Belton Journal on September 15, 2005
CH2M HILL/Bernard Hodes 972-980-2188, x234

9.29.05

REFERENCE ONLY







70 2013 00006482

**Bell County
Shelley Coston
County Clerk
Belton, Texas 76513**

Instrument Number: 2013-00006482

Recorded On: February 19, 2013

**As
Recordings**

Parties: CITY OF BELTON

To EX PARTE

Billable Pages: 7

Number of Pages: 8

Comment: ORN 2013-02

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	35.00
Total Recording:	35.00

***** **DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT** *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2013-00006482

Receipt Number: 161926

Recorded Date/Time: February 19, 2013 10:37:05A

User / Station: G Gomez - Cash Station 1

Record and Return To:

CITY OF BELTON

PO BOX 120

BELTON TX 76513



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property
Records in Bell County, Texas

Shelley Coston
Bell County Clerk

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

Exhibit "A"

City of Belton Tract B

1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 28, 2012

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

13.78 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 668 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 **119.43 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 it's 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.

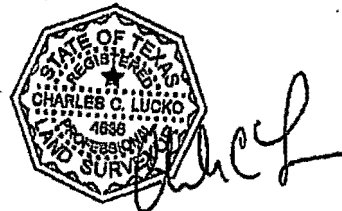
THENCE In a southerly direction, with the west line of said 17.737 acre tract, same being the east line of said 14 acre tract (*record call of S 20 deg 30 min W, 678 feet*) **SOUTH 15 deg 46 min 56 sec WEST**, a distance of 841.60 feet to the Point of Beginning, Containing 13.76 ACRES.

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\projects\pro120000\120000\120100\120112\120112B.dwg



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4838

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 5318, 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 08 min 11 sec WEST**, a distance of 1024.20 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 2590, Page 336 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 88 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 984.55 feet, a central angle of 41 deg 00 min 58 sec and a chord that bears **NORTH 48 deg 19 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 676.34 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 885.34 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 188.74 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 62 deg 22 min 32 sec EAST, a distance of 182.65 feet to the Point of Beginning, Containing 36.326 ACRES.

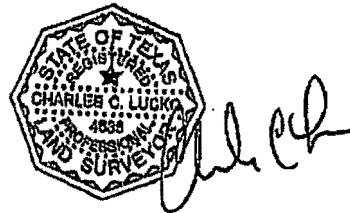
This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 133. The theta angle at City Monument No. 133 is 01°28'23". The combined correction factor (CCF) is 0.999857. 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 36.326 acre tract is N 82°09'23" W, 518.88 feet. Published City coordinates for project reference point 133 are N. = 10,358,468.27 E. = 3,202,085.82. This description is to accompany a Surveyor's Sketch showing the herein described 36.326 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.

1-800-749-PLAT

Server/projects/pro120000/120000/120100/120112/120113.dwg



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4838

ORDINANCE NO. 2016-24

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING ORDINANCE NO. 2013-02, ADOPTING INSTITUTIONAL CONTROL MEASURES AND STANDARDS; ESTABLISHING STANDARDS ON CERTAIN LAND, AND SHALLOW GROUND WATER USES; ESTABLISHING CRITERIA FOR THE IMPLEMENTATION, INSPECTION, REPORTING AND ENFORCEMENT OF THE INSTITUTIONAL CONTROL MEASURES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE STANDARDS; AMENDING THE AFFECTED BOUNDARY; ADDRESSING CHANGES IN OWNERSHIP; ESTABLISHING NOTICE AND DURATION PROCEDURES; AND ESTABLISHING A SEVERABILITY PROVISION AND EFFECTIVE DATE.

WHEREAS, the City of Belton, Texas, recognizes the Rockwool Superfund Site ("Site") located in the City of Belton, Texas, contains approximately 100 acres of land upon which hazardous substances were disposed of on portions of the 100 acres;

WHEREAS, the City of Belton, Texas, recognizes the United States Environmental Protection Agency ("EPA"), with the concurrence of the Texas, Commission on Environmental Quality ("TCEQ"), selected a remedy to address the hazardous substances at the Site pursuant to Section 121 of the Comprehensive Environmental Responses, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9621;

WHEREAS, the City of Belton, Texas, recognizes the selected remedy was memorialized in a September 30, 2004, Record of Decision ("ROD") and an August 19, 2005, Explanation of Significant Differences ("ESD");

WHEREAS, the City of Belton, Texas, recognizes that although the selected remedy is protective of human health and the environment, and complies with applicable and/or relevant and appropriate Federal and State requirements, the selected remedial action is suitable for future commercial/industrial uses and will result in hazardous substances, pollutants and/or contaminants remaining on portions of the 100 acres;

WHEREAS, the City of Belton, Texas, recognizes that because the selected remedial action will result in hazardous substances, pollutants and/or contaminants remaining on a portion of the 100 acres, institutional controls were included in the selected remedy to prevent any action that would disturb any of the capped areas at the Site, to protect the integrity of the containment cell, to prevent the exposure from contaminated soil and to future use of shallow ground water at the Site, and to provide for the protection and access to ground water monitoring wells located at the Site;

WHEREAS, the City of Belton, Texas, recognizes that with respect to Superfund Sites with selected remedies such as the remedial action selected for the Rockwool Superfund Site, which leave hazardous substances, pollutants, or contaminants in

place, and do not provide unlimited use and unrestricted exposure, the EPA is required to conduct a review of the site to determine the protectiveness of the selected remedy pursuant to Section 121(c), 42 U.S.C. § 9621(c), every five (5) years;

WHEREAS, the City of Belton, Texas, recognizes that Section 121(d)(2)(B)(ii)(III) of CERCLA, 42 U.S.C. § 9621(d)(2)(B)(ii)(III), and 40 C.F.R. § 300.430(a)(1)(iii)(C) and (D), authorizes the use of enforceable measures such as institutional controls at Superfund Sites;

WHEREAS, the City of Belton, Texas, recognizes that with respect to Superfund Sites like the Rockwool Site which are remediated with Superfund funding, 40 C.F.R. § 300.510(c)(1) requires TCEQ to assure implementation of institutional controls, to assure the reliability of the institutional controls, and to assure that the institutional controls remain in place after initiation of operation and maintenance;

WHEREAS, the City of Belton, Texas, recognizes that the institutional controls identified in the ROD and ESD are necessary to protect human health and the environment, and ensure the long-term reliability and protectiveness of the selected remedial action;

WHEREAS, as authorized under law, and in the best interests of the citizens of Belton, Texas, the City Council deems it expedient and necessary to establish certain standards to ensure that the institutional control measures identified in the ROD and ESD are administered in a manner that provides reliable, long-term protection to human health and the environment;

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

SECTION 1. That the City of Belton, Texas, hereby adopts the institutional control measures identified in the Rockwool Superfund Site ROD and ESD, attached hereto as Exhibits A and B respectively, as the official policy of the City for those portions of the 100-acre Site with hazardous substances, pollutants or contaminants remaining in place. A map showing the locations of the capped areas and containment cell is attached hereto as Exhibit C.

SECTION 2. That the City of Belton, Texas, hereby prohibits any action, including but not limited to digging, excavation, or drilling that would disturb any of the capped areas at the Site, the integrity of the caps, the integrity of the containment cell, and causes exposure or access to contaminated soil at the Site. The above prohibition is subject to the following exception: any disturbance, exposure, access to, or construction on the contaminated soils, containment cell, or capped areas at the Site is permissible if it is consistent with the Rockwool Superfund Site ROD and ESD, and includes individuals authorized by the ROD and ESD, or if otherwise agreed by EPA and/or TCEQ.

SECTION 3. That the City of Belton, Texas, hereby prohibits any action including but not limited to the drilling, excavation of soil, and the construction of a well or other apparatus that could cause exposure or access to shallow ground water at the Site. The future use, exposure and access to the shallow ground water at the Site are prohibited. The above prohibitions are subject to the following exception: any use, exposure or access to the shallow ground water at the Site is permissible if it is consistent with the Rockwool Superfund Site ROD and ESD, and includes individuals authorized by the ROD and ESD, or if otherwise agreed by EPA and/or TCEQ.

SECTION 4. The City of Belton, Texas, hereby prohibits any action that would disturb or damage the integrity of the ground water monitoring wells located at the Site. The access to and use of the ground water monitoring network is prohibited. The above prohibition is subject to the following exception: any disturbance, access to, or use of the ground water monitoring wells at the Site is permissible if it is consistent with the Rockwool Superfund Site ROD and ESD, and includes individuals authorized by the ROD and ESD, or if otherwise agreed by EPA and/or TCEQ.

SECTION 5. The City of Belton, Texas, is hereby obligated to preserve the integrity of the cap and the containment cell as indicated herein. Such obligation may be wholly or partially assumed by the Belton Economic Development Corporation, or any other subsequent owner(s) or lessee(s) of the property containing all or a portion of the cap or containment cell, during the period of its (or their) ownership or lease. Nothing contained in this ordinance prohibits the construction of permanent buildings, foundations and piers to support them, and support and accessory structures, parking lots, underground utilities, and other related facilities on or about the ca and the containment cell, including the subsequent use and maintenance thereof, so long as such construction does not cause components of the remedy selected in the Rockwool Superfund Site ROD and ESD to fail, and the EPA and/or TCEQ is afforded the opportunity to review and concur that such construction is protective of human health and the environment.

SECTION 6. The City of Belton, Texas, is responsible for the initial implementation and subsequent inspection, reporting, and enforcement of the institutional control measures and standards included herein. Notwithstanding any change in ownership of the property, the City will conduct at least one inspection of the Site every calendar year in order to determine if the institutional control measures and standards are being complied with by the owner(s) or lessee(s). The inspection will evaluate and address the status of the institutional control measures and standards, whether or not the institutional control measures and standards remain protective to human health and the environment, and whether the Site property has conformed with such institutional control measures and standards. The City will draft a report of its findings at least once every calendar year. A copy of the annual report will be submitted to the TCEQ and EPA by March 31st of each calendar year. Such responsibility of the City has no effect on and does not supersede any maintenance, monitoring or reporting obligations of the owner(s) or lessee(s) of the property under any applicable regulatory agreement or Texas, Risk Reduction Program restrictive covenant at the Site.

SECTION 7. Upon discovery of any violation of the provisions of this ordinance the City of Belton, Texas, is authorized to take any appropriate enforcement action including the issuance of orders necessary to ensure compliance with this ordinance, the imposition of a monetary penalty, or the initiation of administrative or civil proceedings. At a minimum, the City will issue orders as necessary to ensure compliance with the institutional control measures and standards within ten (10) days of discovery of the violation.

SECTION 8. That the City of Belton, Texas, will notify TCEQ and EPA as soon as practicable, but no longer than ten (10) days after discovery of any activity inconsistent with the institutional control measures and standards provided herein, or any other action that may interfere with the effectiveness of the institutional control measures and standards provided herein. The City of Belton, Texas, will notify TCEQ and EPA of the enforcement measures taken within ten (10) days of the discovery notification provided to TCEQ and EPA.

SECTION 9. That the City of Belton, Texas, hereby declares the institutional control measures and standards identified herein, and the requirements of this ordinance, shall remain in full force and effect until the hazardous substances, pollutants or contaminants remaining at the Site are at concentration levels sufficient to support unlimited use and unrestricted exposure. The institutional control measures and standards and this ordinance shall cease upon EPA's approval and TCEQ's concurrence on risk assessment data and information specific to the Rockwool Superfund Site, which demonstrates the Site can support unlimited use and unrestricted exposure.

SECTION 10. That the City of Belton, Texas, will notify TCEQ and EPA at least one-hundred and twenty (120) calendar days prior to enacting any ordinance which repeals or nullifies a portion or all of the institutional control measures and standards provided herein. The City of Belton will provide TCEQ and EPA a copy of any final ordinance that modifies, changes, repeals or nullifies a portion or all of the institutional control measures and standards provided herein within ten (10) days after the effective date of the ordinance.

SECTION 11. Notwithstanding any provisions of this ordinance, and following an updated boundary survey in 2012 (Exhibit D), Tract 13, located on the south side of FM 93, is excluded from application of these institutional controls, since it should not be included in the "Affected Property", and was originally included due to common ownership only.

SECTION 12. That all ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 13. Should any paragraph, sentence subdivision, clause phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid,

the same shall not affect the validity of this ordinance or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 14. Any person or persons, firm or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

SECTION 15. This ordinance shall take effect immediately from its passage and publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS,
on the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

RESOLUTION NO. 2016-23-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 as amended by City of Belton Ordinance No. 2016-24 passed on June 28, 2016. 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 28th day of June, 2016.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Exhibit "A"

City of Belton Tract B

1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 28, 2012

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

13.78 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 668 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 **119.43 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 it's 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\projects\pro120000\120000\120100\120112\120112B.dwg



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4838

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 5318, 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 08 min 11 sec WEST**, a distance of 1024.20 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 2590, Page 336 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 88 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 984.55 feet, a central angle of 41 deg 00 min 58 sec and a chord that bears **NORTH 48 deg 19 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 676.34 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 885.34 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 188.74 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 62 deg 22 min 32 sec EAST, a distance of 182.65 feet to the Point of Beginning, Containing 36.326 ACRES.

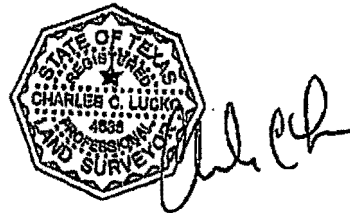
This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 133. The theta angle at City Monument No. 133 is 01°28'23". The combined correction factor (CCF) is 0.999857. 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 36.326 acre tract is N 82°09'23" W, 518.88 feet. Published City coordinates for project reference point 133 are N. = 10,358,468.27 E. = 3,202,085.82. This description is to accompany a Surveyor's Sketch showing the herein described 36.326 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.

1-800-749-PLAT

Server/projects/pro120000/120000/120100/120112/120113.dwg



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4838

SPECIAL WARRANTY DEED
(with Reservation)

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:

36.326 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, as amended by City of Belton Ordinance No. 2016-24 passed on June 28, 2016.

RESERVATIONS FROM CONVEYANCE: There is hereby excepted and reserved unto Grantor, its heirs and assigns, the free and uninterrupted use and easement of passing in, on and along the Property in order to inspect the compliance with the above referenced Ordinances and Restrictive Covenants, as may be amended in the future.

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, by through or under Grantor, but not otherwise, and 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 it's 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 641.60 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 0.999857: 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.
1-800-749-PLAT

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



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

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:

36.326 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 36.326 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 698 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 **1024.20 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 2590, Page 336 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 **566.38 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 **984.55 feet**, a central angle of **41 deg 00 min 58 sec** and a chord that bears **NORTH 48 deg 19 min 32 sec WEST**, a distance of **944.09 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 663 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 **676.34 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 89 deg 59 min 20 sec E, 2177.84 feet) for the following FOUR (4), courses and distances:

- 1). **SOUTH 85 deg 14 min 10 sec EAST, a distance of 855.34 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 158.74 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 62 deg 22 min 32 sec EAST, a distance of 182.65 feet to the Point of Beginning, Containing 36.326 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°29'23". The combined correction factor (CCF) is 0.999857. 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 36.326 acre tract is N 82°09'23" W, 516.88 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 36.326 acre tract. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

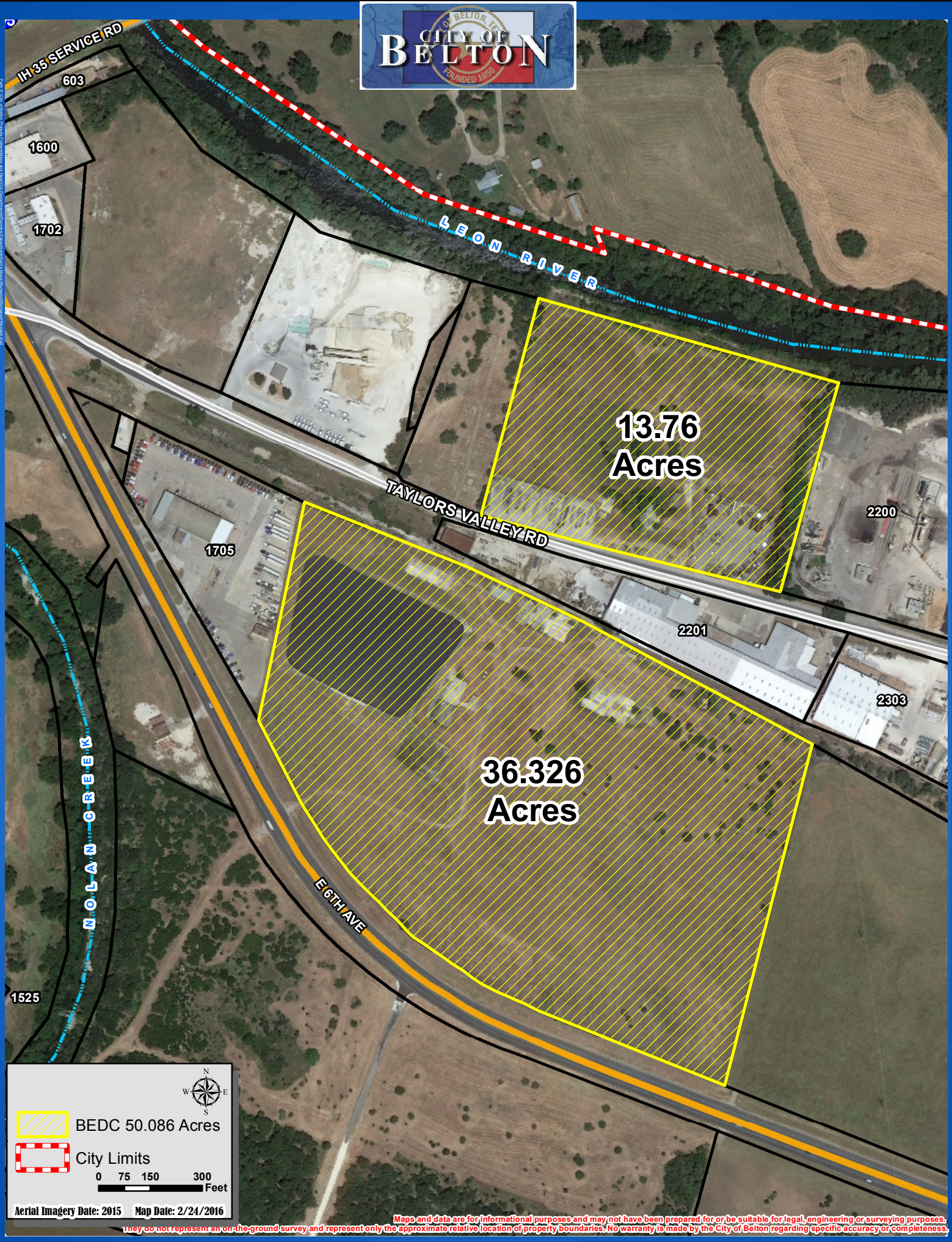
Surveyed March 2012


ALL COUNTY SURVEYING, INC.
1-800-749-PLAT


Server\projects\pro120000\120000\120100\120112\120112J.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636



 BEDC 50.086 Acres

 City Limits

0 75 150 300 Feet

Aerial Imagery Date: 2015 Map Date: 2/24/2016

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

Staff Report – City Council Agenda Item



Agenda Item #15

Consider an amendment to Ordinance No. 2013-26 regulating burglar alarms within the City of Belton.

Originating Department

Police Department – Gene Ellis, Chief of Police

Summary Information

In 2013, the City of Belton passed an ordinance to regulate burglar alarm systems. Our ordinance requires permits for commercial burglary/intrusion alarms, which are renewable every three years. Residential burglar alarms are not required to be permitted. Permits are not required for alarm systems that are not monitored by an alarm company, cannot be heard outside the premises, and only alert the occupant/owner of the premises. The ordinance establishes a false alarm service fee for false alarms in excess of four per 12-month period.

The vast majority of alarms BPD responds to are false, and we had hoped this ordinance would reduce the number of false alarms. Most false alarms are caused by faulty equipment or human error. Response to false alarms has an adverse impact on police operations; however, a properly functioning alarm system can be an excellent tool in the prevention of crime and the apprehension of criminals. Local regulation of burglar alarm systems has proven effective in the reduction of false alarm calls in many communities. However, we have not noticed a significant reduction in false alarm calls since enacting the ordinance. The management of the permits and false alarm billing has created an additional workload as well.

We propose amending the ordinance by repealing the sections regarding the permitting process and retaining the provision that makes it a violation to knowingly operate a malfunctioning alarm system. We have a small number of businesses who have excessive false alarms, most often caused by equipment malfunctions. Some choose not to repair their systems even after receiving notice of the issue. We propose that those with more than 10 false alarms in any single (calendar) quarter may be subject to being summoned into municipal court if they do not repair their alarm system within ten (10) business days after receiving written notice of the issue. Ten false alarms in three months before action is taken is a very lenient number and well in excess of the four allowed in the existing ordinance. The penalty provision in the ordinance will only be used in extreme cases when a person or business fails to correct the issues causing the false alarms. Our goal is the reduction of excessive false alarms and not penalizing individuals or businesses for accidental or unintended alarm activation.

Recommendation

Recommend approval of the proposed changes to the ordinance amending Chapter 11 of the Code or Ordinances, regarding burglar alarm systems.

Attachments

Current Ordinance with markup

Proposed Ordinance

ORDINANCE NO. 2013-26

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE VI, "BURGLAR ALARM SYSTEMS", INCLUDING CERTAIN DEFINITIONS, PERMIT REQUIREMENTS; ESTABLISHING PROCEDURES, VIOLATIONS AND EXCEPTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Belton has determined a need exists to regulate burglar alarms within the corporate city limits of Belton; and

WHEREAS, police response to burglar alarms have an impact on the safety and welfare of the public since they involve the use of police resources, often in circumstances where the alarm is false; and

WHEREAS, the Belton City Council has deemed it important to regulate burglar alarm systems in the City of Belton, and due to their effect on police resources, make them subject to standards in order to protect the health, safety, and welfare of the public within the corporate city limits of Belton.

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

PART 1. All of the recitals and preambles hereinabove stated in this ordinance are hereby found and declared to be true and correct and are incorporated herein and made a part of this ordinance.

PART 2. Chapter 11 of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

CHAPTER 11, ARTICLE VI BURGLAR ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec.11-125. Definitions.

For the purpose of this article, the following terms shall be defined as follows:

Alarm Company means any person who sells, installs, converts, services, or monitors an alarm system.

Alarm notification means a notification from or activation of an alarm system that is intended to summon the police and designed either to be initiated purposely by a person or automatically by a response to stimulus characteristic of unauthorized intrusion.

Alarm site means a single premise or location (one street address including apartment number, suite number, etc.) served by an alarm system or systems under the control of one person. Each tenant unit in a multi-unit structure or complex shall be considered a separate alarm system if served by a separate alarm system.

Alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the city, including, but not limited to, local alarms. Alarm system does not include:

- (1) an alarm installed on a vehicle unless the vehicle is permanently located at a site; nor
- (2) an alarm system designed to alert only the occupants or inhabitants of the premises where the alarm system is installed, but only if such alarm notification cannot be heard outside the premises where the alarm system is installed or which does not have a local alarm.

Burglary means the acts described at Texas Penal Code §§ 30.02 and 30.03.

Commercial means a non-residential property engaged in commercial business, government services, or non-profit activities.

Excessive False Alarms means more than ten (10) false alarms in any calendar quarter (3 months).

False Alarm Notification means an alarm notification to the police department, when the responding officer, on reasonable investigation, as required by Section 214.196, "On-Site Inspection Required," of Chapter 214 of the Texas Local Government Code, finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery or other illegal activity.

Local Alarm means any Alarm System that annunciates an alarm only by an internal or external audio device.

Monitoring means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to the city.

DIVISION 2. PERMIT

~~Sec. 11-126. Required.~~

~~A commercial alarm system in the City of Belton may be operated only with a valid alarm permit issued by the city. A separate alarm permit is required for each alarm system on each alarm site.~~

~~Sec. 11-127. Fee.~~

~~There is no fee for a permit.~~

Sec. 11-128. Application.

- ~~(1) Upon receipt of a completed application form, the city shall issue a commercial alarm permit to an applicant.~~
- ~~(2) An application for a commercial alarm permit must be made on a form provided by the city.~~
- ~~(3) The application shall be signed and verified by the applicant, whether owner, partner, corporation, or other.~~
- ~~(4) Information contained in the records maintained by the city pursuant to this Article and that concerns the location of an alarm system, the name of the occupant of an alarm system site, or the type of alarm system used is confidential and may be disclosed only as permitted by law. Nothing in this article shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this ordinance.~~
- ~~(5) Persons operating a newly activated or reactivated commercial alarm system shall notify the police department after commencing operation of the address of the alarm site, the name and the address of the operator, and of any contact persons.~~
- ~~(6) An alarm permit may not be transferred to another person or another alarm site and shall be valid only for the alarm site designated in the permit. A permit holder shall inform the police department of any change that alters any information listed on the permit application within five business days. No fee shall be assessed for such changes.~~

Sec. 11-129. Alarm Permit Duration, Renewal and Inspection.

- ~~(1) An alarm permit is issued for three (3) years and must then be renewed upon submission of an updated application.~~
- ~~(2) A permit shall not be renewed if the applicant owes outstanding service fees at other alarm sites for which he is the permit holder.~~

Sec. 11-130. Duties of Person in Control of an Alarm System Permit Holder.

- ~~(1) A permit holder or person in control of an alarm system shall:~~
 - ~~a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;~~
 - ~~b) Maintain the alarm system in a manner that will minimize false alarm notifications;~~
 - ~~c) Respond or cause a representative to respond within a reasonable period of time when notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;~~
 - ~~d) Not intentionally activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.~~

(2) A ~~permit holder or~~ person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article or that is not licensed by the Texas Board of Private Investigators and Private Security Agencies.

(3) A person in control of an alarm system shall repair a malfunctioning alarm system or correct issues causing excessive false alarms after receiving written notice of the excessive false alarms from the Belton Police Department.

Sec. 11-131. Duties of an Alarm Company.

Any person or his agent who sells, installs, or converts, a commercial alarm system in the City of Belton shall:

- a) Inform ~~permit holder or~~ a person in control of alarm system of the city ordinance ~~requiring permits~~ for alarm systems;
- b) Provide proper operating instructions for alarm system to include guidelines for how to avoid false alarms.

Sec. 11-132. Monitoring Procedures

(1) Any alarm company engaged in the business of monitoring alarm systems in the city shall:

- a) Report alarm signals by using telephone numbers designated by the city;
- b) Before requesting police response to an alarm system signal, attempt to verify every alarm signal, except a duress, holdup, or panic alarm activation, by telephone call to the alarm site;

(2) When reporting an alarm notification to the city, provide:

- a) The address of the alarm site from which the alarm notification originated;
- b) All available information (north, south, front, back, floor, etc.) about the location of the alarm;
- c) Type of alarm activation (silent or audible, interior or perimeter);
- d) Contact the ~~permit holder or any of the individuals listed in the permit application~~ as persons able and agreeing to receive notification of an alarm activation at any time of the alarm activation.

Section 11-133. Residential Alarm Systems

~~A permit is not required for residential alarm systems.~~ The police department shall establish a voluntary alarm registration program for residential properties to allow residents the opportunity to provide their emergency contact information if desired, as well as, in the event of valid alarm activation.

~~Sec. 11-134. False Alarm Service Fees.~~

~~The holder of a commercial alarm permit or person in control of any alarm system in the City of Belton (to include residential alarms) shall pay a service fee for each false alarm notification in excess of four (4) that is emitted from an alarm site, or in the case of an apartment complex from each individual residential unit, within a twelve (12) month period. The City Council of the City of Belton shall set the amount of the service fees in its Fee & Rate Schedule.~~

Sec. 11-135. Reinstatement of Permit.

~~A person whose alarm permit has been revoked may have the permit reinstated if the person:~~

- ~~a) Submits an updated application and pays a permit reinstatement fee in accordance with this ordinance;~~
- ~~b) Pays all outstanding false alarm (service) fees assessed under this ordinance for which a bill has been issued;~~
- ~~c) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.~~

Sec. 11-136. Violations; Penalties; Corporations, Partnerships and Other Legal Entities.

~~(1) A person commits an offense if he operates or causes to be operated a commercial alarm system in the City of Belton without a valid permit issued under this article.~~

~~(2) An alarm company, an alarm permit holder, or a person in control of any alarm system, commits an offense if he violates any provision of this ordinance by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him by this ordinance.~~

Sec. 11-137. Government Immunity and Disclaimer.

~~(1) Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.~~

~~(2) By registering an alarm system, the permit holder person in control of the alarm system acknowledges that police response may be based on factors such as. availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions staffing levels.~~

PART 3. Penalty. Any person or persons, firm or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor, and upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and each violation hereof shall be deemed

a separate and distinct offense for each of said days and shall be punishable as such.

PART 4. No Duty Assumed. In undertaking the enforcement of this ordinance, the City of Belton is assuming an undertaking only to promote the general health, safety and welfare of its citizens. The City of Belton is not assuming any duty or obligation, nor is it imposing any duty and/or obligation on its officers and/or employees, nor is it liable in money damages or otherwise to any person who claims that the City of Belton and/or one of its officers and/or employees breached any such obligation and the breach proximately caused injury.

PART 5. Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 6. Repealing Clause. That all Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PART 7. Savings Clause. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and affect the same as if such invalid or unconstitutional provision had never been a part hereof.

PART 8. Code Inclusion. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Belton, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

PART 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE VI, "BURGLAR ALARM SYSTEMS", INCLUDING CERTAIN DEFINITIONS, PERMIT REQUIREMENTS; ESTABLISHING PROCEDURES, VIOLATIONS AND EXCEPTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Belton has determined a need exists to regulate burglar alarms within the corporate city limits of Belton; and

WHEREAS, police response to burglar alarms have an impact on the safety and welfare of the public since they involve the use of police resources, often in circumstances where the alarm is false; and

WHEREAS, the Belton City Council has deemed it important to regulate burglar alarm systems in the City of Belton, and due to their effect on police resources, make them subject to standards in order to protect the health, safety, and welfare of the public within the corporate city limits of Belton.

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

PART 1. All of the recitals and preambles hereinabove stated in this ordinance are hereby found and declared to be true and correct and are incorporated herein and made a part of this ordinance.

PART 2. Chapter 11 of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

CHAPTER 11, ARTICLE VI BURGLAR ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec.11-125. Definitions.

For the purpose of this article, the following terms shall be defined as follows:

Alarm Company means any person who sells, installs, converts, services, or monitors an alarm system.

Alarm notification means a notification from or activation of an alarm system that is intended to summon the police and designed either to be initiated purposely by a person or automatically by a response to stimulus characteristic of unauthorized intrusion.

Alarm site means a single premise or location (one street address including apartment number, suite number, etc.) served by an alarm system or systems under the control of one person. Each tenant unit in a multi-unit structure or complex shall be considered a separate alarm system if served by a separate alarm system.

Alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the city, including, but not limited to, local alarms. Alarm system does not include:

- (1) an alarm installed on a vehicle unless the vehicle is permanently located at a site; nor
- (2) an alarm system designed to alert only the occupants or inhabitants of the premises where the alarm system is installed, but only if such alarm notification cannot be heard outside the premises where the alarm system is installed or which does not have a local alarm.

Burglary means the acts described at Texas Penal Code §§ 30.02 and 30.03.

Commercial means a non-residential property engaged in commercial business, government services, or non-profit activities.

Excessive False Alarms means more than ten (10) false alarms in any calendar quarter (3 months).

False Alarm Notification means an alarm notification to the police department, when the responding officer, on reasonable investigation, as required by Section 214.196, "On-Site Inspection Required," of Chapter 214 of the Texas Local Government Code, finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery or other illegal activity.

Local Alarm means any Alarm System that annunciates an alarm only by an internal or external audio device.

Monitoring means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to the city.

DIVISION 2. PERMIT

Sec. 11-126. DELETED

Sec. 11-127. DELETED

Sec. 11-128. DELETED

Sec. 11-129. DELETED

Sec. 11-130. Duties of Person in Control of an Alarm System.

- (1) A person in control of an alarm system shall:
 - a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
 - b) Maintain the alarm system in a manner that will minimize false alarm notifications;
 - c) Respond or cause a representative to respond within a reasonable period of time when notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;
 - d) Not intentionally activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (2) A person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article or that is not licensed by the Texas Board of Private Investigators and Private Security Agencies.
- (3) A person in control of an alarm system shall repair a malfunctioning alarm system or correct issues causing excessive false alarms after receiving written notice of the excessive false alarms from the Belton Police Department.

Sec. 11-131. Duties of an Alarm Company.

Any person or his agent who sells, installs, or converts a commercial alarm system in the City of Belton shall:

- a) Inform a person in control of alarm system of the city ordinance for alarm systems;
- b) Provide proper operating instructions for alarm system to include guidelines for how to avoid false alarms.

Sec. 11-132. Monitoring Procedures.

- (1) Any alarm company engaged in the business of monitoring alarm systems in the city shall:
 - a) Report alarm signals by using telephone numbers designated by the city;
 - b) Before requesting police response to an alarm system signal, attempt to verify every alarm signal, except a duress, holdup, or panic alarm activation, by telephone call to the alarm site;
- (2) When reporting an alarm notification to the city, provide:
 - a) The address of the alarm site from which the alarm notification originated;
 - b) All available information (north, south, front, back, floor, etc.) about the location of the alarm;
 - c) Type of alarm activation (silent or audible, interior or perimeter);

- d) Contact the persons able and agreeing to receive notification of an alarm activation at any time of the alarm activation.

Sec. 11-133. Residential Alarm Systems.

The police department shall establish a voluntary alarm registration program for residential properties to allow residents the opportunity to provide their emergency contact information if desired, as well as, in the event of valid alarm activation.

Sec. 11-134. DELETED

Sec. 11-135. DELETED

Sec. 11-136. Violations; Penalties; Corporations, Partnerships and Other Legal Entities.

An alarm company, an alarm permit holder, or a person in control of any alarm system, commits an offense if he violates any provision of this ordinance by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him by this ordinance.

Sec. 11-137. Government Immunity and Disclaimer.

(1) Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

(2) By registering an alarm system, the person in control of the alarm system acknowledges that police response may be based on factors such as. availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions staffing levels.

PART 3. Penalty. Any person or persons, firm or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor, and upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

PART 4. No Duty Assumed. In undertaking the enforcement of this ordinance, the City of Belton is assuming an undertaking only to promote the general health, safety and welfare of its citizens. The City of Belton is not assuming any duty or obligation, nor is it imposing any duty and/or obligation on its officers and/or employees, nor is it liable in money damages or otherwise to any person who claims that the City of Belton and/or one of its officers and/or employees breached any such obligation and the breach proximately caused injury.

PART 5. Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 6. Repealing Clause. That all Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PART 7. Savings Clause. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and affect the same as if such invalid or unconstitutional provision had never been a part hereof.

PART 8. Code Inclusion. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Belton, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

PART 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 28th day of June, 2016.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk