

**BELTON CITY COUNCIL MEETING
FEBRUARY 14, 2012**

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, Les Hallbauer, Gene Ellis, Rex Robertson, Jerri Gauntt, Kim Kroll, Sandy Slade, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Library Director Kim Kroll, the Pledge of Allegiance to the Texas Flag was led by Mayor Pro Tem Marion Grayson, and the Invocation was given by Darren Walker of the First United Methodist Church.

The Mayor called the meeting to order at 5:34 p.m.

Public comments.

Nate Dains, 601 S. Ripple Creek, Houston, stated he and Richard Agee own property that sits in front of HEB at the corner of Sparta Road/SH 317. He indicated there is no way to access the property, and the Texas Department of Transportation does not want to provide a curb cut out to SH 317, which they don't want either. Mr. Dains stated an ordinance approved by the City indicates access would be granted to the property off of the Sparta Road extension. A plat for new development has been prepared, but not yet recorded, and Mr. Dains asked how to get the plat recorded with an easement to gain access to the property. He indicated he and Mr. Agee are starting to suffer monetarily from the issue. The Mayor referred the item to City staff for resolution.

Richard Agee, 28773 Woodsong Trail, Magnolia, co-owner of the property discussed above, had no additional comments to add regarding the situation.

Rae Schmuck, 616 N. Beal Street, stated she believes it's in her best interest to resign from the Heritage Preservation Board.

Consent Agenda

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

Minutes of the January 24, 2012 meeting. Approved as presented.

Consider award of bid for sale of property measuring approximately 23' x 350', located between the Belton Fire Station No. 2 and Milestones Day Care Center on Sparta Road.

Awarded the bid for sale of this tract to David Fuller, Jr. in the amount of \$10,000. A telephone easement on the entire tract will be retained, and the buyer is required to record the replat within 30 days, and pay all closing costs.

Consider acceptance of proposals for the development of moderate income housing, and authorize the City Manager to execute contracts to implement accepted proposals on the following surplus City properties:

- A. 702 and 704 W. Avenue C
- B. 72' x 150' lot on N. Smith Street
- C. Lots 20-23, Highland Oaks 1st Addition Revised

Approved the proposals identified below, with the conditions noted for each:

- A. \$2,500 for each lot from the Cornerstone Group, subject to the following conditions:
 - All conditions stated in proposal;
 - Closing costs paid by proposer;
 - Construction complete within one year on each lot; and

- City will have final development, elevation, and site plan approval to ensure compatibility and use of current Design Standards.
- B. \$8,500 from Mickey/Linda Rawls, subject to the following conditions:
- Closing costs paid by proposer;
 - Construction completed within one year;
 - No commitment on rezoning to duplex; and
 - City will have final development, elevation, and site plan approval to ensure compatibility and use of current Design Standards.
- C. \$0 – no proposal received; will be rebid at a later time.

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

Approved a 3.4% salary adjustment, plus a \$3,000 prospective payment, following the City Manager's annual performance review on January 24, 2012.

Consider a resolution suspending the effective date of rate increase filing by Atmos Energy Corporation, Mid-Tex Division.

Approved the resolution captioned below, suspending Atmos' effective date for its proposed rate increase, to include the City retaining the law firm of Herrera & Boyle, PLLC, to represent the City's interest in matters related to the rate case through its participation in the Atmos Texas Municipalities group:

RESOLUTION NO. 2012-01

RESOLUTION BY THE CITY OF BELTON, TEXAS ("CITY") SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF ATMOS ENERGY CORPORATION ON OR ABOUT JANUARY 31, 2012; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Consider a resolution ordering the General Election to be held on May 12, 2012.

Approved the following captioned resolution ordering the May 12th General Election, to elect the Mayor and two persons to the City Council, who shall each serve for two year terms:

RESOLUTION NO. 2012-02

A RESOLUTION CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 12, 2012 AND ESTABLISHING PROCEDURES THEREOF.

Consider an ordinance prescribing the classifications for police officer and fire fighter positions and the number of positions in each classification.

Approved the ordinance captioned below, replacing the title of Police Division Commander with the title of Deputy Chief:

ORDINANCE NO. 2012-06

AN ORDINANCE PRESCRIBING THE CLASSIFICATIONS FOR POLICE OFFICER AND FIRE-FIGHTER POSITIONS AND THE MAXIMUM NUMBER OF POSITIONS IN EACH CLASSIFICATION.

Consider authorizing the City Manager to execute a contract agreement with KPA Engineers for Professional Services for the Transportation Enhancement Program-Nolan Creek Pedestrian and Bike Trail Extension.

Authorized the City Manager to execute a contract with KPA Engineers for the Trail project in the following amounts: \$216,803.65 for Phases 1-3; and \$8,765 for a portion of Phase 5, with funding from the \$1.8 million federal grant received in 2010 and the City's local match.

Miscellaneous

Z-12-01: Hold a public hearing and consider an ordinance regarding a zoning change from a University Campus District (UCD) to a Planned Development (PD) District, or a 7.5 acre tract of land, described as Blocks 10, 11, and 12 of the King & Campbell Addition, for the construction of a football stadium and student union center.

Councilmember Agan announced he would be abstaining from this item and left the meeting room.

The City Manager gave an overview of the request by the University of Mary Hardin-Baylor (UMHB) for a zone change for the construction of a football stadium and student union center. This combination structure is unable to meet UCD Area Regulations including maximum height, minimum setback on University Drive, and maximum lot coverage, therefore the PD was selected by the applicant to address these items, which he believes is a reasonable approach. He reviewed the PD site plan outlining the building footprint, and the setback amounts shown below:

Area Regulation	UCD Requirement	PD Proposal/Provided
Maximum Height	Three stories; 36'	Three stories; 72' actual
Minimum setback on University Drive	25' plus, based on building height: 49'	15', except 0' at 72' height for press box
Maximum Lot Coverage	50% for all buildings	51%

Mr. Listi gave an overview of parking and landscaping/tree mitigation proposed for these facilities, generally as follows:

Parking

- The parking requirement for the University is one space for each day student – no additional spaces are proposed on the stadium/student union center site;
- UMHB has developed a comprehensive parking plan that addresses the current condition (late 2011), Fall 2013, and (Future) Campus Master Plan condition for parking.
- It is recognized UMHB cannot meet individual building parking needs on each site, but will address parking needs campus-wide in a “bank” concept, continuously working toward meeting or exceeding parking needs as development occurs.
- Currently there are 3,651 parking spaces, with an estimated 3,136 students registered. The Future Campus Master Plan total indicates 4,796 spaces, allowing a substantial growth in student population over time as buildings and parking spaces are added and adjusted; and
- City staff is satisfied with this plan, recognizing it is campus-wide, and that it will be implemented over time.

Landscaping/Tree Mitigation

- Trees 8” caliper and greater are considered protected trees and trees 30” caliper and greater are considered protected Heritage Trees;
- Current ordinance requires 50% preservation of all protected trees on site, and all Heritage Trees which are removed must be mitigated in accordance with the design standards;
- Staff has worked with UMHB on a Master Tree Mitigation Schedule for ongoing development that will result in a comprehensive count of removed and replacement trees - the “bank” concept appears to be a reasonable solution here also, and will be utilized to carry forward, on a building-by-building and project-by-project basis;
- Tree mitigation deficiencies for a site development project can be satisfied somewhere else on City-owned property, or through a cash contribution made to a City-administered landscape fund;
- The City prefers to work with UMHB to meet its tree planting deficiency somewhere else on campus, recognizing this will be an ongoing process to be addressed by a University-provided annual tree mitigation report, which gives an accounting of the deficiency and a plan for meeting it;
- The tree mitigation bank has been updated for this proposed development; and
- City staff is satisfied we will be able to achieve the intent of the design standards through this concept.

The City Manager explained the Planning & Zoning Commission (P&ZC) voted to recommend approval of this request at its January 17th meeting by a vote of 7-0, subject to conditions noted. He concurred and recommended approval, subject to the following:

1. The allowable uses of the property shall conform to the University Campus District.
2. The development of the property shall conform to the attached PD Site Plan and to the Type Area 3 Design Standards as identified in Section 32 of the Zoning Ordinance, where applicable, in accordance with the following:

- a. Site Development Standards
- b. Building Design Standards
- c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance No. 2008-11.
4. UMHB is allowed to "bank" parking and tree mitigation, and address the requirements on a campus-wide basis, subject to an annual report provided to the City Manager's office by January 31st each year, comprehensively addressing adjustments from the previous year.

Councilmember Carpenter asked about traffic, and Mr. Listi stated a traffic study was done for this area in conjunction with the 9th Avenue project. The study by Lee Engineering contains analysis of future uses by UMHB, and they determined that traffic circulation can be handled with improvements recommended in the study. Councilmember Pearson asked how improvements to Crusader Way tie to completion of the stadium, and Mr. Listi stated UMHB has decided to design and construct that project on their own, which is underway. Mayor Pro Tem Grayson also expressed concern about traffic, stating the 9th Avenue extension won't likely occur anytime soon. The City Manager agreed there will be increased traffic, but recognized major event traffic won't be a continuous situation, and will be monitored closely, while trying to push most traffic to Loop 121 along Crusader Way. Several recognized most of these major events will occur on Saturdays, and won't impact day-to-day traffic flow.

The Mayor opened the public hearing. Mike Donovan, Populous Architects, reviewed the site plans for both projects, to include several elevation views. Councilmember Leigh asked about the physical setback of the stadium structure to the road, and Mr. Donovan replied it will be 15' from the roadway at a 0 setback at the press box elevation. Mr. Leigh asked if the project was going to be phased, and Mr. Donovan indicated it will be built all at once. Based on inquiries from citizens, Mayor Pro Tem Grayson asked why the stadium is proposed at this site, and Mr. Donovan replied this location was chosen given it is the center of campus life. In addition, students will be using the adjacent student union center for three meals a day and a variety of other activities. Mr. Donovan reviewed the components of the student union center and indicated the stadium will seat 8,500-10,000.

Edd Martin, Senior Vice President for Campus Planning and Support Services, explained one of UMHB's goals is to remove parking from interior campus to become more of a pedestrian campus. Another objective is to encourage people to walk on campus to see and enjoy the facilities, which is why parking has been designed to be located at the perimeter of campus. Mr. Martin stated about 500 parking spaces will be lost due to this project, but roughly 400 spaces will be added along University Drive (completed this spring), with parking lots eventually built along 9th Avenue/University Drive and 9th Avenue/King Street (this spring/early summer); there will be parking along Crusader Way (another 250), and some around the nursing/visual arts center, and some other locations on campus. This results in a net gain of at least 200 parking spaces. Mr. Martin added they hope to open Crusader Way by this fall. There were no other comments for or against the request, therefore the public hearing was closed.

Councilmember Leigh praised UMHB for its vision for the University, and stated this proposal is identical to what's occurring in other cities with universities – that is, large structures within the neighborhood/university. He expressed concern, however, with University Drive, stating until there's an easy east-west thoroughfare from Main Street out to Loop 121, he believes there will be a lot of burden going north-south. Mr. Leigh stated he thinks a plan needs to be developed to widen University Drive to improve pedestrian/vehicular traffic, with walkways on both sides, from the Mayborn Center to 9th Avenue.

Councilmember Peters asked if the Police Department has been contacted to assist with stadium traffic after games. Chief Ellis stated though he and the UMHB Police Chief have not discussed this specific issue, they work cooperatively in an ongoing basis, and will discuss event traffic in the future as needed.

Councilmember Leigh asked again about traffic on University Drive, and the City Manager explained there are no immediate plans for widening the street at this time. Mayor Pro Tem Grayson agreed with Mr. Leigh, and Councilmember Carpenter also reiterated concerns about traffic. The Mayor stated he thinks the immediate answer to

traffic and pedestrian control is with public safety officers. Mr. Leigh stated if the City is requiring UMHB to have a Planned Development, he thinks the City needs to have a plan to address traffic on this roadway (from 1002 University to the south). Mr. Listi stated, in his opinion, it doesn't appear the traffic situation would be substantially improved by widening University Drive for a limited distance, as the traffic would be congested for a few minutes, but clear relatively quickly. The City Attorney asked Mr. Leigh what he's requesting, and Councilmember Leigh stated he thinks University Drive needs to be a standard sized roadway with a left turn lane, and sidewalks on both sides from 9th Avenue to 1002 University (ideally 1028 University). Though it wouldn't still be sufficient for peak time, it would alleviate congestion of vehicles and pedestrians in the same area.

Chief Ellis stated after games they could contraflow (move all traffic in one direction) and stack vehicles toward Loop 121 or Main Street. The Mayor stated he thinks it's controllable with police direction of pedestrians and traffic in the short term. Mayor Covington agreed the City should look at sidewalks on both sides and controlled pedestrian crossings, but he doesn't think this issue should prevent the zoning case from going forward. Councilmember Pearson agreed the zoning case should proceed, and the City and University can look at options to facilitate pedestrian traffic.

Councilmember Leigh asked what is the City's plan for this roadway, and the Mayor stated the City doesn't have a plan, and he thinks it is an issue for future consideration, but shouldn't stop the zoning request from proceeding. Mr. Leigh stated he doesn't want to stop the zoning process, but thinks the City needs to develop a plan for this road. Mr. Listi stated staff will review the traffic study, and take another look at University Drive with regard to widening and pedestrian access. The Mayor requested that staff also look at the improvement of Crusader Way, from University Drive to Loop 121, in addition to developing a plan for pedestrian and traffic flow around the stadium and campus.

Upon motion by Councilmember Pearson, seconded by Councilmember Leigh, the following captioned ordinance was approved by a vote of 5-1-1, with Councilmember Carpenter voting in opposition, and Councilmember Agan abstaining:

ORDINANCE NO. 2012-07

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM UNIVERSITY CAMPUS ZONING DISTRICT TO PLANNED DEVELOPMENT ZONING DISTRICT FOR CONSTRUCTION OF A FOOTBALL STADIUM AND STUDENT UNION CENTER, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 3 DESIGN STANDARDS.

Councilmember Agan returned to the meeting room.

Presentation of Police Department Annual Report.

Police Chief Gene Ellis presented the Department's annual report, which included the required Racial Profiling Report. Councilmember Leigh asked if the department measured citizen feedback, and Chief Ellis stated it's currently not tracked in the report. The Chief indicated he would like to develop a community survey to provide impressions of the department, and identify problem areas or areas of concern. He indicated the department has seen an increase in positive comments received, and this annual report reflects an increase in complaints, but most were internal. Mr. Leigh stated he thinks it would be good to seek citizen feedback regarding their experience with the department, every time the department receives correspondence from a citizen – positive or negative. He commended the Chief for his service and stated the feedback he has received from citizens has been positive. Chief Ellis added the department does have a brochure which allows citizens to complain about or commend Police Department personnel. Councilmember Pearson asked about the relocation of Code Enforcement to the Police Department, and the Chief stated the change has been very positive, with effective strategies implemented. The City Manager agreed with the positive move, and commended the Chief for the Department's work, and acknowledged its efforts toward recertifying its accreditation.

At 6:43 the Mayor indicated the Council would take a short recess, and relocated to the Smith Room for the following closed meetings:

Executive Sessions 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 the following:

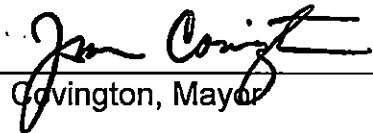
The first executive session began at 6:54 p.m.

A. Section 551.074, regarding personnel; and

The second closed meeting began at 7:29 p.m.

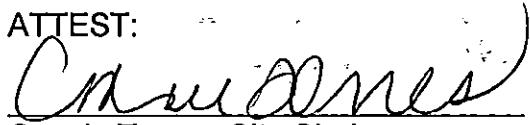
B. Section 551.071, to consult with the City Attorney;

At 7:44 p.m. the Mayor reopened the meeting, and there being no further business, the meeting was adjourned.



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk