

**BELTON CITY COUNCIL MEETING
APRIL 26, 2011**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, David K. Leigh, Wayne Carpenter, Craig Pearson, and John Agan. There were no members absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Gene Ellis, Bruce Pritchard, Byron Sinclair, Kim Kroll, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Deputy Public Works Director Byron Sinclair, the Pledge of Allegiance to the Texas Flag was led by Councilmember Wayne Carpenter, and the Invocation was given by Darren Walker of the First United Methodist Church.

The Mayor called the meeting to order at 5:31 p.m.

Public comments.

Raju Patel, 1602 N. General Bruce Drive, Temple, (owner of La Quinta Inn, Belton), expressed comments about the Hotel/Motel Occupancy Tax Budget and the Belton Chamber of Commerce's Tourism Visitor Board.

Confirm appointment of Interim Fire Chief Bruce Pritchard.

In accordance with Chapter 143 of the Local Government Code, the City Manager recommended this official action to confirm the appointment of Bruce Pritchard to serve as Interim Fire Chief for the City of Belton, with an effective date of February 1, 2011,. Councilmember Agan made a motion to approve the appointment effective February 1, 2011. The motion was seconded by Councilmember Peters and carried unanimously.

Presentations:

- A. Proclaim Saturday, May 7, 2011 as First Lieutenant Larkin O'Hern Day in the City of Belton

The Mayor announced he is proclaiming Saturday, May 7, 2011 as First Lieutenant Larkin O'Hern III Day in the City of Belton, which will be presented during a special ceremony that morning at 10:00 a.m. at The Gin Pavilion. He extended an invitation to everyone and encouraged the public to attend.

- B. Officer of the Quarter – 1st Quarter 2011

Police Chief Gene Ellis explained the Belton Police Awards Committee selected Detective David Jessup to receive the *Officer of the Quarter Award* for the 1st Quarter 2011 based on his outstanding initiative and performance during two recent cases he investigated. Detective Jessup's quick actions in a child pornography case led to the arrest of the suspect and praise by Bell County District Attorney Henry Garza, who stated the investigation was "outstanding work."

Consent Agenda

Upon motion by Councilmember Leigh, seconded by Mayor Pro Tem Grayson, the following items were unanimously approved:

Minutes of previous meetings: Approved as presented.

- A. April 5, 2011 Joint Meeting (with BEDC/Chamber Boards)
- B. April 12, 2011 Meeting

Consider a resolution approving a Memorandum of Understanding (MOU) with the Texas Department of Transportation and adopting the federally approved Disadvantaged Business Enterprise (DBE) Program.

The City has received several federally funded transportation enhancement grants that pass through TxDOT (Safe Routes to Schools, IH-35 Utility Relocation, 9th Avenue Extension and Overpass Construction contract, and the Extension of the Nolan Creek Hike & Bike Trail). As a sub-receptient of federal funds, Belton must comply with a federally approved DBE program. The resolution captioned below was adopted approving the MOU and adopting the federally approved DBE Program, which is preferred by TxDOT and City staff, given it already has federal approval:

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, HEREBY APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S FEDERALLY APPROVED DISADVANTAGED BUSINESS ENTER-PRISE PROGRAM FOR ALL PROJECTS FUNDED WITH FEDERAL AND/OR STATE FUNDS, AND AUTHORIZES THE CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE AFOREMENTIONED PROGRAM.

Consider authorizing amendment of the Development Agreement with Aspen Air, Inc., regarding the relocation of its HVAC sales and servicing business.

Approved the amendment providing for a 12-month extension of the Development Agreement with Aspen Air to begin improvements no later than January 1, 2012, and substantially complete improvements, secure a certificate of occupancy, and begin operation on or before July 1, 2012. All other obligations of the Developer and the City remain unchanged.

Miscellaneous

Hold a public hearing and consider the closure of College Street at the Burlington Northern Santa Fe (BNSF) railroad tracks by approval of an ordinance.

The City Manager explained a neighborhood meeting was held in March to gather citizen input on the possible closure of College Street at the BNSF Railroad following Council's direction to explore the matter at its January 11th work session. About 10 people attended and comments were generally supportive about the positive neighborhood impact that could result to 13th/14th/15th and Wells Avenue homeowners/residents, due to reduced "cut through" traffic to and from UMHB.

Mr. Listi introduced Trae Sutton, KPA Engineers, who gave an overview of engineering design issues associated with the closure. Roland Merz, representing TxDOT's Rail Division, addressed TxDOT's and BNSF's safety interest in closing at-grade rail crossings. Mr. Merz also explained the procedure for entering into a closure agreement with TxDOT and the resulting payment process that would follow (BNSF would pay the City \$25,000 and TxDOT \$7,500, to design and reconstruct the intersection to eliminate the at-grade crossing). Mr. Listi also recognized Ali Bashi, Belton's TxDOT Area Engineer, attending the meeting.

Councilmember Leigh stated one of the City's long range plans is to enhance pedestrian traffic within the City, and though he believes this closure would help divert traffic, it will also be a hindrance as people try to "way find". He indicated he believes the City will have to look at a pedestrian crossing either over or under the railroad at some point, and asked Mr. Merz about the potential for significant funding for closing other crossings that he mentioned. Mr. Merz indicated TxDOT can offer \$150,000 to close crossings that are passive and have no lights or gates under their federal signal program. He explained BNSF will likely offer \$25,000, as larger amounts require approval through higher channels. Mr. Merz added removal of crossing arms also eliminates the requirement to sound train horns, thereby achieving a reduction in noise, as some cities have chosen to adopt "quiet zones".

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The City Manager stated staff is most concerned with the results of the traffic count that suggested over 500 vehicles a day would be diverted elsewhere. If the crossing is closed, increased traffic volumes will definitely occur on Main Street.

The Mayor opened the public hearing. Delia Lara, 1300 College Street, asked if signal lights would be added at the intersection of Main Street and 13th or 14th Avenues, and the Mayor indicated that is a TxDOT function since it's a state highway, and would be dependent on a TxDOT study. There were no other comments, therefore the hearing was closed.

Councilmember Agan stated congestion on Main Street is his main concern, and he would feel more comfortable if the City could move forward with the 9th Avenue overpass project, in addition to the Crusader Way configuration, which could help relieve the congestion from Main Street. Councilmember Leigh stated he doesn't believe this item can be addressed singularly without addressing other issues, as he thinks the concentration of traffic at 13th Avenue/Main Street, especially at peak hours, is going to create significant traffic and hazards as people try to find a way out. Though he's not against closing the crossing, Councilmember Leigh thinks the City should look at long term thoroughfare planning along with the proposal to find other outlets (perhaps through the Industrial Park) and develop additional pedestrian crossings. The City Manager concurred, indicating the City's engineers had made several similar recommendations.

The Mayor stated he believes the City should close as many at-grade crossings as possible, but he's not sure now is the right time for this location. Councilmember Pearson made a motion for the City to take no action at this time. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously. Mr. Listi expressed appreciation to TxDOT for their assistance during this process.

Z-11-02: Hold a public hearing and consider an ordinance amending the zoning of Lot 1 & west ½ of Lot 2, Block 1, Village Hill Subdivision, locally known as 3576 Auction Barn Road, from Agricultural to Neighborhood Service District.

The City Manager gave an overview of the request to be located at the northwest corner of FM 1670 and Auction Barn Road. The applicant originally requested Retail zoning which was tabled by the Planning & Zoning Commission (P&ZC) in March following questions about the applicant's actual proposed uses, and the extensive uses allowed in the Retail district. The Neighborhood Service District is more restrictive than Retail, but allows a few more uses than the Office-1 District. Mr. Listi stated staff believes this is an ideal location for a Neighborhood Service operation and recommended approval.

The Mayor opened the public hearing. Applicant Jimmy Dowell, 4402 Onion Road, Killeen, stated he is interested in buying this tract and would like to add a 2-3 bay office building with Neighborhood Service zoning. There was no one else to speak for or against the application, therefore the hearing was closed.

Councilmember Leigh asked about sewer service in this area, and Trae Sutton, KPA Engineers, stated the neighborhood is currently served by septic tank, but could eventually be served by sewer as area development occurs. Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2011-07

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO NEIGHBORHOOD SERVICE ZONING DISTRICT.

Receive a status report on 1874 Church and consider appropriate next steps.

The City Manager stated the 1874 Church Committee presented a proposed Stabilization Plan for the building on September 14, 2010. This work has been

completed, and the Committee was asked to present a report to the Council at the end of six months. Mr. Listi introduced Harry Sweet, Chair of the 1874 Church Committee. Mr. Sweet expressed appreciation to the City for its support of the group's restoration efforts, and presented a progress report, generally consisting of the following:

- Initial stabilization was completed in December 2010 which consisted of temporary roofing; temporary bracing of north wall; Tyvek inserts on the south wall; identification signage; security fence improvements; and temporary security lighting (pending).
- The Committee is embarking on 2012 calendar project – a 14-month historical calendar focusing on significant dates in Texas history with a primary focus on Bell County.
- A letter writing campaign to solicit funding will begin in mid-May.
- Committee members Rae Schmuck and Sandy Mason will meet with a grant writer (the last week of April) to guide the group through the process of obtaining grant resources.

The Mayor asked how much time and funding will be needed to complete the renovation process, and Mr. Sweet stated he believes two years is a reasonable time frame to complete a realistic appraisal and stabilization effort at an approximate cost of \$500,000. Mr. Sweet stated the Committee believes this is a viable community project, with the goal of providing a facility for historical/genealogical research. He expects to know results of grant funding by February/March 2012.

Councilmember Leigh stated grant funding is very competitive right now, and while he supports historic preservation, he doesn't believe the structure is in stable condition nor is it feasible that \$500,000 can be raised in a year. The City Manager asked how much funding was raised during the initial calendar project and the group's existing fund balance. Mr. Sweet indicated they raised \$17,000 on the 2011 calendar and about \$4,000 remains in their treasury following payments for stabilization efforts. Mr. Listi indicated the Committee will need to allocate resources for building maintenance and recommended establishment of a short time period with routine progress reports. He added he doesn't think many grant resources are available without a specific identified purpose for the facility. Councilmember Leigh suggested a metric be developed for the Committee with specific milestones.

Berneta Peoples, 702 N. Pearl, stated she believes the building is a highly significant historical structure which has been sadly neglected by Bell Fine Arts. Harriett Monsell, 309 Montrose Street, stated she understands the City's safety concerns, and though it's a difficult economy, she is hopeful grant funding options will become available, and requested that the City doesn't write the project off just yet.

Mr. Listi suggested the following to be provided within six months:

- List of grant opportunities/applications submitted;
- Status on fund raising – specific projects, programs, schedules; and
- Continuous maintenance to include inspection/report from the City's Building Official.

Councilmember Leigh made a motion for City staff to work with the Committee to develop a set of metrics, to include the above items suggested by the City Manager, to be reviewed in six months (October 2011). The motion was seconded by Councilmember Pearson and carried unanimously.

Consider authorizing the City Manager to execute an agreement for a commercial redevelopment and retail recruitment strategy with the Belton Economic Development Corporation and approve a budget amendment.

The City Manager stated the Council received a presentation by Catalyst Commercial for development of a retail recruitment strategy for Belton at the joint meeting with the BEDC/Chamber Boards on April 5th. Subject to BEDC cost share in this project totaling \$53,534, the City and BEDC would each allocate \$26,767 (one-half the cost) to fund the strategy. Mr. Listi explained the BEDC Board questioned its authority to act on the proposal at its meeting on April 25th, and tabled the item. He indicated the City Council could act now or wait until the BEDC Board addresses.

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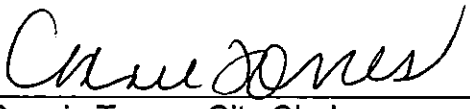
Councilmember Agan stated he would prefer to share funding with the BEDC. Councilmember Leigh stated this question has come up before for a previous study, and he suggested the City approve the item and its share of funding, and let the BEDC Board seek its legal opinion and take action accordingly. Mayor Pro Tem Grayson stated after seeing the presentation and the report that would be prepared, she believes it would be beneficial to the City and the BEDC. She indicated she liked the fact that the company stays on board several months after the report is completed to assist in finding retail businesses. Ms. Grayson stated the BEDC funds used to bring in primary jobs come from retail sales, so she thinks it's important to have the retail base that gives the BEDC that funding to bring those primary jobs to Belton. She thinks the proposal is a win-win for everyone and agrees with the City Council moving forward with approval. Councilmember Leigh made a motion to approve the agreement and associated funding of \$26,767. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously.

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



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk