

BELTON CITY COUNCIL MEETING
July 22, 2014

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

The Pledge of Allegiance to the U.S. Flag was led by Fire Chief Francisco Corona, 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. Corbett Finney, 8523 Lamplight Court, Temple, Texas, requested Council to consider adopting a resolution regarding the enforcement of immigration laws.
3. Presentations:
 - A. Recognize Bourland Landscape, LLC from Belton for providing four ATVs/Gators for EMS services in support of our 4th of July Parade.

Fire Chief Francisco Corona presented Jeff Booker with Bourland Landscape, LLC, a Belton Fire Department picture in appreciation for providing four ATVs/Gators for EMS services in support of Belton's 4th of July Parade at no cost to the City.
 - B. Recognize Scott & White Medical Transport Services (SWMTS) for providing ambulances and staff for the 4th of July Parade.

Fire Chief Francisco Corona presented Chuck Pearson with Scott & White Medical Transport Services, a Belton Fire Department picture in appreciation for providing ambulances and staff for the 4th of July Parade at no cost to the City.

Consent Agenda

Upon motion by Mayor Pro Tem Leigh and seconded by Councilmember Pearson, the following items were unanimously approved.

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

July 8, 2014 Work Session
July 8, 2014 Regular Meeting
5. Consider authorizing a modification to the Façade Improvement Grant that was awarded to B.K. Blair, 103 North Main Street. - Authorized a modification of \$663.91 to the Façade Improvement Grant that has been awarded to B.K. Blair, resulting in a grant amount of \$4,763.91.
6. Consider authorizing the City Manager to execute Amendment Number 4 to the agreement with Kasberg, Patrick & Associates for professional services related to the West MLK Jr. Avenue (formerly West 9th Avenue) Extension and Overpass Construction Project. – Authorized the City Manager to execute Amendment Number 4 to the agreement with Kasberg, Patrick & Associates for professional services related to the West MLK Jr. Avenue Extension and Overpass Construction Project requesting the addition of \$5,000 to the amended contract total above, resulting in a new total of \$1,028,747.35.

Planning and Development

7. Hold a public hearing and consider an ordinance authorizing a zoning change from University Campus to University Campus Zoning District with a Specific Use Permit for a personal services shop in the existing structure at 1018 North Main Street, located on the southwest corner of West 11th Avenue and North Main Street.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change from University Campus to University Campus Zoning District with a Specific Use Permit for a personal services shop.

Ms. Newcomer stated the P&ZC voted to unanimously approve this zone change at its July 15th meeting and recommended approval of zone change from University Campus to University Campus with a Specific Use Permit for a personal services shop, with development regulated under the Design Standards for Type Area 3 standards as follows:

1. The allowable uses of the property shall conform to the University Campus Zoning District in all respects, and in addition a personal services shop is an allowed use.
2. The development of the property shall conform to all applicable Type Area 3 Design Standards, as identified in Ordinance 2014-17, 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.

Mayor Grayson opened the public hearing. Betty Saenz, 607 Thrush Drive, Texas, respectfully requested approval of the zoning change and noted she was available for any additional questions. There being no additional questions or comments the public hearing was closed.

Councilmember Gauntt asked if the existing gravel parking area would change to meet the current standards or be allowed to remain as it currently exists. Mr. Newcomer indicated this would be allowed to remain because it was an existing parking area with minimal changes.

Councilmember Pearson made a motion to approve the ordinance as presented. The motion was seconded by Mayor Pro Tem Leigh and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-24

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM UNIVERSITY CAMPUS ZONING DISTRICT TO A UNIVERSITY CAMPUS ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR A PERSONAL SERVICES SHOP WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 3 DESIGN STANDARDS.

8. Hold a public hearing and consider an ordinance authorizing a zoning change from Agricultural to Multiple Family and Retail Zoning District for the construction of a 208 unit apartment complex on a 19.8 acre tract of land and retail development on a 6.67 acre tract located on southeast corner of South Loop 121 and FM 93/West 2nd Avenue.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone

change from Agricultural to Multiple Family and Retail Zoning District for the construction of a 208 unit apartment complex.

Ms. Newcomer stated the P&ZC voted to unanimously approve this zone change at its July 15th meeting and recommended approval of a Multiple Family Zoning District for approximately 19.8 acres of land and Retail Zoning District for approximately 6.67 acres of land with development regulated under the Design Standards for Type Area 4 standards as follows:

1. The use of this property must conform to the Multiple-Family and Retail Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, 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. Subdivision plat is required.

Mayor Grayson opened the public hearing. Rae Schmuck, 2200 Legacy Lane, Belton, Texas, spoke in favor of this zoning change. Rae Severn, 5338 East Lakeshore, Belton, Texas assured Council this would be an upscale apartment complex and would meet if not surpass all of the current design standards. Mr. Severn also noted if Council should adopt the new Building Codes also scheduled during this meeting, the new standards would be met as well. There being no additional questions or comments the public hearing was closed.

Councilmember Gauntt noted this was an appropriate use for this property and thanked Mr. Severn for his efforts.

Councilmember Kirkley made a motion to approve the ordinance as presented. The motion was seconded by Mayor Pro Tem Leigh and carried unanimously. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-25

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO MULTIPLE FAMILY AND RETAIL ZONING DISTRICT, FOR THE CONSTRUCTION OF A 208 UNIT APARTMENT COMPLEX ON A 19.8 ACRE TRACT AND RETAIL DEVELOPMENT ON A 6.67 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.

9. Hold a public hearing and consider an ordinance authorizing a zoning change from Single Family-2 to Office-1 Zoning District for the operation of a dental office in the existing structure at 1508 Oleta Street, located on the southeast corner of Holland Road and Oleta Street.

Councilmember Pearson requested to abstain from this item. Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change from Single Family-2 to Office-1 Zoning District for the operation of a dental office in the existing structure.

Ms. Newcomer also indicated a possible alternative of an SUP in the existing SF-2 District for a charitable organization which would also accommodate the zoning change request for a dental clinic.

Ms. Newcomer stated the P&ZC voted to approve this zone change by a vote of 6-2 at its July 15th meeting and recommended approval of zone change from Single Family-2 to Office-1 District, for the operation of a dental office, with development regulated under the Design Standards for Type Area 11 standards as follows:

1. The allowable uses of the property shall conform to the Office-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 11 Design Standards, as identified in Ordinance 2014-17, 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 Sanderford asked if the special use permit, once granted, would remain with the property. Ms. Newcomer stated yes unless an additional zoning change is requested.

Councilmember O'Banion asked when the transitions to the south next to the residential property would be addressed. Ms. Newcomer indicated if the zoning change is approved, a site plan would be required identifying where the proposed parking is going to be located as well as the landscaping.

Mayor Grayson asked if Neighborhood Services would be more restrictive than Office-1. Ms. Newcomer stated Neighborhood Services would actually allow for more uses.

Mayor Grayson opened the public hearing. Donna Dunn, Executive Director, 1711 S 61st Street, Temple, Texas, provided a brief background of the clinic and respectfully requested approval of the zoning change. Rae Schmuck, 2200 Legacy Lane, Belton, Texas spoke in favor of this zoning change. Dr. Ronald A. Henderson, DDS, 11205 Inks Cove, Temple, Texas, spoke in favor of this zoning change and requested approval. There being no additional questions or comments the public hearing was closed.

Councilmember Kirkley asked if the future of Holland Road was gearing more towards business development. Ms. Newcomer indicated yes, and was consistent with the Belton's Comprehensive Plan.

Mayor Pro Tem Leigh asked if the property would be for dual uses. Ms. Newcomer stated yes. Mr. Leigh also asked would the SF-2 with a SUP allow for this clinic. Ms. Newcomer indicated yes. Mr. Leigh noted some of the concerns during the Planning & Zoning Meeting may have been the zoning, not the clinic, and the unintended consequences associated with Office-1. Mr. Leigh asked if Council could approve the SF-2 with an SUP this evening. City Manager Sam Listi indicated the Council could do so this evening, but noted the SF-2 with an SUP would be more restrictive than the O-1 District presented this evening. Mr. Listi stated typically with an SUP, conditions are crafted prior to approval. Mr. Listi indicated a deferral to the next Council Meeting would be appropriate to establish the desired conditions associated with the SUP.

Councilmember Sanderford stated he would be more comfortable approving an SUP under the current zoning which would meet the needs of the clinic. Councilmember O'Banion agreed, and also voiced concern regarding the adjoining neighborhood, and suggested this be one of the conditions addressed in the SUP. Mr. Listi asked the applicant if there would be any issues with tabling this item until the August 12th Council Meeting. The applicant indicated no.

Mayor Pro Tem Leigh motioned to table this item until the August 12th Council Meeting. This motion was seconded by Councilmember O'Banion and passed by a vote of 5-1 with Councilmember Kirkley voting on opposition and Councilmember Pearson abstaining.

Miscellaneous

10. Hold a public hearing and consider adopting the following ordinances:

Planning Director Erin Newcomer and Fire Chief Francisco Corona provided a brief overview of the amendments to the following codes and recommended approval of the following ordinances as presented below.

- (A) The 2009 International Building Code with local amendments.
- (B) The 2009 International Residential Code with local amendments.
- (C) The 2009 International Existing Building Code.
- (D) The 2009 International Mechanical Code with local amendments.
- (E) The 2009 International Plumbing Code with local amendments.
- (F) The 2009 International Fuel Gas Code with local amendments.
- (G) The 2009 International Energy Conservation Code.
- (H) The 2009 International Fire Code with local amendments.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed. Council thanked staff for their thorough review of the proposed code amendments while also meeting the needs of our community. Mayor Pro Tem Leigh made a motion to approve the ordinances as presented. The motion was seconded by Councilmember Pearson and carried unanimously. The following captioned ordinances were adopted:

ORDINANCE NO. 2014-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, CHAPTER 4, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH "BUILDING STANDARDS"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE NO. 2014-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 4, ARTICLE IX OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH THE "MECHANICAL CODE"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE NO. 2014-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 4, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH THE "PLUMBING CODE"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE NO. 2014-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 4, ARTICLE VIII OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH THE "GAS CODE"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE NO. 2014-31

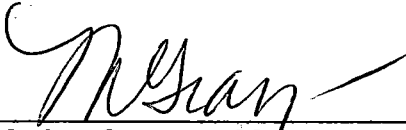
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 6, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH THE "FIRE CODE"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

11. 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.

At 7:00 p.m., the Mayor announced the Council would reconvene for the following closed meeting:

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 Mayor reopened the meeting at 7:45 p.m., and there being no further business, the meeting was adjourned.



Marion Grayson, Mayor

ATTEST:



A handwritten signature in cursive script, reading "Jana Lewellen", is written over a horizontal line. The signature is positioned to the right of the circular seal and the word "ATTEST:".

Jana Lewellen, City Clerk

