

**BELTON CITY COUNCIL MEETING
APRIL 22, 2014**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Jerri Gauntt, Dan Kirkley, Craig Pearson, John Again, and David K. Leigh. Staff present included John Messer, Sam Listi, Jana Faucett, Brandon Bozon, Gene Ellis, Francisco Corona, Mike Huber, Kim Kroll, Erin Newcomer, Denny Lassetter, Charlotte Walker, Paul Romer, Sandy Slade, and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Recreation & Events Director Sandy Slade, the Pledge of Allegiance to the Texas Flag was led by Councilmember John Agan, and the Invocation was given by Executive Director Rucker Preston, Helping Hands Ministry, Belton, Texas.

1. Call to Order: The Mayor called the meeting to order at 5:30 p.m.
2. Public Comments. Troy Davis, 48-B FM 2271, Belton, Texas 76513, spoke regarding a possible concession at Heritage Park. Rucker Preston, 2013 Hilltop Street, Belton, Texas 76513, Reesa Harrison, 1016 E Ave S, Belton, Texas 76513, and Kimberly Pointer, 2508 Amber Forest, Belton, Texas 76513 voiced concerns regarding Payday Lending Organizations and requested Council to consider adopting an Ordinance regulating the number payday lending organizations or credit access businesses (CAB) in town.

Consent Agenda

Upon motion by Councilmember Leigh and seconded by Councilmember Kirkley the following items were unanimously approved

3. Minutes of previous meetings. Minutes were approved as presented.
April 8, 2014 Regular Meeting.
4. Consider authorizing the City Manager to execute an Interlocal Agreement with Bell County for seal coating streets in the Belton city limits. Approved Interlocal Agreement with Bell County as presented.

5. Hold a public hearing and consider an ordinance amending the City's Drought Contingency and Water Conservation Plan.

Public Works Director Mike Huber presented this item to Council and indicated The City of Belton is required by the Texas Water Code to submit a revised Water Conservation Plan once every five years, and is due by May 1, 2014.

Mr. Huber noted substantive changes to the Drought Contingency and Water Conservation Plan for the City of Belton include:

- 1) Inclusion of the references to State of Texas requirements to update the Plan every five years.
- 2) The previous drought response stages were initiated by water production limitations, distribution system limitations, and emergency conditions. A new criteria for initiation of drought response stages was added to include water supply drought conditions. The City has ample water supply under contract; however, the City has experienced requests from the suppliers to conserve water due to low water levels in Lake Belton.
- 3) Goals for reduction of daily water demand have been revised. The goals were adjusted based upon estimates by the City Engineer based on the projected effect that initiation of each drought stage could realistically achieve. Stage 3 has a water use reduction goal of 40 percent, Stage 4 goal is 50 percent, and Stage 5 goal is 60 percent.
- 4) Update utility data to include Central Texas Water Supply Corporation as one of the City's wholesale water providers.
- 5) Update the historical water consumption data to include the 2009 to 2013 time period.
- 6) Update of estimates of future population based on Texas Water Development Board data.

Mr. Huber recommended Council hold a public hearing and consider adoption of an ordinance amending the City's Drought Contingency and Water Conservation Plan.

Mayor Covington opened the public hearing. There were no questions or additional comments and the public hearing was closed. Mayor Pro Tem Grayson made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Kirkley and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-16

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE CITY'S DROUGHT CONTINGENCY PLAN WHICH ESTABLISHES CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; RESTRICTIONS ON CERTAIN WATER USES; PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Planning and Development

6. Hold a public hearing concerning an update of the Design Standards and Type Areas.

Planning Director Erin Newcomer presented this item to Council and provided an overview of the updates to the Design Standards as indicated in the staff report provided. Ms. Newcomer requested Council hold a public hearing and recommended adoption of the Design Standards and Type Areas.

Mayor Covington opened the public hearing. There were no questions or additional comments and the public hearing was closed.

Councilmember Leigh wished to thank staff for continuing to look at the Design Standards and provide updates as necessary. Councilmember Gauntt noted while the updated Design Standards seem to make some positive changes, she recommended removing EIFS as an allowable material. Councilmember Gauntt felt this was a lower quality material and this would not help us build lasting structures in Belton.

Councilmember Leigh made a motion to approve the ordinance as presented. The motion was seconded by Mayor Pro Tem Grayson. Councilmember Gauntt made a motion to amend the original motion and remove EIFS as an allowable material. This motion died for a lack of second. The original motion to approve the ordinance as presented carried by a vote of 6-1 with Councilmember Gauntt voting in opposition. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-17

AN ORDINANCE AMENDING SECTION 7.1 OF THE ZONING ORDINANCE OF THE CITY OF BELTON REGARDING ZONING DISTRICTS; AMENDING THE DESIGN STANDARDS OF THE ZONING ORDINANCE OF THE CITY OF BELTON; AND ADOPTING THE SUNSET REVIEW OF THE DESIGN STANDARDS AND TYPE AREAS.

7. Hold a public hearing and consider an ordinance authorizing a zoning change from Single Family-1 to a Planned Development Office-1 Zoning District for a real estate office at 301 North Pearl Street, located on the northeast corner of North Pearl Street and West 2nd Avenue.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. Ms. Newcomer indicated the applicant has submitted this request for a zone change to allow for a proposed real estate office, located in the Lower West Belton Historic District on the northeast corner of North Pearl Street and West 2nd Avenue.

Ms. Newcomer stated the P&ZC voted unanimously to recommend this zone change at its April 15th meeting and recommended approval of zone change from Single Family-1 to Planned Development Office-1 District.

Ms. Newcomer also recommends development be regulated under the Design Standards for Type Area 6 standards as follows:

1. The allowable uses of the property shall conform to the Office-1 District in all respects, except the southern side yard setback may observe a minimum of 5', instead of the required 20' minimum side yard setback, and in addition a residence is an allowed use.
2. All associated operations shall be conducted and contained within the primary structure.
3. At least 5 off-street all weather asphalt or concrete parking spaces must be provided.
4. A concrete ramp to the store entrance for ADA accessibility.
5. The development of the property shall conform to all applicable Type Area 6 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above

- b. Building Design Standards
- c. Landscape Design Standards

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

Mayor Covington opened the public hearing. David Gillam, Village Hill Road, Belton, Texas, respectfully requested approval of the zone change. There were no further questions or additional comments and the public hearing was closed. Councilmember Agan made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Pearson and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-14

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY-1 ZONING DISTRICT TO PLANNED DEVELOPMENT OFFICE-1 ZONING DISTRICT FOR THE OPERATION OF A REAL ESTATE OFFICE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 6 DESIGN STANDARDS.

Councilmember Leigh departed the meeting before moving on to the next item.

8. Hold a public hearing and consider an ordinance authorizing a zoning change from Agricultural to a Planned Development Agricultural Zoning District for the operation of a bed and breakfast in the existing structure at 1011 West 2nd Avenue, located east of South Loop 121 and west of Mitchell Street.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. Ms. Newcomer indicated the applicant has submitted this request for a zone change to allow for a proposed bed and breakfast.

Ms. Newcomer stated the P&ZC voted to unanimously recommend this zone change at its April 15th meeting and recommended approval of zone change from Agricultural to Planned Development Agricultural Zoning District.

Ms. Newcomer also recommends development be regulated under the Design Standards for Type Area 10 standards as follows:

1. The allowable uses of the property shall conform to the Agricultural District in all respects, and in addition a bed and breakfast is an allowed use.
2. All associated operations shall be conducted and contained within the main house on the property.

3. At least 8 off-street all weather asphalt or concrete parking spaces must be provided.
4. The development of the property shall conform to all applicable Type Area 10 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
5. Sign Standards shall conform to Ordinance 2008-11.

Mayor Covington opened the public hearing. There were no questions or additional comments and the public hearing was closed. Councilmember Kirkley made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Gauntt and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON NGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT AGRICULTURAL ZONING DISTRICT FOR THE OPERATION OF A BED AND BREAKFAST, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 10 DESIGN STANDARDS.

9. Hold a public hearing and consider a final plat for Belton Police Department Addition, two tracts totaling 4.428 acres, located to the north and south side of East 2nd Avenue, east of Muelhouse Street, and west of Birdwell Street.

Planning Director Erin Newcomer presented an overview of this item and stated this is a 2-lot subdivision proposed for a parking lot on Lot 1 and the expansion of the police building on this site on Lot 2.

Ms. Newcomer indicated the P&ZC voted unanimously to recommend approval of the final plat at its April 15th meeting and recommended approval of a final plat for Belton Police Department Addition, two tracts totaling 4.428 acres, located to the north and south sides of East 2nd Avenue, east of Muelhouse Street, and west of Birdwell Street, subject to conditions contained in the letter to the applicant's engineer dated April 11, 2014.

Mayor Covington opened the public hearing. Rucker Preston, 2013 Hilltop Street, Belton, Texas 76513, spoke in favor of the proposed plat. There being no additional comments or questions the public hearing was closed.

Councilmember Pearson made a motion to approve the final plat as presented. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously.

10. Consider a preliminary plat for Chisholm Trail West Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190.

Planning Director Erin Newcomer presented an overview of this item to Council in the Work Session prior to the Council Meeting where she indicated the P&ZC voted to recommend approval of the final plat by a vote of 7-2 at its April 15th meeting. Ms. Newcomer stated staff does not concur in the recommendation of the Planning and Zoning Commission and recommends disapproval of a preliminary plat for Chisholm Trail West Subdivision, a 59.56 acre tract, located on the north side of Wheat Road, south of Boxer Road, and east of the US Highway 190 due to the numerous and substantive issues identified in the Work Session and in the associated staff report to the Council.

Mayor Covington noted Mayor Pro Tem Grayson will be abstaining from this item. Councilmember Pearson made a motion to disapprove the preliminary plat as presented. The motion was seconded by Councilmember Agan and carried by a vote of 5-0 with one abstention.

11. Consider a resolution establishing minimum requirements for Second Story Residential Occupancy in Downtown Belton and approve a budget amendment.

Planning Director Erin Newcomer presented this item to Council. Ms. Newcomer indicated City staff developed a policy that establishes minimum requirements for conversion of the second story of existing and historic buildings, and this policy was created to provide guidance to building owners converting their second floor to a residential use.

Ms. Newcomer stated City staff is proposing to offer building owners incentives and financial support to convert the second story of a downtown building to residential use and recommends:

1. Approval of the proposed resolution establishing minimum requirements for Second Story Residential Occupancy in Downtown Belton, to include:
 - a. Performance Compliance Method, as outlined by Tere O'Connell in report dated December 10, 2013.

- b. Prescriptive Compliance method as outlined in the policy establishing minimum requirements for conversion of the second story of existing and historic buildings to a residential use.
2. Establishing a time period for compliance by existing development of twelve (12) months, with an extension that may be granted based on financial hardship not to exceed six (6) months.
3. Providing building owners with existing second story residences in Downtown Belton commercial buildings incentives and financial support to convert the second story of a downtown building to residential use in the amount of an additional \$55,000, and approve a budget amendment.

Councilmember Gauntt asked where the funds would come from to provide financial assistance. Ms. Newcomer stated staff was proposing a budget amendment with the funds coming from the GF Fund Balance. Councilmember Kirkley commended staff for the proposed recommendations. Councilmember Kirkley also asked would the Performance Method still be available and Ms. Newcomer indicated yes.

Councilmember Agan asked if staff obtained an estimate of the total cost for the existing structures, and how much would the proposed incentive cover. Ms. Newcomer stated no, and this may not be able to be determined until an assessment is made as each residence may have different requirements.

Councilmember Gauntt stated it is critical for our community that we allow for residential uses in downtown, but she is struggling with the idea that we would use tax dollars to upgrade their homes. Councilmember Gauntt stated most homeowners understand the risk in living in downtown Belton. City Attorney John Messer indicated the justification from a public safety standpoint is this is the only area where buildings are attached, and one person alone will not be able to ensure their own safety.

Michelle Moore, 216 E Central Ave, Belton, Texas 76513, commended staff for bringing this forward, and thanked staff for offering this incentive. Ms. Moore is a current downtown resident who will take advantage of this program.

Finance Director Brandon Bozon also noted this would bring forward a good set of standards for the future, and would not be an ongoing incentive but available for existing residences only.

Councilmember Kirkley made a motion to approve resolution as presented. The motion was seconded by Councilmember Pearson and carried unanimously. The following captioned resolution was adopted:

RESOLUTION NO. 2014-18-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ESTABLISHING MINIMUM REQUIREMENTS FOR SECOND STORY RESIDENTIAL OCCUPANCY IN DOWNTOWN BELTON, PROVIDING FUNDING FOR FACILITATING COMPLIANCE, AND PROVIDING AN OPEN MEETING CLAUSE.

12. Consider the following interpretations in accordance with Section 44, Classification of New and Unlisted Uses, of the Zoning Ordinance:

- a) Section 34.2.B., Special Off-Street Parking Provisions, of the Zoning Ordinance – Residential Districts
- b) Section 34.3.C., Special Off-Street Parking Provisions, of the Zoning Ordinance – Non-Residential and MF Districts
- c) Section 38.16, Sign Design and Area Regulations, of the Sign Ordinance
- d) Section 38.11, Summary of Permitted Signs, of the Sign Ordinance

Planning Director Erin Newcomer presented this item to Council involving interpretations as outlined in the staff report provided, and recommended the following interpretations in accordance with Section 44, Classification of New and Unlisted Uses, of the Zoning Ordinance:

- Clarifying Section 34.2, Off-Street Parking and Loading Requirements – Residential Districts, by interpreting brick as a similar all-weather surface; therefore, parking surfaces must be constructed of concrete, asphalt, or brick.
- Clarifying Section 34.2, Off-Street Parking and Loading Requirements – Residential Districts, by interpreting A-O as Agricultural
- Clarifying Section 38.16, Sign Design and Area Regulations, of the Sign Ordinance, to interpret that two pole signs with IH 35 and US 190 frontage are permitted in the Retail, Commercial Highway, Commercial-1, Commercial-2, Light Industrial, Industrial Park, Heavy Industrial, and Planned Development Zoning Districts, adding Retail and Commercial Highway Districts.
- Clarifying Section 38.11, Summary of Permitted Signs, of the Sign Ordinance, to interpret that electronic gas station price signs are permitted by right without the requirement of a SUP.

Councilmember Pearson made a motion to approve the interpretations as presented. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously.

Miscellaneous

13. Consider award of bid for sale of property, 0.869 acre tract, located adjacent and west of Commerce Drive, south of FM 439 (Lake Road).

Councilmember Pearson indicated he would abstain from this item, and departed the meeting. Grants/Special Projects Coordinator Aaron presented this item to Council. Mr. Harris stated this is a City-owned surplus property and retained easements include: a 30' drainage and utility easement along the north side of the property; a 20' drainage easement along the east side of the property; and a 50' public access, drainage, and utility easement in the center of the property, for joint access to other properties to the west, for possible access between Commerce and FM 439.

Mr. Harris noted the City received two bids and recommends award of bid to Belton Skyline in the amount of \$20,001.

Councilmember Agan made a motion to approve award of bid to Belton Skyline as presented. The motion was seconded by Mayor Pro Tem Grayson and carried by a vote of 5-0 with 1 abstention.

14. Consider award of proposal for sale of property at 1001 West Avenue D, Belton's former Public Works Facility, comprising 5 acres of land.

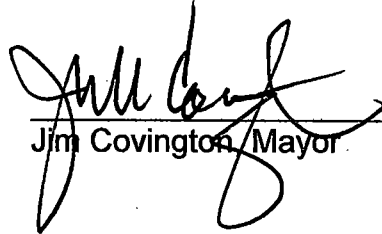
Grants/Special Projects Coordinator Aaron presented this item to Council. Mr. Harris stated this is a City-owned surplus property, and noted the City conducted an appraisal on December 23, 2013, which indicated a value of \$146,000. Mr. Harris stated the City sought proposals for the development of this property for residential development in a manner that would be compatible with adjacent land uses, and that enhances the Community.

Mr. Harris noted three proposals were received and the City met with Todd Scott and Mark Rendon the week of April 7th to discuss their proposals for detached single family development, as suggested by Council. Both proposers confirmed their understanding that the development will be subject to rezoning, and must conform to the City's design standards. Mr. Harris recommended award of the proposal to Todd Scott/Riley Scott Homes for sale of property at 1001 West Avenue D, Belton's former Public Works Facility, in the amount of \$83,001.

Councilmember Gauntt asked if the bidders were aware of the history of the property, and did they know we had only completed a Phase I Environmental Study. Mr. Harris indicated yes, and the bidder is also aware they will be responsible for the removal of the existing structures on the property.


Councilmember Pearson made a motion to approve award of proposal to Todd Scott/Riley Scott Homes presented. The motion was seconded by Mayor Pro Tem Grayson and carried by a vote of 5-1 with Councilmember Gauntt voting in opposition.

There being no further business, the meeting was adjourned at 7:05 p.m.



Jim Covington, Mayor

ATTEST:



Jana Faucett, City Clerk

