

BELTON CITY COUNCIL MEETING
April 28, 2015

The Belton City Council met in regular session with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh, Councilmembers Craig Pearson, Dan Kirkley, Jerri Gauntt, Guy O'Banion and Paul Sanderford. Staff present included John Messer, Gene Ellis, Jana Lewellen, Brandon Bozon, Francisco Corona, Erin Newcomer, Denny Lassetter, Mike Huber, Paul Romer, Matt Bates, Ed Bandas, Kim Kroll, and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Finance Director Brandon Bozon, the Pledge of Allegiance to the Texas Flag was led by Councilmember Craig Pearson, and the Invocation was given by Reverend Michael Dunson with First Christian Church, Belton, Texas.

1. Call to Order: The Mayor called the meeting to order at 5:30 p.m.
2. Public Comments: None

Consent Agenda

Upon motion by Mayor Pro Tem Leigh and seconded by Councilmember Pearson, the following items were unanimously approved.

3. Minutes of previous meetings. Minutes were approved as presented.
April 14, 2015 Regular Meeting
4. Consider reaffirming the Fund Balance Policy for the City of Belton. – Reaffirmed Fund Balance Policy as presented.
5. Consider authorizing purchase of 10 yard dump truck as provided for in the FY 2015 Budget. – Authorized purchase of 10 yard dump truck as presented.
6. Consider authorizing purchase of Hot Crack Sealer as provided for in the FY 2015 Budget. – Authorized purchase of Hot Crack Sealer as presented.

Finances

7. Presentation of the Comprehensive Annual Financial Report for Fiscal Year 2014.

Finance Director Brandon Bozon introduced Mike Abel of the City's auditing firm, Jaynes, Reitmeier, Boyd & Therrell, P.C., CPA's of Waco, who presented the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2014. The City received a clean opinion on the financial statements, with no material weaknesses in internal control noted. Due to the amount of federal grants received by the City in FY 2014, a single audit of federal programs was required. The single audit also received a clean opinion, with a finding that the City complied with the requirements of its major federal program, with no material weaknesses or deficiencies in internal control reported. No action was required.

8. Receive a mid-year update on the FY 2015 budget and consider an ordinance amending the FY 2015 budget.

Finance Director Brandon Bozon provided a mid-year update on the FY 2015 budget. Mr. Bozon explained the 2005 City Charter provides that budget amendments occur by ordinance, and the proposed ordinance includes all budget amendments thus far for FY 2015. Mr. Bozon provided a brief overview of these amendments, recommended approval of the ordinance as presented.

Upon motion by Councilmember Kirkley, seconded by Sanderford, the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015.

9. Consider a resolution authorizing a Meter Replacement Plan.

Finance Director Brandon Bozon presented this item, and stated Council directed Staff to create a framework by which water meters will be systematically replaced in future years. Mr. Bozon said the goal of the directive was to ensure the accuracy of future billings and to prevent a situation at a future time in which Council must borrow to fund replacement of meters.

Mr. Bozon said on April 7, 2015, a proposed resolution outlining the Meter Replacement Plan was distributed to Council establishing the framework by which Staff will track, test, and replace meters, as well as report to Council meter replacement activity. Mr. Bozon said the resolution calls for the creation of the Water Meter Replacement fund, and during the development of each annual budget, Council will authorize an amount to be transferred from the Water and Sewer Fund to the Water Meter Replacement Fund, at which time those funds will be committed to the replacement of existing water meters. Mr. Bozon recommended approval of the attached resolution, authorizing the creation of the Water Meter Replacement Fund as presented.

Upon motion by Councilmember Gauntt, seconded by Pearsom, the following captioned resolution was unanimously approved:

RESOLUTION NO. 2015-13-R

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BELTON,
TEXAS, AUTHORIZING THE METER REPLACEMENT PLAN**

Planning and Development

10. Hold a public hearing and consider an ordinance authorizing a zoning change from Single Family-1 to Retail Zoning District at 108 Lake Road, a 1.006 acre tract of land, located on the north side of Lake Road, east of Commerce Street and west of Oakmark Drive.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for for an art studio.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 6-0 at its April 21st meeting, and recommended approval of zone change from Single Family-1 to Retail District with development regulated under the Design Standards for Type Area 5 standards as follows:

1. The allowable uses of the property shall conform to the Retail Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 5 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. Construct a minimum of 13 asphalt or concrete parking spaces is required.
 5. Cross access connection is required prior to the issuance of a Certificate of Occupancy.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

Councilmember Pearson 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. 2015-21

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY-1 TO RETAIL ZONING DISTRICT AT 108 LAKE ROAD, A 1.006 ACRE TRACT OF LAND, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.

11. Hold a public hearing and consider an ordinance authorizing a zoning change from Agricultural to Planned Development Multiple Family District on a 7.997 acre tract of land, located on the west side of North Main Street, north of River Fair Boulevard and River Springs, Phase I apartments.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for a proposed apartment complex.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 6-0 at its April 21st meeting, and recommended approval of zone change from Agricultural to Planned Development Multiple Family for an apartment complex, with development regulated under the Design Standards for Type Area 5 standards as follows:

1. The allowable uses of the property shall conform to the Multiple Family Zoning District in all respects, except with an 8' rear yard setback.

2. The development of the property shall conform to all applicable Type Area 5 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. Subdivision plat is required.
5. Construction of a roadway providing a second means of egress is required in conjunction with River Springs, Phase II development and must be complete prior to the issuance of a Certificate of Occupancy.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

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

ORDINANCE NO. 2015-22

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO PLANNED DEVELOPMENT MULTIPLE FAMILY DISTRICT ON A 7.997 ACRE TRACT OF LAND, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.

12. Hold a public hearing and consider an ordinance authorizing a zoning change from Agricultural to Single Family-2 on a 59.56 acre tract of land, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for a subdivision with single family homes.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 6-0 at its April 21st meeting, and recommended approval of zone change from Agricultural to Single Family-2 on a 59.56 acre tract of land, proposed as Chisholm Trail West subdivision, with development regulated under the Design Standards for Type Area 4 standards as follows:

1. The allowable uses of the property shall conform to the Single Family-2 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 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.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

Councilmember Sanderford 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. 2015-24

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO SINGLE FAMILY-2 ON A 59.56 ACRE TRACT OF LAND, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.

13. Consider the following requests:
 - A) Hold a public hearing and consider an amendment to Belton's Thoroughfare Plan regarding a proposed north-south street, shown connecting North Estate Drive and Guthrie Drive.

Planning Director Erin Newcomer presented this item and stated the Thoroughfare Plan map includes a proposed north-south street connecting North Estate Drive to Guthrie Drive along the eastern side of this property with 50' ROW dedication and adequate street pavement. Ms. Newcomer said the applicant would like to construct retail lease building on the eastern side of this lot and the ROW dedication will reduce the buildable area in the rear of the lot from 20' to 70' away from the eastern property line. Ms. Newcomer stated the retail building can't be constructed with a 50'ROW dedication, so the applicant is proposing to create a 30' wide public access easement in an alternate location.

Ms. Newcomer stated in lieu of ROW dedication, the applicant is proposing to create a 30' wide public access easement extending from North Estate Drive to Guthrie Drive on the plat. Ms. Newcomer said an amendment to the Thoroughfare Plan is required at this time if this request is deemed appropriate, and recommended approval of an amendment to Belton's Thoroughfare Plan regarding a proposed north-south street, shown connecting North Estate Drive and Guthrie Drive, substituting a 30' wide paved public access easement for needed continuity and cross access.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

Councilmember Kirkley made a motion to approve the amendment as presented. The motion was seconded by Councilmember Pearson and carried unanimously.

- B) Hold a public hearing and consider an ordinance authorizing a zoning change from Retail to Planned Development Retail on a 1.976 acre tract of land, located on the east side of North Main Street, between North Estate Drive and Guthrie Drive.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for a proposed Cefco convenience store and retail space on the east side of North Main Street, between North Estate Drive and Guthrie Drive.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 6-0 at its April 21st meeting, and recommended approval of zone change from Retail to Planned Development Retail with development to be regulated under the Design Standards for Type Area 5 standards as follows:

1. The use of this property must conform to the Retail Zoning District in all respects, except for the following:
 - a. Northern side yard setback shall be a minimum of 10', instead of the required 25' minimum side yard setback.
 - b. One (1) free standing 12' tall clad pole sign with a maximum sign area of 65 square feet is allowed.
2. All associated operations shall be conducted and contained within the primary structure.

3. The development of the property shall conform to all applicable Type Area 5 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
4. Sign Standards shall conform to Ordinance 2008-11, except as indicated above, on the proposed signage plan.
5. Construction of an 8' tall wooden privacy fence is required along the eastern property line adjacent to the single family homes.
6. Include a 30' wide public access easement on the plat extending from North Estate Drive to Guthrie Drive.
7. No access is permitted from North Main Street/SH317.
8. A drive-thru is prohibited on the northern side of the proposed retail space connected to the Cefco convenience store.
9. All parking and access drives will be constructed with concrete.

Mayor Pro Tem Leigh asked for clarification regarding the purpose of the retail strip, and the number of parking spaces required for this use. Ms. Newcomer stated the current plan currently shows approximately 5 smaller retail stores, and said there is adequate parking for the requested use.

Mayor Pro Tem Leigh also asked if the proposed Cefco was in compliance with the Texas Alcoholic Beverage Code regarding the sale of alcohol near a school, church, or hospital. Ms. Newcomer stated yes, and provided information from Section 109.33 (b) stating the measurement of the distance between a place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersection, and noted the Cefco is well over the required 300ft distance.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

Councilmember Sanderford 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. 2015-23

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM RETAIL TO A PLANNED DEVELOPMENT RETAIL ON A 1.976 ACRE TRACT OF LAND, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.

- C) Consider a final plat for Estate Drive Commercial Subdivision 2, a 1.976 acre tract of land, located on the east side of North Main Street, between North Estate Drive and Guthrie Drive.

Planning Director Erin Newcomer presented an overview of this item and stated this applicant is proposing to replat this property from 2 lots to a 1-lot property that is proposed to contain a Cefco convenience store with adjoining retail space, gas filling stations, and a 5-unit retail lease building along the eastern portion of this site.

Ms. Newcomer stated the P&ZC voted to recommend approval of the re-plat at its April 21st meeting by a vote of 6-0. Ms. Newcomer said subject to an approval of an amendment to the Thoroughfare Plan, and with a 30' public access easement shown, she recommended approval of a final plat for Estate Drive Commercial Subdivision 2, a 1.976 acre tract of land, located on the east side of North Main Street, between North Estate Drive and Guthrie Drive, subject to conditions contained in the letter to the applicant's engineer dated March 12, 2015.

Mayor Pro Tem Leigh made a motion to approve the final plat as presented. The motion was seconded by Councilmember O'Banion and carried unanimously.

14. Consider a preliminary plat for River Place Estates, Phase VII, a 14.871 acre tract of land, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street.

Planning Director Erin Newcomer presented an overview of this item and stated this is a 53-lot subdivision proposed for single family residential development.

Ms. Newcomer stated the P&ZC voted to recommend approval of the re-plat at its April 21st meeting by a vote of 6-0, and recommended approval of a preliminary plat for River Place Estates, Phase VII, a 14.871 acre tract of land, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street, subject to conditions contained in the letter to the applicant's engineer dated April 2, 2015.

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

Miscellaneous

15. Hold a public hearing and consider on second a final reading an ordinance granting a commercial solid waste collection franchise to Sunbright Disposal Services.

City Clerk Jana Lewellen presented this item and stated Sunbright Disposal Services is requesting a franchise agreement to provide solid waste collection services within the City of Belton.

Mrs. Lewellen stated the Charter requires two readings and a public hearing for which a ten (10) day notice is given. Mrs. Lewellen said the first reading was held at the April 14, 2015 City Council Meeting, and recommended approval of the ordinance on second and final reading, granting a three year franchise agreement, with two additional one-year terms provided both parties agree to an extension.

Mayor Grayson opened the public hearing. There being no additional questions or comments the public hearing was closed.

Councilmember Kirkley 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. 2015-18

AN ORDINANCE GRANTING A FRANCHISE TO SUNBRIGHT DISPOSAL SERVICES TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING

A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS

16. Consider a resolution authorizing the City Manager to take all steps necessary to support the submission of an application to the Texas Department of Transportation's 2015 Transportation Alternatives Program (TAP) for Phase II of the Chisholm Trail Corridor Hike and Bike Facility and committing to the project's development, implementation, construction, maintenance, management, and financing.

Grants and Special Projects Coordinator Aaron Harris presented this item. Mr. Harris stated this resolution authorizes the City of Belton to submit an application to the Transportation Alternatives Program (TAP) to the Texas Department of Transportation (TxDOT) for Phase II of the Chisholm Trail Corridor Hike and Bike Facility. Mr. Harris said this project would be an extension of the Nolan Creek Hike and Bike Trail, providing continuity and connectivity from IH-35 to Belton High School and Sparta Elementary School.

Mr. Harris said the City of Belton must commit to match 20% of project costs and 20% of TxDOT admin fees. Mr. Harris said the project cost is estimated at \$1,485,000, requiring a project match by the City of \$297,000. The City will fulfill this match in two ways: \$12,000 match credit and \$285,000 in engineering/environmental fees.

Mr. Harris stated TxDOT admin fees are \$180,000, and the City will fulfill its admin match of \$36,000 in cash paid to TXDOT. Mr. Harris stated in total, the cash paid on the project and admin match for a full award of \$1.485 million project would be \$321,000, which would be funded from the General Fund, fund balance. Mr. Harris stated the application deadline is May 4, 2015, and recommended authorizing the City Manager to take all steps necessary to support the submission of an application to the Texas Department of Transportation's 2015 Transportation Alternatives Program (TAP) for Phase II of the Chisholm Trail Corridor Hike and Bike Facility and committing to the project's development, implementation, construction, maintenance, management, and financing.

Councilmember Gauntt said although a good project, she felt the City previously utilized grants funds for this trail project, and some point we need to stop spending money on this same trail project.

Councilmember Kirkley stated he felt staff has made a remarkable effort in implementing this trail and making this accessible to our citizens, and felt we should proceed.

Mayor Pro Tem Leigh stated we have consistently tried to connect our City in many ways, and this was a significant trail connection which would give pedestrian traffic across the bridge with is critical to the downtown area.

Councilmember Sanderford asked how this trail ties into Sparta Road. Public Works Director Mike Huber stated the existing sidewalk on the north side of the road would remain, and on the south side a new hike and bike trail will be going in. Mr. Huber said both of these will tie-in with the round-about at Commerce which has sidewalks on both sides leading to Lake Road. Councilmember Sanderford also asked about the process for crossing the railroad. Mr. Harris said this in an important component, and staff fully understands the challenge moving forward. Mr. Harris stated preliminary discussion with BNSF has occurred, and noted a similar project in a neighboring city was successful in achieving this and felt this was encouraging. Mr. Harris said this is a lengthy process with BNSF but feels we will be able to meet this challenge. Public Works Director Mike Huber stated there were strict safety guidelines in place as well, and we would comply with those regulations.

Councilmember O'Banion said we've made a firm commitment to this project over the past several years, and feels this is another good phase to the trail project.

Councilmember Kirkley made a motion to approve the resolution as presented. The motion was seconded by Councilmember O'Banion and carried by a vote of 6-1 with Councilmember Gauntt voting in opposition. The following captioned resolution was adopted:

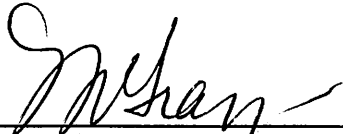
RESOLUTION NO. 2015-14-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, TO CERTIFY FUNDING AND SUPPORT FOR THE 2015 STATEWIDE TEXAS DEPARTMENT OF TRANSPORTATION, TRANSPORTATION ALTERNATIVES PROGRAM, FOR THE APPLICATION TO RECEIVE FUNDING TO CONSTRUCT PHASE II OF THE CHISHOLM TRAIL HIKE AND BIKE FACILITY.

Executive Session

17. 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 551.074, regarding personnel.

Mayor Grayson stated item #17 will be deferred to a later date. There being no further business, the meeting was adjourned at 7:06 p.m.



Marion Grayson, Mayor

ATTEST:



Jana Lewellen, City Clerk