

**BELTON CITY COUNCIL MEETING  
FEBRUARY 11, 2014**

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

The Pledge of Allegiance to the U.S. Flag was led by Public Information Officer Paul Romer, the Pledge of Allegiance to the Texas Flag was led by Councilmember Jerri Gauntt, and the Invocation was given by Dr. Shawn Shannon, UMHB Director, Baptist Student Ministries.

1. Call to Order: The Mayor called the meeting to order at 5:30 p.m.
2. Public Comments. None
3. Presentations: None
- A. Recognize Jana Faucett, City Clerk, for graduating from the Texas Municipal Clerks Certification Program on January 16, 2014

City Manager Sam Listi recognized City Clerk Jana Faucett and presented her with a diploma received for graduating from the Texas Municipal Clerks Certification Program.

- B. Recognize City of Belton's Lena Armstrong Public Library for being awarded the 2013 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association

City Manager Sam Listi presented the 2013 Achievement of Library Excellence Award to Library Director Kim Kroll.

Consent Agenda

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

4. Minutes of previous meeting. Minutes were approved as presented.

January 28, 2014 Regular Meeting

5. Consider appointment to the following boards and commissions: -

A. Library Board - Appointed Stephanie Covington and Michael Kelsey for two year terms.

6. Consider a resolution nominating the City's candidate for election to the Board of Directors of the Central Texas Water Supply Corporation.

Approved the resolution captioned below nominating Assistant Public Works Director Byron Sinclair for election to the Central Texas Water Supply Corporation's Board of Directors.

**RESOLUTION NO. 2014-09-R**

**RESOLUTION NOMINATING CANDIDATE FOR ELECTION TO THE BOARD OF DIRECTORS AT THE ANNUAL MEETING OF THE CENTRAL TEXAS WATER SUPPLY CORPORATION.**

7. Consider authorizing an amendment to a professional services agreement with KPA Engineers for development of a site for a police firearms training facility.

Approved amendment to professional services agreement as presented.

8. Conduct annual review of City Investment Policy and consider adoption of resolution attesting to review thereof.

Approved the resolution captioned below providing for annual review of the investment policy.

**RESOLUTION NO. 2014-06-R**

**A RESOLUTION ATTESTING TO CITY COUNCIL REVIEW OF THE INVESTMENT POLICY OF THE CITY OF BELTON, TEXAS.**

9. Consider annual review of City Debt Policy.

Re-adopted City's Debt Policy as presented with no changes.

10. Consider report from Ethics Commission Subcommittee of the City Council regarding possible changes to the City's Ethics Ordinance.

Reviewed finding from Ethics Commission Subcommittee meeting held on January 31, 2014 recommending no changes at this time.

11. Consider approval of amendment to the employment agreement for the City Manager.

Approved amendment of the agreement providing for a \$5,000 annual salary adjustment (section 3, page 4), following the City Manager's annual performance review on January 28, 2014.

12. Consider a resolution ordering the General Election to be held on May 10, 2014.

Approved the resolution captioned below ordering the general election to be held on May 10, 2014, to elect one Mayor and two persons to serve on the City Council, each to serve two year terms:

**RESOLUTION NO. 2014-07-R**

**A RESOLUTION CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 10, 2014 AND ESTABLISHING PROCEDURES THEREOF.**

Miscellaneous

13. Presentation of Police Department Annual Report including Annual Racial Profiling Report.

Police Chief Gene Ellis introduced his Command Staff and presented the Annual Report to include the Racial Profiling Report. Councilmember Agan asked if there was any particular reason arrests were down from previous years. Chief Ellis stated this was not a significant decrease but the cases filed were consistent with last year. Councilmember Gauntt asked if having Code Enforcement under the direction of the Police Department had been helpful. Chief Ellis indicated yes and felt this was a great partnership. Councilmember Pearson noted the increase of assaults and was the majority of this due to better reporting or are we noticing any trends? Chief Ellis stated he did not see any sign of trends but perhaps due to better reporting. Mayor Covington stated Chief Ellis brought this department from a position where we were training other officers, to a department that is proud to serve the citizens of Belton which is something we can all be proud of and wished to thank Chief Ellis and his staff. No Action was required.

14. Consider changes to a previously approved plan to establish a special needs playground in Heritage Park, including:

- a. Amendment to the Parks & Recreation Strategic Master Plan 2010-2020 to revise use and replace current playground to accommodate a special needs playground in Heritage Park; and
- b. Approval of a revised concept plan and revised location for a special needs playground, replacing an existing playground at Heritage Park, in partnership and cost-share with the Belton Lions Club.

Recreation & Events Director Sandy Slade provide a brief overview of this item.

Ms. Slade noted the Parks Board approved a recommendation to City Council on both items at its February 3rd meeting and recommends approval as presented.

Councilmember Gauntt noted what a wonderful way to spend local funds on local projects. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Pearson, Item 14(a) was unanimously adopted and upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Kirkley, Item 14(b) was unanimously adopted. Councilmember Leigh clarified part of the funding would be local as well as a matching grant from Lions Club International which is national.

15. Consider authorizing the City Manager to execute a contract in response to a request for proposals for Construction Manager at Risk (CMAR) for construction of addition and renovation of Police/Courts Building.

Police Chief Gene Ellis presented this item to Council. Chief Ellis stated on December 10, 2013, Council approved the Construction Manager at Risk (CMAR) delivery method for the Public Safety Center addition/renovation project and recommended authorizing the City Manager to execute a contract for services, substantially in the form presented, with Baird/Williams Construction, LTD.

Upon motion by Councilmember Pearson, seconded by Councilmember Kirkley, the motion carried unanimously.

16. Consider award of bid and authorizing the City Manager to execute a contract for the Lake-to-Lake Water Line Phase I Project, and any change orders associated with the contract, not to exceed the amount authorized under state law, and a related budget amendment for the project from Water & Sewer Fund balance.

Councilmember Again requested to abstain from this item and departed the meeting. Public Works Director Mike Huber provided an overview of this item. Mr. Huber recommended to approve award of bid and authorize the City Manager to execute a contract with Bruce Flanigan Construction Inc., of Belton, Texas for construction of the Lake-to-Lake Water Line Phase I Project in the amount of \$517,857.80, any change orders associated with the contract, not to exceed the amount authorized under state law, and a related budget amendment of \$550,718 for the project from Water and Sewer Fund balance.

Mayor Covington asked for a time frame on the needed water tank. Mr. Huber indicated 3-5 years. Mayor Covington asked if this would be paid for out of Water/Sewer Funds and Mr. Huber stated yes. Mayor Covington clarified for those in attendance, this has nothing to do with the water line running between Lake Belton and Stillhouse but rather water to serve the customers of Belton. Councilmember Pearson felt it was also relevant to note with more storage, this

will allow us to draw down the tanks to a certain degree during peak demands. Councilmember Kirkley asked about TxDOT's desire to move lake-to-lake road access and is there anything occurring regarding this issue. Mr. Huber stated nothing that would have an impact with this project.

Mr. Listi provided the Water and Sewer Fund Balance and noted the importance of this project prior to the peak summer demand. Mayor Covington asked if we continue to have good water years, might we be able to pay for this. Finance Director Cristy Daniel noted water sales are down this year due to the colder weather but we should be able make this determination during the summer months.

Upon motion by Councilmember Kirkley, seconded by Councilmember Pearson, the motion carried by a vote of 5-0, with Councilmember Agan and Mayor Pro Tem Grayson abstaining.

17. Consider authorizing the City Manager to execute an agreement with Kasberg, Patrick, and Associates for professional services related to construction of the Lake-to-Lake Water Line Phase I.

Public Works Director presented this item to Council. Mr. Huber stated this item originally went to Council on September 13, 2013 approving a professional services agreement with KPA but the final phases of professional services were held until the project was bid and awarded. Mr. Huber recommended authorizing the City Manager to execute an agreement with Kasberg, Patrick, and Associates for professional services related to construction of the Lake-to-Lake Water Line Project Phase I.

Upon motion by Councilmember Pearson, seconded by Councilmember Agan, the motion carried unanimously.

18. Consider approval of an ordinance terminating the Tax Abatement Agreement for Aspen Air, Inc., as amended May 10, 2011.

City Manager Sam Listi provided an overview of this item to Council. Mr. Listi indicated the firm was operational until late 2013, at which time the business ceased operations and the City Attorney advised it would be appropriate to terminate the tax abatement agreement. Mr. Listi recommended approval of ordinance terminating tax abatement agreement as presented.

Councilmember Leigh made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Gauntt and carried unanimously. The following captioned ordinance was approved:

**ORDINANCE NO. 2014-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE MAYOR TO TERMINATE A TAX ABATEMENT AGREEMENT WITH ASPEN AIR, INC., GOVERNING PROPERTY IN TAX INCREMENT REINVESTMENT ZONE #7; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

19. Consider a resolution terminating the Sales Tax Rebate Agreement for Aspen Air, Inc., as amended May 10, 2011.

City Manager Sam Listi provided an overview of this item to Council in relation to Agenda Item 18. Mr. Listi recommended termination of the sales tax rebate authorized for Aspen Air as presented.

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

**RESOLUTION NO. 2014-08-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE MAYOR TO TERMINATE A SALES TAX REBATE (380) AGREEMENT WITH ASPEN AIR, INC., GOVERNING PROPERTY IN TAX INCREMENT REINVESTMENT ZONE #7; DECLARING OF FACT; AND FINDING AN OPEN MEETING CLAUSE.**

Work Session

20. Hold a work session to discuss Design Standards.

Ms. Newcomer presented the Design Guideline Sunset Review to Council. First, Ms. Newcomer's presented the current and proposed building standards regarding EIFS and proposed three options as outlined below:

- Option 1:
  - Retain EIFS as Alternative Material without quantification
- Option 2:
  - EIFS as an allowable material, up to 20% for commercial and 30% for residential
  -
- Option 3:
  - Delete EIFS as an allowable or alternative material

Councilmember Gauntt expressed some opposition regarding EIFS as an allowable material as proposed for residential development; however, the overall consensus of Council was to go with Option 2 with some flexibility and height restrictions limiting the use of EIFS on the first floor.

Next, Ms. Newcomer presented the current and proposed guidelines regarding accessory buildings and presented the following options:

- Option 1: Accessory buildings in the front yard over 100 square feet must be constructed of the same materials, colors, and finishes as the main building on the lot, tract, or site.
- Option 2: Accessory buildings in the front yard over 200 square feet must be constructed of the same materials, colors, and finishes as the main building on the lot, tract, or site.
- Option 3: Accessory buildings in the front yard over 200 square feet must be constructed of vinyl, plastic, wood, brick, or stone, no metal is permitted.
- Option 4: No exterior requirements for accessory buildings.

Council directed staff to review the current Zoning Ordinance and come back with additional recommendations.

Ms. Newcomer then presented to Council the current and proposed Landscape Design Standards with the proposed options:

- Tree Survey/Inventory Options for Small Residential Subdivisions (1-4 lots)
  - Current: A tree survey or inventory of protected trees (20" and larger) is required for 4 or more residential lots proposed for new construction.
  - Option 1: A tree survey or inventory of protected trees (20" and larger) is required for any residential lot proposed for new construction.
  - Option 2: A tree survey or inventory of protected trees (20" and larger) is required for 2 or more residential lots proposed for new construction.
  - Option 3: No change.

Council directed staff to come back with some refinement of the inventory approach for residential property.

Ms. Newcomer presented new recommended permit options to Council:

- Site Clearing Permit – A new first step required for all new commercial development
  - Objective:
    - Prevent removal of trees prior to building permit process.
    - Effectiveness of regulation – realistic?
    - What is “commercial”?
  - Option 1: If trees are removed without obtaining a site clearing permit, there is no penalty. Staff is encouraging public responsibility for tree preservation.
  - Option 2: If trees are removed without obtaining a site clearing permit, any person, firm, or corporation violating this provision shall be guilty of a Class C misdemeanor, punishable by a fine of not less than \$250 or more than \$2,000. Each day the violation continues shall be considered a separate offence. (Same language as Historic Preservation Ordinance)
  - Option 3: No change.

Council's overall consensus was Option 2, implementing a site clearing permit, with possible mitigation.

Ms. Newcomer provided BEDC and City of Belton Exterior Construction Requirements, Landscape Requirements, and Tree Replacement Requirements.

Council directed staff to come back with additional recommendations.

Ms. Newcomer mentioned future workshops regarding:

- Sign Ordinance Update
- Thoroughfare Plan
- Historic District Design Guidelines

#### Executive Session


21. 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 551.072, to discuss real estate transactions.



At 7:29 p.m., the Mayor announced the Council would reconvene for the following closed meeting:

Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, to conduct an evaluation of the City Manager's performance.

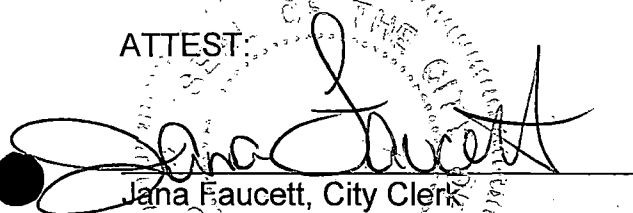
The Mayor reopened the meeting at 7:55 p.m., and there being no further business, the meeting was adjourned.



---

Jim Covington, Mayor

ATTEST



---

Jana Faucett, City Clerk

