

**BELTON CITY COUNCIL MEETING
JANUARY 28, 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, Jen Wesley, Francisco Corona, Bruce Pritchard Mike Huber, Erin Newcomer, Kim Kroll, Sandy Slade, Matt Bates, Denny Lassetter, Paul Romer, Charlotte Walker, and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Grants/Special Project Coordinator Aaron Harris, the Pledge of Allegiance to the Texas Flag was led by Councilmember Craig Pearson, and the Invocation was given by Jordan Hubbard, Senior Minister, Belton Church of Christ.

1. Call to Order: The Mayor called the meeting to order at 5:30 p.m.
2. Public Comments.

Consent Agenda

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

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

January 14, 2014 Regular Meeting

4. Consider award of bids and authorizing the City Manager to execute a contract for annual construction materials and infrastructure projects.

Award of bids were approved as presented.

Planning and Development

5. Hold a public hearing and consider an ordinance regarding a zoning change from Office-2 with a Specific Use Permit for a beauty shop to a Retail Zoning District at 304 East 6th Avenue, located on the northeast corner of East 6th Avenue and North Penelope Street.

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

Ms. Newcomer stated the P&ZC voted to unanimously approve this zone change at its January 21st meeting and recommended approval of zone change from Office-2 with Specific Use Permit for a beauty shop to Retail District with development regulated under the Design Standards for Type Area 6 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 6 Design Standards, as identified in Ordinance 2009-31, 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.

Councilmember Leigh asked for clarification of the current retail store. Ms. Newcomer stated it was AAA Strate Vape.

Mayor Covington opened the public hearing. There were no questions or additional comments the public hearing was closed. Councilmember Agan made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Leigh and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM OFFICE-2 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR A BEAUTY SHOP TO RETAIL ZONING DISTRICT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 6 DESIGN STANDARDS.

6. Hold a public hearing and consider an ordinance regarding a zoning change from Office-2 with a Specific Use Permit for a bail bond business to a Commercial-1 Zoning District at 312 West US Highway 190, located on the north side of West Avenue O, just east of Loop 121.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant submitted this request for a zone change to Commercial-1, to allow for a proposed upholstery shop located on the same lot as River Church.

Ms. Newcomer stated after careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location. P&Z Commission unanimously recommended approval this zone change at its January 21st meeting.

Ms. Newcomer recommended approval of zone change from Office-2 with a Specific Use Permit for a bail bond business to Commercial-1 District with development regulated under the Design Standards for Type Area 2 standards as follows:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2009-31, 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.

Councilmember Leigh clarified the basement would be one use and the first floor would be a second use. Ms. Newcomer indicated possibly, as this may be used as an office. Mayor Pro Tem Grayson asked about outside storage of vehicles. Ms. Newcomer stated she was informed they would be removed the same business day and nothing else would be allowed other than the completed vehicles.

Mayor Covington opened the public hearing. There being no questions or comments the public hearing was closed. Councilmember Leigh asked if the current SUP would carry over with the zone change. Ms. Newcomer said no, this would be straight commercial. 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. 2014-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM OFFICE-2 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR A BAIL BOND BUSINESS TO COMMERCIAL-1 ZONING DISTRICT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

7. Hold a public hearing and consider an ordinance regarding a zoning change from Planned Development Single Family-1 to an amended Planned Development Zoning District for 84.59 acres, for the proposed Tuscan River subdivision (Mystic River development), located on the east side of North Main Street, south of the Leon River.

Planning Director Erin Newcomer provided a brief overview of this request and reviewed area zoning. The applicant submitted this request for a zone change to an amended Planned Development to allow for an adjustment in the PD standards to allow for a 6' tall stone fence along the entrance of the Tuscan River subdivision (Mystic River development) in the front yard of Lots 1 and 2, Block 1.

After careful review of the City's Design Standards and the applicability of these uses among surrounding properties, this requested zone change appears to be reasonable in this location. Ms. Newcomer stated the P&ZC unanimously recommended approval of this zone change at its January 21st meeting.

Ms. Newcomer recommended approval of zone change from Planned Development Single Family-1 to an amended Planned Development Zoning District with development regulated under the Design Standards for Type Area 14 standards as follows:

1. The use of this property must conform to the Single Family-1 Zoning District in all respects, except for Lots 1-2, Block 1.
2. The use of Lots 1-2, Block 1, must conform to the Neighborhood Service Zoning District for in all respects.
3. The development of the property shall conform to all applicable Type Area 14 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
4. A 6' tall stone fence is permitted along the entrance of the Tuscan River subdivision (Mystic River development) in the front yard of Lots 1 and 2, Block 1.
5. Sign Standards shall conform to Ordinance 2008-11.

Mayor Pro Tem Grayson asked for clarification regarding the 6ft fence. Councilmember Leigh had safety concerns regarding this fence as well. Monte Clark with Clark and Fuller provided clarification to Council and noted the

applicant's intent is to provide adequate visibility. Councilmember Kirkley asked if Council was looking at both Phase I and the remainder of the property in this evening's motion. Ms. Newcomer indicated yes, this would include the entire 84 acres. Councilmember Agan requested clarification regarding eliminating fencing materials and would this just refer to exterior fences. Ms. Newcomer stated this refers to exterior fences, and this would be in full compliance with the design standards which requires 100% masonry fences along arterial roadways. Ms. Newcomer also noted there is no requirement in the design standards for interior fences.

Mayor Covington opened the public hearing. There being no further comments or questions the public hearing was closed. Councilmember Gauntt asked will there be access to all properties. Ms. Newcomer said yes, this would have to happen. Mr. Clark indicated TxDOT was requiring a 1ft no access easement on SH 317 so the only way the first lot on the corner could be accessed is out onto Mystic River Drive, with a cut in the fence. 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. 2014-05

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A PLANNED DEVELOPMENT SINGLE FAMILY-1 ZONING DISTRICT TO AN AMENDED PLANNED DEVELOPMENT ZONING DISTRICT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

8. Hold a public hearing and consider an ordinance regarding a zoning change from Planned Development Multiple Family and Single Family-2 to Planned Development Multiple Family for Stoney Brook assisted living facility on 5.610 acres, located at 500 River Fair Boulevard, north of Lake Road.

Planning Director Erin Newcomer presented this item to Council and provided an overview of the request and area zoning. The applicant has submitted this request for a zone change to Planned Development Multiple Family to allow for a 14,853 square foot addition on the western side of Stoney Brook assisted living facility.

Ms. Newcomer stated the P&Z Commission unanimously recommended approval of this zone change at its January 21st meeting and recommended approval of zone change from Planned Development Multiple Family and Single Family-2 to Planned Development Multiple Family Zoning District with development regulated under the Design Standards for Type Area 5 standards as follows:

1. The use of this property must conform to the Multiple Family Zoning District in all respects, except 90% hardi plank is permitted on the exterior of the addition, with masonry construction provided where shown on exhibit.
2. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2009-31, 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. A non-opaque 48" tall fence must be installed along the detention pond.
5. Subdivision plat is required.

Councilmember Agan asked if the original construction of this facility was done before the design standards were in place. Ms. Newcomer indicated yes, this was prior to the design standards.

Mayor Covington opened the public hearing. There being no further questions or comments the public hearing was closed. Councilmember Kirkley noted this entire project has provided an incredible contribution to our community. Councilmember Gauntt stated this was not in alignment with our future land use and had concerns with this. Ms. Newcomer stated this was an addition to an existing facility and felt this was fine. Mr. Listi acknowledged this comment because there was a lot of opposition for the prior rezoning for apartments on River Fair Boulevard and perhaps was perceived as more intrusive because it was close to the townhouses. Mr. Listi indicated notices were sent but no opposition was expressed. Councilmember Leigh made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Agan and carried unanimously. The following captioned ordinance was adopted.

ORDINANCE NO. 2014-06

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A PLANNED DEVELOPMENT MULTIPLE FAMILY AND SINGLE FAMILY-2 ZONING DISTRICT TO PLANNED DEVELOPMENT MULTIPLE FAMILY ZONING DISTRICT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.

9. Hold a public hearing and consider a final plat for Victor Means, Third Addition subdivision, a 0.399 acre tract, being a replat of Lot 10 and a portion of Lot 9, Victor Means Second Addition, located south of East 12th Avenue and north of Waco Road.

Planning Director Erin Newcomer presented an overview of this item. This is a single family subdivision, containing 2 lots, proposed as Victor Means, Third Addition subdivision. Proposed Lot 1 contains an existing single family home and Lot 2 is vacant. The applicant's surveyor has indicated that a single family home will be constructed on Lot 2 pending Council approval of this plat.

Ms. Newcomer indicated the P&ZC voted to recommend approval of the final plat by a vote of 8-0 at its January 21st meeting and recommended approval of the final plat for Victor Means, Third Addition.

Mayor Covington opened the public hearing. There being no further comments or questions the public hearing was closed. Councilmember Gauntt made a motion to approve final plat as presented. The motion was seconded by Councilmember Leigh and carried unanimously.

10. Consider a final plat for Three Creeks Subdivision, Phase II, a 51.86 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, located in Belton's Extra Territorial Jurisdiction (ETJ).

Planning Director Erin Newcomer provided an overview of this item. This is a residential subdivision proposed as Three Creeks Subdivision, Phase II.

The final plat is acceptable with conditions; however, staff recommends conditional approval of the plat based on the drainage concerns, including further review of the lift station plans and geotechnical report, as well as items addressed in the letter to the applicant's engineer. The Restrictive Covenants that contain Phase II have not been submitted for review to determine if they meet the basic requirements of the Subdivision Ordinance. Applicant will be required to submit a final approved version of restrictive covenants for Phase II prior to recording. It is staff's judgment that the final plat may be conditionally approved at this time.

Ms. Newcomer indicated the P&ZC voted to recommend approval of the final plat by a vote of 8-0 at its January 21st meeting and recommended conditional approval of the final plat for Three Creeks Subdivision, Phase II, a 51.68 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, located in Belton's Extra Territorial Jurisdiction (ETJ), subject to conditions contained in the letter to the applicant's engineer dated January 6, 2014, and subject to the terms of the development agreement.

Councilmember Pearson asked if Rocking M Lane will be maintained by the developer. Ms. Newcomer indicated the road will be dedicated to the city after improvements. Councilmember Gauntt voiced concern regarding conditional approval. Ms. Newcomer indicated the applicant has submitted everything necessary for approval with no serious concerns. Mr. Listi stated given the characteristics of the plat, this is a long review process and we would not present something to Council unless we had a specific condition of approval. Councilmember Agan said he felt confident Mr. Listi, Ms. Newcomer and the City Engineers are overseeing this project appropriately. Councilmember Leigh agreed, and on occasion conditional approvals are appropriate to move the project along and work together as a team.

Councilmember Pearson made a motion to approve the final plat as presented. The motion was seconded by Councilmember Kirkley and carried by a vote of 6-1 with Councilmember Gauntt voting in opposition.

11. Consider authorizing the City Manager to execute an agreement with Lee Engineering for professional engineering services to develop a Street Maintenance Plan, and approve a related budget amendment from the General Fund.

Public Works Director Mike Huber presented this item to Council. Mr. Huber indicated Lee Engineering was selected for this critical project due to their extensive experience with transportation planning and transportation engineering. Lee Engineering is the most qualified to work on this project, having specialized in transportation projects for over twenty years. Lee Engineering has worked with the City in the past to develop numerous Transportation Impact Analysis (TIA's), satisfying TxDOT's rigorous requirements for area analysis and signal warrants at several Belton location. Also, Lee Engineering has developed an updated Thoroughfare Plan, which will be presented to Council soon. Based on firm knowledge and experience, and actual Belton field experience, Lee Engineering has the awareness of the roadway network within Belton and Belton's transportation needs to provide a Street Maintenance Plan.

Mr. Huber recommended authorizing the City Manager to execute an agreement with Lee Engineering for professional engineering services to develop a Street Maintenance Plan, and a related budget amendment of \$12,900 from fund balance in the General Fund.

Councilmember Kirkley asked if something could be provided to comprehend the differences between the street maintenance types. Mr. Huber indicated an overview and explanation of maintenance types and when these types are used could be worked into the report.

Mayor Pro Tem Grayson stated this was a great plan but with that comes other improvements such as water line repairs and would those repairs be timed with the street improvements. Ms. Huber stated part of the process would be engaging in dialogue with the utility companies.

Councilmember Leigh stated overtime the budget demands on preventative maintenance will be higher because we will be spending small amounts of money all the time instead of a large amount on occasion. Councilmember Leigh suggested if we are going to approve this, we should take a step back and look at the overall infrastructure and not specifically roads because we may not have the funding to implement the plan. Councilmember Leigh also noted the value rating of a street should be implemented in the plan. Mr. Huber indicated this would occur when street counts come into play, and we could define different levels of what "poor" and "good" would mean. Councilmember Leigh felt this is something we should tie into Capital Improvement Projects so we are spending smartly.

Councilmember Gauntt asked if we do move forward, how long will this process take and why did we select Lee Engineering? Mr. Huber stated if we kept this project in-house, this would extend the time frame due to the number of current projects. Mr. Huber stated Lee Engineering was familiar with our thoroughfare plan and currently working on the revised thoroughfare plan. Mr. Huber stated in his experience Lee Engineering was the best choice for transportation planning and transportation engineering. Councilmember Leigh asked for the time frame on the plan. Mr. Huber indicated five years. Mr. Listi recommended giving us an opportunity to respond to the proposal and look at alternative funding.

Councilmember Kirkley suggested while we may or may not be able to execute the five year plan to its fullest capacity, we will in fact be able to prioritize in a fashion that really makes sense.

Councilmember Pearson indicated to use this as a component to our holistic comprehensive plan and his desire was to move forward.

Councilmember Gauntt stated this plan was going to really help us understand the cost of transportation and growth in our community and if we never use the plan as indicated, that reason alone is enough to proceed.

Councilmember Leigh advocated for a holistic strategic plan to understand the cost of being able to maintain the city and then build a budget around that.

Mayor Covington noted there were several great comments and questions and what it really says to him is that we need to be aware of the funding availability. Councilmember Agan asked where we stand if we chose not to do the study. Mr. Huber said staff could evaluate the streets, see what complaints have been received, and use the currently available funding. Councilmember Agan stated

this is not the highest and best use of our time in a very critical area. Mayor Pro Tem Grayson asked is we were expecting any add-ons or would the cost stay as presented. Mr. Huber said he does not expect any add-ons, they would have to get approval for anything over \$2000 and Mr. Huber would stay on top of this.

Councilmember Kirkley made a motion to authorize the agreement as presented. The motion was seconded by Councilmember Gauntt and carried unanimously.

12. Consider authorizing the City Manager to take all steps necessary to apply for a Recreational Trails Grant through the Texas Parks and Wildlife Department for the Nolan Creek Hike and Bike Trailhead Project.

Grants/Special Projects Coordinator Aaron Harris presented this item to Council. Mr. Harris indicated Texas Parks and Wildlife Department is accepting applications for funding through the Texas Recreational Trails Program. Funds for this program are to be awarded on a competitive basis in terms of their overall quality, ability to serve recreational needs, cost-effectiveness, benefits, community support, innovation, geographic scope and distribution, and accommodation of barrier free access.

Mr. Harris noted the program limits the amount granted to a maximum of \$200,000. The TxPWD Grant Funding will reimburse the City for 80% of the project's total cost with a City Match requirement of 20%.

Mr. Harris recommended authorizing the City Manager to take all steps necessary to apply for a Recreational Trails Grant through the Texas Parks and Wildlife Department for the Nolan Creek Hike and Bike Trailhead Project.

Councilmember Gauntt asked if the entire 10ft would have to be concrete in order to keep it from washing away. Mr. Harris answered yes. Councilmember Gauntt asked if these were federal funds. Mr. Harris said yes. This grant is funded through the Federal Highway Administration and administered by the Texas Parks and Wildlife Department. Councilmember Gauntt said she felt this was a local project and should be locally funded instead of asking for federal funds. Councilmember Pearson stated we should get to keep more of the federal dollars we have sent to Washington and try get back all we can. Mayor Covington noted the only issue with spending locally is if we don't apply, we won't get it and other surrounding entities will. Mayor Covington also noted this was an excellent project and we could leverage our \$25,000 into \$250,000 which makes good sense. Councilmember Agan stated he agreed instead of having to spend the extra \$200,000 out of local funds which could be utilized for a street. Mr. Harris followed up noting Mayor Covington received letters of support from Representative Ralph Sheffield and Senator Troy Fraser, and one is pending from Congressman John Carter.

Mayor Pro Tem Grayson made a motion to authorize an agreement as presented. The motion was seconded by Councilmember Pearson and carried by a vote of 6-1 with Councilmember Gauntt voting in opposition.

13. Consider a resolution authorizing the City Manager to take all steps necessary to submit an application for grant funds to develop a firearms training facility for the Police Department through the Office of the Governor, Criminal Justice Division.

Police Chief Gene Ellis presented this item to Council. Chief Ellis stated on May 14, 2013, the City Council authorized KPA Engineers to survey, develop site plans, and address the flood impact for a firearms range on a City-owned 18.6 acre tract of land located at the far end of East Central Avenue across the low water crossing in the Shirt Tail Bend area. The results of KPA's work showed this location to be ideal for the development of a firearms training facility and other potential training uses. On December 19, 2013, we received a Letter of Flood Map Revision (LOMR) removing a large percentage of this tract of land from the flood plain.

Chief Ellis believes this site is ideal for the development of a regional law enforcement training facility for weapons, use of force, active shooter, and modern scenario-based training. The Central Texas Council of Governments has expressed an interest in partnering with us to establish a firearms training center in Belton to serve regional training needs. We have letters of support for this project from the UMHB Police Department, Bell County Sheriff's Department, Nolanville Police Department, Morgans Point Resort Police Department, Salado Police Department, and Temple College Criminal Justice training division. Several other area law enforcement agencies have also expressed an interest and need for a regional firearms facility in our area.

Chief Ellis stated the Criminal Justice Division (CJD) of the Governor's Office has announced they are accepting applications for grants for the 2015 state fiscal year funding cycle. These grants are for projects that reduce crime and improve the criminal justice system. We believe that this grant creates an excellent opportunity to fund the development of a regional firearms training facility in Belton. There is no local match required for this grant. The grant deadline is February 28, 2014.

The Central Texas Regional Law Enforcement Training Facility project plan includes three phases. The grant application is for Phase I and we will seek grant opportunities in future years for the additional phases.

Chief Ellis recommended authorizing the City Manager to take all steps necessary to submit an application for CJD grant funds for the development of a firearms training facility in Belton at approximately \$60,000, with the authorization

to increase grant request somewhat if appropriate, based on CTCOG and Criminal Justice Division guidance.

Upon motion by Councilmember Leigh, seconded by Councilmember Agan, the following captioned resolution was unanimously adopted:

RESOLUTION NO. 2014-05-R

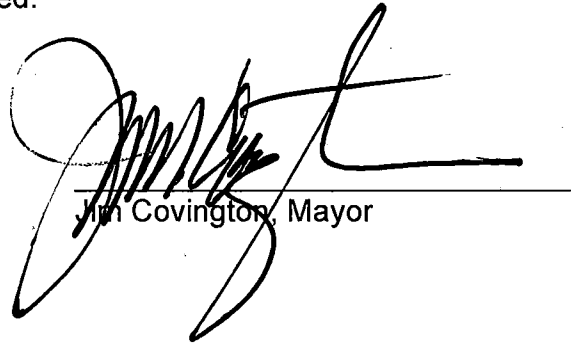
A RESOLUTION OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO SUBMIT AN APPLICATION THROUGH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE 2015 STATE FISCAL YEAR FUNDING CYCLE; AUTHORIZING THE CITY MANAGER TO ACT IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT, IF AWARDED.

14. 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.

At 7:15 p.m., the Mayor announced the Council would reconvene in the Smith room for the following closed meeting:

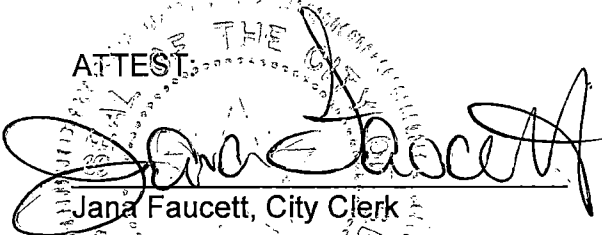
Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, to conduct an evaluation of the City Manager's performance.

The Mayor reopened the meeting at 8:36 p.m., and there being no further business, the meeting was adjourned.



Jim Covington, Mayor

ATTEST:



Jana Faucett, City Clerk

