

**BELTON CITY COUNCIL MEETING
FEBRUARY 28, 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, Jen Wesley, Bruce Pritchard, Byron Sinclair, 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 Deputy Police Chief Jen Wesley, the Pledge of Allegiance to the Texas Flag was led by Councilmember David K. Leigh, and the Invocation was given by Pastor Andy Davis of the First Baptist Church.

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

Public comments. There were no public comments.

Confirm the City Manager's appointment of the Fire Chief, in accordance with Chapter 143.013(a)(1) of the Texas Local Government Code.

The City Manager announced the appointment of Francisco Corona as Belton's new Fire Chief, and introduced him and his wife Marta to the audience. Chief Corona thanked the City for this opportunity and recognized his colleagues from the City of Temple, Chief Lonzo Wallace, and Deputy Chief Ron Snyder, who were in attendance. Councilmember Pearson made a motion to confirm the appointment of Francisco Corona. The motion was seconded by Councilmember Leigh and carried unanimously.

Consent Agenda

Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the Council unanimously approved the following items:

Minutes of previous meetings: Both sets approved as written.

- A. February 7, 2012 Special Meeting
- B. February 14, 2012 Special Meeting

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, with no changes to the policy:

RESOLUTION NO. 2012-03

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

Consider authorizing a Façade Improvement Grant to Monteith Abstract & Title, 102 S. East Street.

Approved a façade improvement grant in the amount of \$10,000 to Monteith Abstract & Title, with funding from the TIRZ Fund FY 2012 budget.

Consider authorizing the City Manager to execute a contract in response to a Request for Qualifications for a Police Department Needs Assessment Study.

Authorized the City Manager to execute an agreement with PSA-Dewberry, Inc., for these professional services in the amount of \$34,400 from the FY 2012 General Fund.

Consider a budget amendment to the Water & Sewer Fund for costs associated with the Texas Commission on Environmental Quality's (TCEQ) release of lien on the Rockwool property, to be used partially for the Temple-Belton Regional Sewerage System (TBRSS) expansion project.

Approved the budget amendment in the amount of \$90,000 from the Water & Sewer Fund fund balance, based on the following cost elements:

1) TCEQ lien release	\$50,000
2) Survey cost	\$30,000
3) Contingency	<u>\$10,000</u>
	\$90,000

Following the cleanup by EPA (Environmental Protection Agency) and TCEQ, the City secured ownership of the Rockwool properties located east of the IH-35/FM 93 intersection totaling 94 acres (14 acres on the north side of Taylor's Valley Road, and 80 acres in two parcels split by FM 93). The City negotiated release of a \$640,000 TCEQ lien on the property, and while the City has planned to make this Heavy Industrial zoned site available for future development, the primary need for resolution at this time is use of approximately 16 acres on the south side of FM 93 for expansion of the TBRSS. Final design is underway and use of this portion of the site for sewer plant expansion provides optimum conditions for future needs. The City of Temple will pay a portion of the lien release costs negotiated with TCEQ.

Consider an Ordinance amending Chapter 11, Article II of the Code of Ordinances, regarding the sale and consumption of alcoholic beverages, to include the issuance of permits and associated fees.

Approved the ordinance captioned below making administrative changes to this chapter, with the following substantive changes:

- Revised Section 11-18 to allow for extended hours of alcohol sales for on-premise consumption by authorized permit holders, from midnight to 2:00 a.m.
- Added Section 11-19 to reiterate the prohibition of alcohol in any City park or other City-owned property, except inside the Harris Community Center with a rental agreement. The ordinance includes provision for special event permits in which the City Manager or his designee may authorize the sale and/or consumption of alcoholic beverages on City property. The criteria for this permit will be developed and presented for consideration in the future.

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 11, ARTICLE II, "ALCOHOLIC BEVERAGES", OF THE CODE OF ORDINANCES OF THE CITY OF BELTON, RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE ISSUANCE OF PERMITS AND ASSOCIATED FEES; MAKING SUBSTANTIVE CHANGES TO REORGANIZE THE CHAPTER AND CONFORM TO STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; PROVIDING A PENALTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

P-12-03: Consider a Final Subdivision Plat for Aaron's Addition, a 0.959 acre tract located on the north side of FM 439, west of Oakmark Drive.

Approved the final plat subject to conditions indicated in the City's letter to the Engineer. The plat was unanimously recommended for approval by the Planning & Zoning Commission (P&ZC) by a vote of 8-0 at its meeting on February 21st.

Miscellaneous

Z-12-02: Hold a public hearing and consider an ordinance regarding a zoning change from Planned Development to an amended Planned Development District for an 80-unit senior living rental community on a 5.855 acre tract of land on River Fair Boulevard, located immediately east and north of Stoney Brook.

Councilmember Leigh announced he would be abstaining from this item and the next three items, which are all related to a proposed development on River Fair Boulevard.

The City Manager gave an overview of the zoning request which proposes a higher density residential development than is allowed in the current River Fair Planned Development (PD). The current PD (SF-2) allows one single family detached home on each lot, with a minimum 7,500 square feet in lot area, allowing approximately five units per acre (about 30 homes on this tract). This proposal would allow an increase from about 30 units (5/ac) to the proposed 80 senior housing units, conditioned on a PD site plan and numerous development standards. Mr. Listi stated the Stoney Brook Living Center, which accommodates senior living and provides Alzheimer's care, is located to the southwest of this site, and he believes the two uses side-by-side, would be compatible and complementary.

Mr. Listi stated the applicant proposes to commit to a site plan that arranges the units in a manner that appears to be compatible with surrounding land uses. There is no street connection proposed between this proposed development and River Fair Boulevard single family homes – these uses would experience a back-to-back orientation. Finally, the applicant proposes reduction from the current parking ratio of two spaces per unit to 1.25 per unit for 80 units, a total of 100 parking spaces. This is based on reduced driving tendencies of seniors aged 55 and older who will occupy this development, allowing more effective use of the site for amenities such as landscaping, which appears to be a reasonable request.

The City Manager indicated the P&ZC recommended approval of the amendment by a vote of 5 to 3, with addition of two refinements to the following conditions (shown in *italics*):

1. The allowable uses of the property shall conform to the Multiple Family Zoning District in all respects, with a maximum of 80 dwelling units.
2. The development of the property shall conform to the Planned Development Site Plan for The Manor at River Fair, and will also conform to all applicable Type Area 1 Design Standards identified in Section 32 of the Zoning Ordinance, including:
 - a. Site Development Standards, including an effective perimeter landscape and/or fence screen to the west and east, *comprised at a minimum, of a solid 6' wooden privacy fence with intervening brick columns at appropriate intervals.*
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
4. The total number of parking spaces provided shall be a minimum of 100 spaces.
5. *Applicant/owner agree to request rezoning of property to PD (SF-2) if tax credits are not awarded for the 80-unit senior housing project proposed in 2012.*

Mr. Listi explained the City notifies property owners within the required 200' boundary as required by state law, and received three responses in favor, but the Council has received several letters/comments from other landowners in surrounding areas. Based on comments received about trip generation, he reviewed data from an ITE (Institute of Transportation Engineering) report, Trip Generation, 2008, that identified trips generated per day on average and the range of activity level that would be generated by this development. The City Manager concurred with the P&ZC's recommendation and recommended Council approval.

Applicant Breck Kean, Vice President of Development for the Prestwick Development Company, Atlanta, Georgia, gave an overview of the items his company is seeking from the City (this zoning request and the next three agenda items). He reviewed information about the Federal Low Income Housing Tax Credit Program and income restrictions/rent amounts. He reviewed the location map/site plan for The Manor at River Fair which would provide 80 units (26 one-bedroom, 38 two-bedroom, and 16 two-bedroom cottages), with 100% restricted to low-to-moderate income. Mr. Kean presented renderings of the proposed development and associated amenities/services to be provided and maintained through the 40-year compliance period, and indicated his company will comply with all of the City's development standards and conditions outlined by the P&ZC. Mr. Kean requested favorable consideration of the company's requests.

The Mayor asked Mr. Kean to define and explain the difference between the tax credit program and government subsidized housing units. Mr. Kean explained tax credits are purchased by corporate America to lower their tax bill to the federal government, and reiterated this proposal is a development subsidy program, not a Section 8 or HUD tenant subsidy program.

The Mayor opened the public hearing and the following general comments were received in favor of the request:

Name	Address	Comments
Bill Barge	3908 N. Main	Land developer of River Fair, seller of the land. Confirmed this company is a quality operation and believes this will be a good project, which will be monitored closely by the state. Mr. Barge spoke on behalf of Former Mayor Bill Holmes who could not attend the meeting, but expressed his support for the project.
Stephanie O'Banion	2202 N. Penelope	President/CEO of the Belton Area Chamber of Commerce, indicated the Chamber Board voted to support this project and read their letter of support.
Rae Schmuck	616 N. Beal	She believes this is a big need in Belton and she hopes it's approved.
Wade Hibbard	1705 Archway	Believes this is a good opportunity for housing once he retires from the military, and he doesn't see any impact on additional traffic in River Place. He believes the economic impact will be great for Belton.

The following comments were received in opposition:

Name	Address	Comments
Thomas Brammeier	3105 River Cove	Representing members of River Fair Townhome Association, he requested Council reject the proposed zoning and revitalization request. They bought their townhomes based on the original single family zoning identified in the PD. He thinks traffic for the entire area should be looked at, not just counts expected from this proposed development.
Cory Costello	3106 Sabine Cove	Board member of Townhomes at River Fair Housing Association. Protests the rezoning and objects to designation of a community revitalization area plan. They consider themselves within the area of interest and he cited section 49.8(d) of the City's Zoning Ordinance, which requires a ¾ majority vote to approve items protested by 20% of the adjacent area.
Marsha Milligan	3108 River Cove	Read a letter written by Christopher Hahn, Developer/Owner of Stoney Brook of Belton, the assisted living facility neighboring this proposed development. The letter cites downgrade in zoning and indicated they haven't been able to fully study to gauge potential impact. While the company supports the project type, they are concerned it may have an adverse effect on the overall value and perceived quality of services they provide. Ms. Milligan commented about tax revenue lost due to changing the zoning from single family.
Cheryl McCants	3108 Sabine Cove	Agreed with comments made by others.
Linda Chaney	3100 Red River	Agreed with comments made by others.
Carmen Tulloch	3103 River Cove	Agreed with comments made by others.
Nola Gorham	3101 Sabine Cove	Agreed with comments made by others.
Judy Embry	3102 Sabine Cove	Agreed with comments made by others.
Marianne Voss	3111 Sabine Cove	Agreed with comments made by others.
Von Bacon	3105 Sabine Cove	Agreed with comments made by others.
Liz Wisdom	3100 Sabine Cove	Agreed with comments made by others.
Susan Smiley	3102 Sweetwater Cove	Agreed with comments made by others.
Kim Dyer	3106 Sweetwater Cove	Agreed with comments made by others.
Marvin Sneed	3109 Sweetwater Cove	Agreed with comments made by others.
Bart Hill	3109 Sweetwater Cove	Agreed with comments made by others.
Paul Robinson	3107 Sabine Cove	Objects to the rezoning and \$160,000 of taxpayer money being "loaned" on behalf of this tax credit program; he doesn't believe River Fair Boulevard is adequate or wide enough to handle the increased traffic. He feels the project has been rushed and not sure if the need exists for an assisted living facility. (The Mayor confirmed this is a senior housing development, not an assisted living facility.)
Liz Wisdom	3100 Sabine Cove	Believes the P&ZC Chair should have recused himself from voting since his wife spoke on behalf of the project (referring to Stephanie O'Banion, President/CEO of the Chamber of Commerce expressing the Board's support of the project). Understands the need for low income housing, but can't imagine military or City employees living in this facility. She realizes people can still be on federal assistance while having a great amount of resources/assets. (The Mayor confirmed she is correct that a person's assets other than cash, aren't

Name	Address	Comments
		included in income in determining eligibility for residency in this facility.)
Wilhemina Mills	3101 River Cove	Agreed with comments made by others.
Mike Milligan	3108 River Cove	Agreed with comments made by others.

Mr. Kean stated while age 55 is the federal threshold for these type projects, the average age of residents in their communities is 75. There were no other comments, therefore the Mayor closed the public hearing.

Councilmember Pearson asked the City Manager to review the zoning history of the area, and Mr. Listi gave an overview of the PD and surrounding areas. He commented about TxDOT's participation in the future development of River Fair Boulevard at its intersection with SH 317, and the traffic impact analysis underway for this area. The City Attorney reminded the Council they are not bound by looking at only the River Fair area, but to determine whether this application warrants a zoning change based on what has happened in the entire area (along Lake Road, Commerce Drive, etc.) in general, that causes the zoning change to be appropriate. Councilmember Agan asked what type of development might be planned for Tract G, and Mr. Listi indicated the PD calls out for Multi-Family which could allow 18-20/units per acre density (townhouse, two-/three-story apartment complex), but nothing is planned at this time. Tract D is Office-2, which could be multi-story office building or two-story townhouses. The remaining tract is Agricultural, which is typically a placeholder, and not likely to remain zoned as such.

Mayor Covington stated he thinks this type of project is sorely needed in Belton. Mayor Pro Tem Grayson agreed this is an amazing project and also believes this type of facility is needed, but since this PD was established in 2005 and it was determined that Tract K was Single Family-2, the people who invested in this area expect single family development. She stated she can't support this type project on Tract K, since the density level was already determined to be 30. Councilmember Agan stated he was initially concerned with the long term viability of the project, but Mr. Kean's presentation resolved those issues. He added however, going from 30 units to 80 is a significant change from the original PD, and he would not be in favor of the project at this site.

Councilmember Peters agreed he doesn't believe this is the right project for this area. Councilmember Carpenter praised property owner/developer Bill Barge and agreed senior housing is needed in Belton, but expressed concern with betraying the trust of the citizens in this area as to whether this is the best use of this property. Councilmember Pearson concurred the housing is needed but not in this location. He would also like to propose alternative means of zoning change notifications to include contacting homeowners' associations and erecting signs on properties being considered for rezoning, as he believes more advance notice may have helped this project.

The Mayor called for a motion on the proposed zoning change three times. No motion emerged, therefore, the requested zone change died for lack of a motion.

Consider a resolution of community support for the Manor at River Fair Project for low income seniors, proposed for location on River Fair Boulevard, immediately east and north of Stoney Brook.

No action on this item.

Receive public input and consider a resolution designating a Community Revitalization Area Plan located generally north of the intersection of River Fair Boulevard and SH 317.

No action on this item.

Consider the following actions:

- Declaring the proposed Manor at River Fair development will promote economic development within the City of Belton;
- Approval of terms for a Chapter 380 Agreement with Prestwick Development;
- Authorizing the City Manager to take all necessary steps to implement agreement;
and

- Approval of a related budget amendment from the Water & Sewer Fund.

No action on these items.

P-12-04: Consider a Preliminary Subdivision Plat for La Cachette, containing approximately 202 acres, located generally east of FM 1670 and south of U.S. Highway 190, and adjacent to the north bank of the Lampasas River, located in Belton's Extra-Territorial Jurisdiction (ETJ).

The City Manager gave an overview of the preliminary plat. The P&ZC recommended approval by a vote of 8-0 at its meeting, subject to comments contained in Staff's letter to the applicant dated February 17, 2012. Mr. Listi recommended approval. Garrett Nordyke, W&B Development, was present to address any questions. Mayor Pro Tem Grayson asked how many lots are in this preliminary plat, and Mr. Listi indicated this includes 329 lots (of the 1,500 total proposed) on 200 acres (out of 540 acres). He confirmed all lots meet the minimum lot size requirement. Upon motion by Councilmember Leigh, seconded by Councilmember Agan, the Council unanimously approved the preliminary plat as recommended.

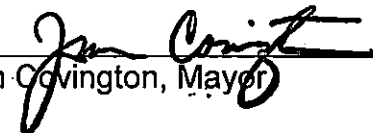
At 7:31 p.m. the Mayor announced the Council would take a short break prior to going into closed session for the following:

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, to consult with the City Attorney.

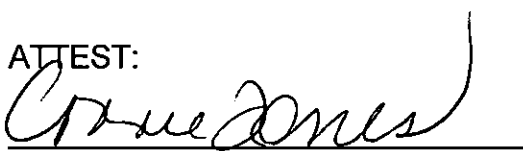
The first closed meeting began at 7:40 p.m. and concluded at 7:48 p.m.

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.

The next closed session followed, and at 7:52 p.m., the Mayor reopened the meeting and there being no further business, it was adjourned.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk