

**BELTON CITY COUNCIL MEETING
MARCH 25, 2014**

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

The Pledge of Allegiance to the U.S. Flag was led by Assistant City Manager Cristy Daniell, the Pledge of Allegiance to the Texas Flag was led by Mayor Pro Tem Marion Grayson, and the Invocation was given by Councilmember Craig Pearson.

1. Call to Order: The Mayor called the meeting to order at 5:38 p.m.

2. Public Comments. None

Consent Agenda

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

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

March 11, 2014 Work Session

March 11, 2014 Regular Meeting

4. Consider a resolution of the Council amending the City representatives authorized to conduct transactions on behalf of the City of Belton with the TexPool public fund investment pool. Approved the following resolution as outlined in the caption below:

2014-16-R

RESOLUTION AMENDING TEXPOOL AUTHORIZED REPRESENTATIVES

5. Consider a resolution of the Council amending the City representatives authorized to conduct transactions on behalf of the City of Belton with the TexStar public fund investment pool. Approved the following resolution as outlined in the caption below:

2014-17-R

RESOLUTION AMENDING TEXSTAR AUTHORIZED REPRESENTATIVES

6. Consider a resolution appointing election officers for the May 10, 2014 General Election. Approved the following resolution as outlined in the caption below:

RESOLUTION NO. 2014-14-R

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS,
APPOINTING ELECTION OFFICERS FOR CITY GENERAL ELECTION.**

Planning and Development

7. Hold a public hearing and consider an ordinance authorizing a zoning change from Office-1 to Neighborhood Service Zoning District for the operation of a salon and spa in the existing structure at 202 Lake Road, located on the north side of Lake Road (FM 439) just west of its intersection with Commerce Drive.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. Ms. Newcomer indicated the applicant has submitted this request for a zone change to allow for a salon and spa.

Ms. Newcomer stated the P&ZC voted to unanimously recommend this zone change at its March 18th meeting and recommended approval of zone change from Office-1 to Neighborhood Service District, for a salon and spa, with development regulated under the Design Standards for Type Area 1 standards as follows:

1. The allowable uses of the property shall conform to the Neighborhood Service Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 1 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.

Mayor Covington opened the public hearing. There were no questions or additional comments the public hearing was closed. Councilmember Pearson 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. 2014-09

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM OFFICE-1 TO NEIGHBORHOOD SERVICE DISTRICT FOR THE OPERATION OF A SALON AND SPA, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

8. Hold a public hearing and consider an ordinance authorizing a zoning change from Single Family-2 to Planned Development Office-1 Zoning District for meetings, weddings, paranormal investigations, and residential use at 404 East 9th Avenue, located on the northeast corner East 9th Avenue and North Wall Street.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. Ms. Newcomer indicated the applicant has submitted this request for a zone change to allow for meetings, weddings, paranormal investigations, and residential use on the northeast corner of North Wall Street and East 9th Avenue. This property is located within the North Central Belton Historic District and is surrounded by existing single family homes.

Ms. Newcomer stated the P&ZC voted to unanimously recommend disapproval of this zone change at its March 18th meeting and recommended disapproval of zone change from Single Family-2 to Planned Development Office-1 for meetings, weddings, paranormal investigations, and residential use.

Ms. Newcomer stated if the zoning change request is considered reasonable, recommend development be regulated under the Design Standards for Type Area 6 standards, and we recommend the Planned Development be conditioned as follows:

1. The use of this property must conform to the Office-1 District in all respects, and in addition meetings, weddings, paranormal investigations, and residential use is allowed.
2. At least 15 asphalt or concrete parking spaces must be provided for customers on site.
3. Landscaping buffer consisting of 75% evergreen species must be provided between this land use and the existing single family homes

adjacent to this property and a landscape plan must be approved by the Planning Department, in accordance with the Design Standards.

4. 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
5. Sign Standards shall conform to Ordinance 2008-11.

Mayor Covington opened the public hearing. Richard Brewer, San Antonio, Texas, Property Owner, informed Council of the various improvements made to the historical property. Mr. Brewer stated he was supportive of the requested zone change and respectfully requested approval. William Light, 413 N Pearl Street, Belton, Texas 76513, stated he loved the history of the house and was his intent to maintain the integrity of the property. Mr. Light felt this zone change would bring in revenue to the City and requested approval of the zone change. Rae Schmuck 2200 Legacy Lane #511, Belton, Texas 76513, stated she felt this was in the heart of the historical neighborhood, and felt this zone change would be inappropriate for this area. There being no further comments the public hearing was closed.

Councilmember Leigh stated it was a labor of love to restore historical homes and commended the property owner. Councilmember Leigh stated although this was an awesome zoning request, with the unanimous recommendation for disapproval by the P&ZC and the neighborhood, it would be hard for Council to support this zone change. Councilmember Pearson stated he appreciated the property owner's improvements but having said that, after looking at the comments from the surrounding neighbors who disapprove of this request, and the only person in support of the zone change is one who does not live in this area, I cannot support the requested zone change. Mayor Pro Tem also commended the property owner for saving Belton's history. Mayor Covington reminded Council if approved, it must be by three-fourths majority.

Mayor Pro Tem Grayson made a motion to disapprove the zone change as presented. The motion was seconded by Councilmember Pearson and carried unanimously.

9. Hold a public hearing and consider a final plat for American Spincast Addition, a 7.109 acre tract, located south of Taylor's Valley Road and east of Belton Landfill Road.

Planning Director Erin Newcomer presented an overview of this item and stated this is a 1-lot subdivision proposed for an office building on this site.

Ms. Newcomer indicated the P&ZC voted to recommend approval of the final plat by a vote of 9-0 at its March 18th meeting and recommended approval of a final plat for American Spincast Addition, a 7.109 acre tract, located south of Taylor's Valley Road and east of Hubbard Lane.

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

10. Consider a final plat for Liberty Valley Phase IV, a 18.089 acre tract, located on the west side of Connell Street, north of West Loop 121, and east of the existing Liberty Valley Subdivisions, Phases I and II.

Planning Director Erin Newcomer presented an overview of this item and stated this is a 59-lot subdivision proposed for single family homes.

Ms. Newcomer indicated the P&ZC voted to recommend approval of the final plat by a vote of 9-0 at its March 18th meeting and recommended conditional approval of a final plat for Liberty Valley Phase IV (III), an 18.089 acre tract, located on the west side of Connell Street, north of West Loop 121, and east of the existing Liberty Valley Subdivision, Phase I and II, subject to:

1. Conditions contained in the letter to the applicant's engineer dated January 10, 2014, including plat renumbering to Phase III.
2. Final review and approval of the geotechnical report.
3. Approval of a Development Agreement by the City Council addressing:
 - a. Street Installation
 - b. Sidewalk
 - c. Parkland Dedication

Councilmember Leigh asked for clarification regarding the location of an existing cell tower. Ms. Newcomer stated this was a conceptual plan and would not be in conflict with the location of this tower. Councilmember Gauntt asked how we handle plats located in the flood plain such as this one. Mayor Covington noted our ordinance states we will not grant any building permits where the floor elevation is less than one foot above the 100 year flood plain. City Manager Sam Listi stated initially we spoke to the applicant about taking these lots out of the final plat, but they are in the process of securing a CLOMR (Conditional Letter of Map Revision), and rather than having to come

back again later, we agreed the lots could be included in the final plat but no permits could be issued until the CLOMR is properly finalized.

Councilmember Kirkley made a motion to approve the final plat as presented. The motion was seconded by Councilmember Leigh and carried unanimously.

11. Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and Barnes Independent Developers, LP regarding Liberty Valley Phase IV.

City Manager Sam Listi provided a brief overview of this item and outlined the conditions listed in the Development Agreement as presented. Mr. Listi noted the final plat for the subdivision was approved earlier by Council and recommended authorizing the City Manager to execute the Development Agreement as presented.

Councilmember Gauntt asked if only one sidewalk was normal and part of our existing guidelines, or are we waiving some requirements. Mr. Listi stated there is no existing sidewalk on Huey and we felt it was reasonable to recommend one side due to the lack of clarity of our subdivision regulations concerning sidewalks, which is another item staff is working on and will bring to Council in the near future. City Attorney John Messer stated this was a good recommendation for the city due to the regulations not being as clear as they should be. Councilmember Gauntt stated if this was a questionable requirement, what else in this agreement is questionable and what else are we waiving? City Attorney John Messer stated the City is not waiving anything. Mr. Listi stated the developer has agreed to do the extra street width and water line width with some reimbursement back, as well as agreed to the recommendation for the sidewalk. Mr. Listi noted we feel we are consistent with the subdivision regulations at this point and time. Councilmember Gauntt asked this regarding the design standards as well. Mr. Listi indicated yes, the proposed development will be consistent. Councilmember Leigh commended staff and the developer for working together to make this an integrated subdivision.

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

RESOLUTION NO. 2014-15-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON,
TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A
DEVELOPMENT AGREEMENT WITH BARNES INDEPENDENT**

**DEVELOPERS, LP; AND PROVIDING AN OPEN MEETINGS
CLAUSE.**

12. Consider a preliminary plat for Chick Addition, Phase III, a 27.97 acre tract, located on the southwest corner of West Amity Road and Lark Trail, in Belton's Extra Territorial Jurisdiction (ETJ).

Councilmember John Agan requested to abstain from this item and departed the meeting. Planning Director Erin Newcomer presented an overview of this item and indicated this is a 40-lot subdivision proposed for single family homes.

Ms. Newcomer indicated the P&ZC voted to recommend approval of the preliminary plat by a vote of 9-0 at its March 18th meeting and recommended approval of a preliminary plat for Chick Addition, Phase III, a 27.97 acre tract, located on the southwest corner of West Amity Road and Lark Trail, in Belton's Extra Territorial Jurisdiction (ETJ), subject to conditions contained in the letter to the applicant's engineer dated March 11, 2014.

Councilmember Leigh made a motion to approve the preliminary plat as presented. The motion was seconded by Councilmember Kirkley and carried unanimously.

Finance

13. Presentation of the Comprehensive Annual Financial Report for Fiscal Year 2013.

Assistant City Manager Cristy Daniell introduced Mike Abel of the City's auditing firm, Jaynes, Reitmeier, Boyd & Therrell, P.C., CPA's of Waco, who presented the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013. The City received a clean opinion on the financial statements, with no material weaknesses in internal control noted. Due to the amount of federal grants received by the City in FY 2013, a single audit of federal programs was required. The single audit also received a clean opinion, with a finding that the City complied with the requirements of its major federal program, with no material weaknesses or deficiencies in internal control reported. No action was required.

14. Consider an ordinance amending the FY 2014 budget.

Assistant City Manager Cristy Daniell explained the 2005 City Charter provides that budget amendments occur by ordinance, and the proposed ordinance

includes all budget amendments thus far for FY 2014. Ms. Daniell indicated since she was retiring, she requested to present a mid-year presentation, provide all known budget amendments prior to her departure, and provided a brief overview of these amendments. Ms. Daniell recommended approval of the ordinance as presented.

Upon motion by Councilmember Pearson, seconded by Mayor Pro Tem Grayson, the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2014-11

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014.

15. Consider adopting a Fund Balance Policy for the City of Belton.

Assistant City Manager Cristy Daniell presented this item to Council. Ms. Daniell noted GASB 54 redefined the meaning of fund balance, and established categories within the meaning of fund balance. Ms. Daniell indicated GFOA and GASB recommend the adoption of a formal policy by the governing body and should be periodically reviewed, revised, and updated by Council as appropriate and necessary, and recommended adoption of the proposed Fund Balance Policy for the City of Belton.

Councilmember Leigh asked would the aggregate total of all funds ever exceed any one fund, and would there ever be a mechanism to pool those funds to be used for any purpose. Ms. Daniell thanked Councilmember Leigh for this question and stated this was very forward thinking, but we are currently only recommending 25% of the three funds so technically everything else would be unassigned.

Councilmember Pearson made a motion to approve the policy as presented. The motion was seconded by Councilmember Agan and carried unanimously.

Ms. Daniell noted this would be her last Council Meeting and wanted to thank the Council for their dedication and service to the community. Ms. Daniel noted it had been a pleasure to work for Belton, and she will be greatly miss everyone. Mayor Covington stated it had been a pleasure to work with Ms. Daniell and she will be missed by all.

Contracts, Leases, & Bids


16. Consider authorizing the City Manager to execute a Memorandum of Understanding regarding use of the "Inactive Basin" at the Temple Belton Wastewater Plant Treatment as an effluent pump station, entered into by the City of Temple, the City of Belton, and Panda Temple Power II, LLC.

City Manager Sam Listi presented this item to Council and provided a brief overview of questions raised from the March 11th Work Session, which have been addressed since that meeting. Mr. Listi stated the memorandum of understanding will authorize use by Temple of an inactive basin at the jointly-owned Temple-Belton Wastewater Treatment Plant and recommended authorizing the City Manager to execute the Memorandum of Understanding.

Councilmember Agan asked if the MOU had been approved by Temple. Mr. Listi indicated yes, and Temple is in agreement with the proposed changes.


Mayor Pro Tem Grayson made a motion to approve the MOU as presented. The motion was seconded by Councilmember Kirkley and carried unanimously.

There being no further business, the meeting was adjourned at 7:02 p.m.



Jim Covington, Mayor

ATTEST:



Jana Faucett, City Clerk

