

BELTON CITY COUNCIL MEETING
APRIL 27, 2010

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, Wayne Carpenter, Craig Pearson, and John Agan. Councilmember David K. Leigh was absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Gene Ellis, Roy Harmon, Byron Sinclair, Jerri Gauntt, and Kim Kroll.

The Pledge of Allegiance to the U.S. Flag was led by Support Services Coordinator Jerri Gauntt, the Pledge of Allegiance to the Texas Flag was led by Councilmember John Agan, and the Invocation was given by Jordan Hubbard of the Belton Church of Christ.

The Mayor called the meeting to order at 5:32 p.m.

Public comments. There were no public comments.

Consent Agenda

The Mayor asked that the Strategic Plan item be pulled from the consent agenda for modification. Councilmember Pearson made a motion to approve the remaining items. The motion was seconded by Councilmember Peters, and the following were unanimously approved:

Minutes of previous meetings: Both sets approved as presented.

- A. March 23, 2010 Regular Meeting
- B. April 8-9, 2010 Strategic Planning Sessions

Consider appointments to the Texas Dormitory Finance Authority Board of Directors.

Bill Holmes, Dan Kirkley, Andy Davis, Joe Pirtle, and Dr. Andy Crowson were reappointed to two year terms. Carl Bozon and Ed Wilks did not seek reappointment and replacements will be made at a future meeting.

Consider offer by the Central Texas Water Supply Corporation (CTWSC) to sell water to the City of Belton.

Disapproved the offer by the CTWSC to sell the City treated water from Lake Stillhouse Hollow based on findings from the City's engineering firm, KPA Engineers. While a second, southern water source represents a desirable option, the direct and indirect cost implications do not appear favorable to Belton's interests at this time.

Miscellaneous

Consider Strategic Plan Vision Statement 2010-2015, as reflected in Policy Statements and Objectives.

The City Manager explained a final review of Policy Statements and Objectives occurred by Consultant Don Collier and the City Manager following the Council's Strategic Plan sessions on April 8-9. The elements will guide future policymaking and were organized according to their understanding of the Council's intent. Mr. Listi identified a change under Item E-6, correcting the Rank to H-N and the Year to 1. He recommended approval with the change identified.

Councilmember Agan thanked the City Manager and Administrative Assistant Michelle Garcia for their work during the planning sessions. Mr. Agan made a motion to approve the item with the change indicated. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously.

Hold a public hearing and consider an ordinance amending the zoning of 714 S. Main, 727 S. Main, 730 S. Main, 803 S. Main, and 101 E. Avenue H, from Retail and Commercial Highway to Planned Development-Retail, for the use of a used car lot.

The City Manager explained LLZ Partnership, dba Shelley's Auto Sales, has proposed rezoning of their existing used car sales lot on E. Main Street, and a new storage lot on the west side of S. Main Street. Mr. Listi indicated the Shelley property has been before the Planning & Zoning Commission (P&ZC) for zone change consideration twice during the last four years. Discussion has been ongoing, with the objective of improving site conditions on the main sales lot on E. Main Street (which is grandfathered as to use), and the proposed storage lot on the west side of Main Street (which requires rezoning). The interpretation was made that vested rights had been acquired during the ongoing process. As a result, staff has worked with the applicant in an effort to address solutions to many of the issues which have been present for some time – visitor parking, site circulation, fire lane, sidewalks, landscaping, lighting, and drainage.

The City Manager reviewed the proposed site plan and indicated while the plan does not fully comply with the City's Design Standards, the overall plan represents a substantial improvement over current conditions. He stated staff recommended approval of the request during the P&ZC meeting on April 20th, and the Commission voted to recommend approval 8-0. Mr. Listi recommended approval of the proposed ordinance with the site plan as revised following the P&ZC meeting.

The Mayor opened the public hearing. Dwayne Digby, 673 Decker Road, gave an overview of the Shelleys' plan for implementation. John Bandas, Bandas Engineering, 404 Cottingham Drive, Temple, reviewed the general layout of the proposed changes, and reviewed the landscape and streetscape plans. Phillip Sueoka, Phillip's Auto Sales, 609 N. IH-35, asked why his request for used auto sales at his business location was not approved in comparison to this request. There were no other comments, therefore the hearing was closed.

Mayor Pro Tem Grayson asked the applicants if they would be mindful of Nolan Creek behind their property, given its recent cleanup, and Zach Shelley indicated they would. Councilmember Pearson asked about their timeline to get the improvements underway, and Zach Shelley indicated they are ready to proceed now, and should be completed within 150 days.

Councilmember Pearson made a motion to approve the ordinance as presented. The motion was seconded by Mayor Pro Tem Grayson, and the following captioned ordinance was unanimously adopted:

ORDINANCE 2010-13

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM RETAIL AND COMMERCIAL HIGHWAY ZONING DISTRICTS TO PLANNED DEVELOPMENT-RETAIL ZONING DISTRICT FOR THE USE OF A USED CAR LOT.

Consider authorizing the City Manager to execute a development agreement in substantially the form presented with LLZ Partnership, regarding development of the Shelley's Auto Sales South Main Project.

The City Manager stated the Shelleys have proposed substantial improvements to their properties on S. Main Street, and gave an overview of the following elements of the proposed development agreement:

Obligations of the Developer:

- The Developer agrees to secure building permit for the project within thirty (30) calendar days of zone change approval by the City Council.
- The Developer agrees to complete improvements for the project within one hundred fifty (150) calendar days of zone change approval by the City Council.

Obligations of the City:

- The City agrees to abandon East Avenue H between the east line of South Main Street and the west line of unimproved South East Street.
- The City agrees to a 50% cost share with the property owner, in the construction of a new five foot (5') sidewalk along the east side of South Main Street, a distance of approximately 400 linear feet.

Belton City Council Meeting
April 27, 2010 – Page 3

- The City's total cost share shall not exceed a maximum five thousand dollars (\$5,000), one-half of an estimated total construction cost of ten thousand dollars (\$10,000).

Mr. Listi explained this project will be good for this area, and will improve the Main Street gateway into South Belton. The new sidewalk will be located away from the travel lane (adjacent to the pipe fence), improving safety and ADA accessibility. While not required on the east side of S. Main, the Shelleys and the City are partnering for a new, safe, and relocated sidewalk to complement other existing sidewalk, and other sidewalk they have proposed. The City Manager explained the agreement is structured to require performance by both parties. The proposed incentive totals a maximum \$5,000 from the City, to come from the Tax Increment Reinvestment Zone (TIRZ) Fund or General Fund fund balance. He recommended approval of the proposed agreement in substantially the form presented.

Upon motion by Councilmember Agan, seconded by Councilmember Carpenter, the Council unanimously authorized execution of the development agreement as presented.

Consider an ordinance providing for the abandonment of a portion of the public street right-of-way (ROW) for East Avenue H, east of South Main Street and a portion of East Street, north of Avenue H.

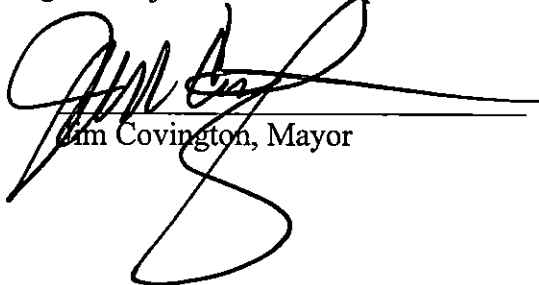
The City Manager explained LLZ Partnership, dba Shelley's Auto Sales, has requested abandonment of a portion of right-of-way (ROW) for East Avenue H from S. Main Street, east to its terminus a distance of approximately 200', to the west line of unimproved S. East Street, and a portion of East Street that has not been abandoned, so they may continue improvements near their used car sales properties. An improved entrance/exit to the car lot at Avenue H will be established using the abandoned Avenue H ROW, providing a fire lane, and extending to an existing entrance/exit at the northern end of the Shelley property. All other current driveways will be closed. Mr. Listi indicated the abandoned Avenue H ROW will revert to LLZ Partnership, as they own adjoining property on both sides of the ROW. The East Street ROW will revert one-half to each adjoining property owner, and the City will retain a public service access, drainage, and utility easement on both portions of abandoned street ROW. Mr. Listi recommended approval of the abandonment.

Councilmember Peters asked if a survey was prepared, and the City Manager indicated it was not necessary. The City Attorney commented the abandoned ROW reverts to adjoining property owners by virtue of law. Councilmember Carpenter made a motion to approve the abandonment. The motion was seconded by Mayor Pro Tem Grayson, and the following captioned ordinance was unanimously adopted:


ORDINANCE NO. 2010-14

AN ORDINANCE PROVIDING THAT A PORTION OF THE PUBLIC STREET RIGHT-OF-WAY FOR EAST AVENUE H BETWEEN SOUTH MAIN STREET AND A PORTION OF UNIMPROVED SOUTH EAST STREET, BE CLOSED, ABANDONED AND VACATED.

There being no further business, the meeting was adjourned at 6:10 p.m.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk