

**BELTON CITY COUNCIL MEETING  
AUGUST 24, 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, David K. Leigh, Wayne Carpenter and Craig Pearson. Councilmember John Agan was absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Fred Morris, Les Hallbauer, Gene Ellis, Roy Harmon, Byron Sinclair, Kim Kroll, and Sandy Slade.

The Pledge of Allegiance to the U.S. Flag was led by City Manager Sam Listi, the Pledge of Allegiance to the Texas Flag was led by Mayor Pro Tem Marion Grayson, and the Invocation was given by Shawn Shannon, Director of Student Baptist Ministries at the University of Mary Hardin-Baylor.

The Mayor called the meeting to order at 5:33 p.m.

Public comments. There were no public comments.

Presentations:

A. Honorary Citizen to Annika Vierrether

Stephanie O'Banion, Belton Area Chamber of Commerce CEO, introduced Annika Vierrether from Grosslangheim, Germany, who is staying with her while completing a one-month internship on Tourism and Destination Management. The Mayor welcomed Ms. Vierrether and presented her with a certificate proclaiming her an Honorary Citizen of Belton.

B. Swearing in Ceremony of Cadets as Police Officers

Chief Ellis gave a brief overview of the Cadet program which began in 2009, and introduced Daniel Ontiveros and Darren Boyer, who graduated from the Central Texas College Police Academy on August 20, 2010. Following the oath of office administered by the City Attorney, the Officers' badges were pinned on by family members.

Consent Agenda

Minutes of previous meetings: All approved as presented.

A. July 21, 2010 Workshop

B. July 27, 2010 Special Meeting

C. July 27, 2010 Regular Meeting

Consider appointment to the Housing Board of Adjustments & Appeals.

Emil Studinka was reappointed to another four-year term.

Consider authorizing extension of a contract for Spec Road Base to Franklin Industrial Minerals.

Authorized extension of the contract (third of four) with Franklin Industrial Minerals at \$5.25 per ton delivered (no change from FY 2010).

Consider authorizing a façade easement grant to Ambreco Family Limited Partnership for the Gin Project located at 219 S. East Street.

Authorized a grant of \$10,000 to Robert Dominguez, Jr. for The Gin and Co-Op Redevelopment Project.

FY 2011 Budget

Hold a public hearing for the City of Belton Budget for fiscal year beginning October 1, 2010, and ending September 30, 2011.

The Mayor opened the public hearing. There were no comments for or against the proposed budget, therefore the hearing was closed. No further action was required.

Planning & Development

Z-10-21: Hold a public hearing and consider an ordinance amending the zoning of Lot 1, Block 1, Brentham Addition, and an adjoining 1.73 acre tract out of the James Bennett Survey, Abstract 71, identified as Belton Original, Block 167, part of Lots 5 & 6, generally located at the northeast corner of Loop 121 and FM 93, from Agricultural to Retail.

Development Services Director Fred Morris indicated Mike Elliott of Elliott Properties Inc., requested this change from Agricultural to Retail for a 3.7 acre tract located on the northeast corner of FM 93 and Loop 121. The City will begin a utility extension project in the near future, that will make sewer available for this area. He stated the Planning & Zoning Commission (P&ZC) voted to recommend approval 5-0 at its meeting on August 17, 2010, and recommended approval.

The Mayor opened the public hearing. Applicant Mike Elliott stated he has three properties under consideration and requested favorable consideration of each. Though he is uncertain of the final plans for each tract, he is looking forward to developing in Belton and will work within all building and design criteria. There were no other comments for or against the request, therefore the hearing was closed. Mayor Pro Tem Grayson made a motion to approve the request. The motion was seconded by Councilmember Carpenter, and the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2010-34**

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

Z-10-22: Hold a public hearing and consider an ordinance amending the zoning of 5.059 acres out of the Lewis Walker Survey, Abstract 860, generally located at the northeast corner of US Highway 190 and Boxer Road, from Agricultural to Retail.

Mr. Morris stated Mike Elliott also requested this change from Agricultural to Retail for this 5.06 acre tract located on the northeast corner of US Highway 190 and Boxer Road. He gave an overview of the request and indicated the P&ZC recommended unanimous approval, and he concurred.

The Mayor opened the public hearing. There were no comments for or against the request, therefore the hearing was closed. Upon motion by Councilmember Pearson, seconded by Councilmember Peters, the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2010-35**

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

Z-10-23: Hold a public hearing and consider an ordinance amending the zoning of 4.621 acres in the John Lewis Survey, Abstract 912, generally located at the southwest corner of US Highway 190 and FM 1670, locally known as 3657 West Highway 190, from Agricultural to Retail.

Mr. Morris stated this is Mike Elliott's third tract - 4.62 acres located on the southwest corner of US Highway 190 and FM 1670, and gave an overview of the request. He indicated the P&ZC recommended approval by a vote of 5-0, and recommended Council approval.

The Mayor opened the public hearing. Oralia Aguilar, 3819 W. Highway 190, stated she doesn't object to the proposal, but requested a privacy fence be added. The Mayor indicated the request would be forwarded to staff. There were no other comments, therefore the public hearing was closed.

Councilmember Leigh confirmed that the City's development standards include provision for screening, and Mr. Morris indicated they do. Mr. Leigh made a motion to approve the amendment as recommended. The motion was seconded by Councilmember Pearson, and the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2010-36**

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

Z-10-24: Hold a public hearing and consider an ordinance amending Ordinance No. 2004-45, to amend the approved site plan for Planned Development No. 37 to include an animal control facility, on the grounds of the Bell County Justice Complex Center located at 2405 South Loop 121.

Mr. Morris explained Bell County has submitted this application to amend PD-37, the original zoning change approved in 2004, to add a new Animal Control Facility. He reviewed details of the request and indicated staff recommended approval with the provision all animals are housed within the building, with the exception of livestock. The P&ZC recommended approval 5-0, with the stipulation that all animal holding areas shall be maintained to a level to prevent noxious odor, and that noise shall not impact surrounding properties beyond the County property boundaries.

The Mayor opened the public hearing. There was no one to speak for or against the request, therefore the hearing was closed. Councilmember Leigh asked if the County currently has an animal control facility, and Mr. Morris indicated they currently lease space from local veterinarians. The City Manager stated Dr. Dunn's office (Bell County Small Animal Clinic) is being taken by the I-35 widening, so the primary users of this facility will be Bell County and the City of Belton. Upon motion by Councilmember Peters, seconded by Councilmember Carpenter, the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2010-37**

**AN ORDINANCE AMENDING ORDINANCE NO. 2004-45 OF THE CITY OF BELTON, WHICH CHANGED THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-COMMERCIAL HIGHWAY ZONING DISTRICT, FOR THE BELL COUNTY JUSTICE CENTER, TO APPROVE SITE SPECIFIC DESIGN AND DEVELOPMENT STANDARDS AND CONSTRUCTION SPECIFICATIONS IN ASSOCIATION WITH SITE PLAN APPROVAL, FOR ADDITION OF AN ANIMAL CONTROL FACILITY.**

Miscellaneous

Conduct a work session regarding residential solid waste collection.

The City Manager gave an overview of the existing residential solid waste collection contract and the request for proposal process. Assistant City Manager Cristy Daniell reviewed the three proposals received from Waste Management (WM), Inland Services and IESI. She indicated the apparent lowest cost proposal was received from WM, the City's current provider.

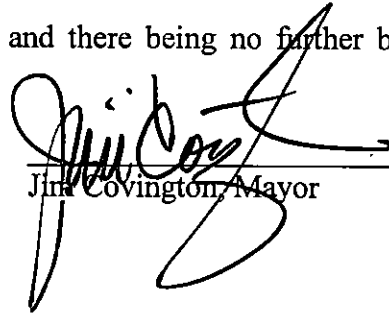
Ms. Daniell presented revenue projections utilizing WM, with two different types of service – rear load and auto load. In addition, she presented revenue and expenditure projections utilizing City-provided garbage service – also with the two types of service using different staffing, equipment, and routing assumptions. Based on the identified scenarios, she indicated the City assumption of rear load service does not appear to provide much if any net benefit, other than improving service level. While there appears to be some monetary advantage to a City-provided auto cart system, once recycling is added, it alters the dynamics as the City would be limited in the amount and type of recycling programs offered. She explained WM has existing recycling opportunities and options that might be of interest to the City, and provided the Council with information regarding additional services offered by WM.

The City Manager indicated the consensus of management is to select WM and to proceed with negotiation for a new contract. Though several Councilmembers expressed concern about WM's level of customer service, they directed staff to proceed as recommended, and to attempt to maintain the current rate of \$15.00, including the household hazardous waste option (new service). The Council expressed support for conducting a pilot recycling program in a couple of neighborhoods, with full-blown recycling and containerized (cart) collection.

At 7:18 p.m. the Council took a short recess, and at 7:25 p.m. the Mayor announced the Council would go into executive session for the following:

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, for consultation with the City Attorney.

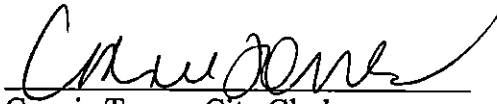
At 8:20 p.m. the meeting was reopened, and there being no further business, the Mayor adjourned the meeting.



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Jim Covington, Mayor

ATTEST:



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Connie Torres, City Clerk