

**BELTON CITY COUNCIL MEETING
MARCH 27, 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, Michelle Garcia, Cristy Daniell, Les Hallbauer, Gene Ellis, Bruce Pritchard, Byron Sinclair, Jerri Gauntt, Kim Kroll, Sandy Slade, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag and to the Texas Flag was led by Boy Scout Troop #153, and the Invocation was given by Jeff Harris of the Grace Community Primitive Baptist Church.

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

Public comments.

Support Services Coordinator Jerri Gauntt reminded the audience about the "One Community One Day" City-wide cleanup event to be hosted by the City and Youth Advisory Commission on Saturday, March 31, 2012.

Consent Agenda

Councilmember Leigh requested the agreement with Lee Engineering for a Traffic Impact Analysis be pulled from the consent agenda. Councilmember Carpenter asked that the agreement with McDoux Preservation be pulled from the consent agenda. Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the following items were unanimously approved:

Minutes of previous meetings: Approved the minutes as presented.

A. February 28, 2012 regular meeting

B. March 13, 2012 regular meeting

Consider an ordinance amending the City's Ethics Ordinance No. 2006-15.

Approved the ordinance captioned below, providing for minor changes to the City's Ethics Ordinance to coincide with state law:

ORDINANCE NO. 2012-12

AN ORDINANCE AMENDING ORDINANCE NO. 2006-15 OF THE CITY OF BELTON, TEXAS; PROVIDING AN ETHICS ORDINANCE FOR THE CITY; PROVIDING A POLICY STATEMENT; DEFINING CERTAIN TERMS; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR DISCLOSURE OF INTEREST; PROVIDING FOR FINANCIAL DISCLOSURE; PROVIDING FOR DISPOSITION OF ALLEGED VIOLATIONS; PROVIDING FOR EFFECTIVE DATES; AND REPEALING CONFLICTING ORDINANCES.

Consider a resolution appointing election officers for the May 12, 2012 General Election.

Approved the resolution captioned below, appointing the following individuals to serve as election officers:

William Rosenberg, Presiding Judge
Rae Schmuck, Alternate Judge
Early Voting Clerks: Rae Schmuck, Michelle Garcia, and Jerri Gauntt

RESOLUTION NO. 2012-07

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

Consider approval of the Merchandising Plan developed by Catalyst Commercial.

Approved the Merchandising Plan prepared by Catalyst Commercial, which represents the City's next step in its ongoing effort to achieve a more balanced economic development environment, particularly a retail component. (The report was presented to the City Council and members of the Belton Economic Development Corporation Board and the Belton Area Chamber of Commerce Executive Committee, in a joint work session on March 13, 2012, and both entities will consider approval of the Plan in April.)

Consider authorizing the City Manager to execute an agreement with Convention, Sports, and Leisure International (CSL), to evaluate acquisition of the Leon Valley Golf Course, and consider a related budget amendment.

Authorized the agreement with CSL for these services, and approved a budget amendment in the amount of \$25,000 from General Fund fund balance.

Consider a preliminary plat of the Piazza, a replat of the Piazza, an 11.23 acre tract located at the southwest corner of Auction Barn Road, Shanklin Road, and Loop 121.

Approved the preliminary plat subject to the conditions identified in the City's letter to the applicant's engineer. The Planning & Zoning Commission (P&ZC) recommended approval at its meeting on March 20, 2012, by a vote of 8-0.

Consider a resolution regarding a zone code classification for unlisted licensed health care services.

Approved the resolution captioned below, providing for classification of several licensed health care services, including massage therapy, spa treatments, make-up applications, permanent cosmetics, and topical tattoo removal. These health care uses will be allowed uses under the Zoning Ordinance and Design Standards Type Areas, and shall be considered equivalent to other licensed health care services allowed by right beginning in the Neighborhood Services (NS) District. This use would therefore be allowed in NS, Retail, Commercial Highway, Commercial-1, and Commercial-2 Districts. The P&ZC recommended approval 8-0 at its meeting on March 20, 2012.

RESOLUTION NO. 2012-08

A RESOLUTION UTILIZING SECTION 44 OF THE ZONING ORDINANCE OF THE CITY OF BELTON REGARDING CLASSIFICATION OF NEW AND UNLISTED USES IN ORDER TO ADD SEVERAL HEALTH CARE SERVICES AS ALLOWED USES.

Consider appointment of a Heritage Preservation Ordinance Subcommittee.

Appointed the following subcommittee, as recommended by the P&ZC at its meeting on March 20, 2012:

Heritage Preservation Ordinance (HPO) Subcommittee	
Name	Representing
Frank Minosky	P&ZC
Larry Guess	P&ZC and HPB
Jack Folsom	HPB
Joe Baisden	Former Councilmember
Edd Martin	UMHB
Bobby Spradley	FBC
STAFF	
Sam Listi	COB City Manager
Erin Newcomer	COB Planning Director
Brent Baker	Planning Consultant
Steph McDougal	McDoux Preservation
Neale Potts	COB City Attorney

Miscellaneous

Consider authorizing the City Manager to execute an agreement with Lee Engineering to update a Traffic Impact Analysis (TIA) in the vicinity of FM 93 and Loop 121, and consider a related budget amendment.

Councilmember Leigh announced he would abstain from this item since he owns real property in the vicinity.

The City Manager explained this item would engage Lee Engineering to update a TIA previously done in this area, for potential location of an elementary school northeast of the intersection of FM 93/Loop 121. Staff met several times with BSD and TxDOT officials on this possible location, and potential implications to TxDOT roadways and local traffic. It has been determined this may be a viable school site, and specific details of site access to/from FM 93 and Loop 121, along with required TxDOT system and on-site improvements, warrant the TIA. Mr. Listi explained Lee Engineering recently completed TIA's for two nearby roads (Avenue D at Loop 121 and Ninth Avenue at Loop 121), and recommended they update that analysis to include the presence of an elementary school site at the FM 93/Loop 121 intersection. The City Manager recommended approval of the agreement with Lee Engineering, and approval of a budget amendment in the amount of \$13,700 from General Fund fund balance.

Upon motion by Councilmember Agan, seconded by Mayor Pro Tem Grayson, the Council approved the agreement and budget amendment as recommended. The motion carried by a vote of 6-0-1, with Councilmember Leigh abstaining.

Consider authorizing the City Manager to execute an agreement with McDoux Preservation to assist the City in updating its Heritage Preservation Ordinance (HPO) and consider a related budget amendment.

The City Manager gave an overview of his meetings with Ms. Steph McDougal of McDoux Preservation, and recommended the Council authorize a contract with McDoux Preservation, to accomplish several tasks leading to update of the Heritage Preservation Ordinance (HPO), with the following items included in the Scope of Services:

- Update of the Historic Resources Survey, including recommendations on District Boundaries and Contributing/Non-Contributing Properties;
- Research and document districts, historic properties, and comparison of properties from 1985 and 2006 historic surveys;
- Develop a survey report on methodology and findings; and
- Work with P&ZC Subcommittee on survey results, as well as proposed revisions to the HPO.

Mr. Listi indicated the survey work will be done in April, with subcommittee work done in May, followed by meetings in June to bring the item forward for consideration. This would lead up to a July 10, 2012 action date, the date the Moratorium is scheduled to expire (next agenda item). He recommended authorizing the City Manager to execute an agreement with McDoux Preservation, and approval of a budget amendment to the General Fund in the amount of \$15,500.

Councilmember Carpenter made a motion to approve the agreement and budget amendment as recommended. The motion was seconded by Councilmember Pearson and carried unanimously.

(For benefit of those in the audience who weren't at the Swearing in Ceremony prior to the meeting, the Mayor again, welcomed the City's new Fire Chief, Francisco Corona.)

Consider an ordinance providing for an extension of the expiring Moratorium on the application of the Heritage Preservation Ordinance.

The City Manager stated based on the time period necessary to accomplish this work (identified in the previous item), he recommended approval of extending the Moratorium until July 10, 2012.

Councilmember Leigh asked if the extension is based on any pending items, and Mr. Listi stated requests for demolition could certainly arise which would trigger the existing process in the ordinance (appeal to Heritage Preservation Board and appeal to District Court), as there's no alternate approach in place now. He indicated the Moratorium establishes a number of structures that cannot be demolished and that continues, but the Moratorium is on application of the HPO as it currently exists. Property owners can still apply for demolition unless it applies to one of the structures identified in the ordinance. The City's Planning Consultant Brent Baker, Studio 16:19, stated Ms. McDoux recommended the 100-day extension be requested to allow more adequate review and revision of the HPO, instead of making minor changes sooner.

Councilmember Leigh made a motion to approve the ordinance extending the Moratorium as recommended. The motion was seconded by Councilmember Peters, and the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, EXTENDING A MORATORIUM AND TEMPORARY SUSPENSION OF THE APPLICATION OF SECTION 29 OF THE ZONING ORDINANCE OF THE CITY OF BELTON, REGARDING THE HERITAGE PRESERVATION OVERLAY DISTRICT IDENTIFIED AS THE WEST BELTON RESIDENTIAL HISTORIC DISTRICT.

Presentation of the Comprehensive Annual Financial Report for Fiscal Year 2011.

Assistant City Manager/Finance Director Cristy Daniell stated she believes the Audit is the single most important document in City government, as it provides assurance, transparency, and accountability of the City's financial structure to the City's governing body and to the citizens of Belton. She thanked her staff in the Finance Department, with special thanks to Assistant Finance Director Karen Evans, for their hard work during the audit process. She also stated that the FY 2010 CAFR received a 25th consecutive award from the GFOA, and that she fully expected the FY 2011 CAFR to receive a 26th award.

Ms. 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 FY 2011. 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 2011, 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.

In closing, Ms. Daniell also discussed the level of General Fund fund balance, and reminded Council that the decrease to fund balance in FY 2011 occurred due to transfers for various capital projects, most notably \$459,000 for a grant match on the Nolan Creek Hike & Bike Trail extension project.

Receive a status report on the 1874 Church and consider appropriate next steps.

The City Manager stated at the October 25, 2011 City Council meeting, the 1874 Church Committee presented a status report, and was asked to present another report in March 2012. Mr. Listi introduced Mike Cooper, Vice Chair of the 1874 Church Committee, who updated the Council with the following information:

- Several fundraisers have been held throughout the year, leading up to their annual calendar project;

- Texas A&M University Architectural Department conducted an extensive study and prepared a Historic Structures Report at no cost – this enables the group to have a Feasibility Study and Master Plan for restoration prepared, which will provide credibility for grant issuing agencies;
- They intend to engage the services of an architect;
- A potential large-scaled contributor in Austin has been identified, and they will be meeting soon;
- The present St. Luke's Episcopal Church may become involved in the project, with discussions to continue over the next 30-60 days;
- Contracted with Oncor Electric to bring electricity to the property within the next 3-4 weeks, and a meter pole will be purchased next week for this service; and
- They plan to install lights to keep the property lit at night, and will light the existing sign in front with information about the church.

Mr. Cooper stated he believes the group is making progress in its efforts to save the church, and thanked the Council for its patience and consideration. He indicated the church project is listed as one of the top six or seven most historic preservation projects in the state at this time. Mr. Cooper thanked members of the Committee in attendance, and presented the report to the City Manager.

Committee Member Rae Schmuck stated she asked Professor Robert Warden (whose class prepared the report), if he could recommend an architect. His wife is an architect, and she will let the group know if she's interested in helping with the project. Ms. Schmuck indicated the Committee has a professional grant writer involved, and once analysis is complete and cost estimates are in, they will have to make decisions at that time.

Mr. Listi asked if maintenance is still being taken care of, and Ms. Schmuck indicated it is, and the lighting will help discourage vandalism, etc. The City Manager stated his recommendation is to give the Committee another six months, and asked if they felt the grant writing would be successful. Ms. Schmuck stated she thinks it will be as it's certainly the group's hope, and she believes a budget will be developed by September 2012.

Mayor Pro Tem Grayson expressed admiration for the group's passion and the progress made thus far. Councilmember Leigh stated he thinks the Committee is much more organized now with better goals, and commended them for the progress. Mr. Leigh still encouraged them to establish a baseline matrix for renovation costs to establish a dollar figure. He stated it would help if a "household name entity" could take charge of the project, so the City doesn't have to "draw the line" and stop the project someday. Ms. Schmuck stated she thinks the Committee has enough integrity to draw the line if it comes to that.

The Mayor thanked the Committee for its report, and expressed the importance of getting a budget developed so everyone knows what it costs to save the building. Next report from the Committee is required in September 2012. No action was taken.

Receive presentation of the River Fair Area Development Traffic Impact Analysis (TIA) by Lee Engineering and consider approval of Study.

The City Manager explained this study was prepared to identify and plan for ultimate traffic needs in this area, generally bounded by River Place Drive to the west, FM 439 to the south, SH 317 to the east, and the Leon River to the north. As a result of some existing substandard improvements, the Texas Department of Transportation's uncertain schedule to widen SH 317, and area development, Lee Engineering used traffic projections and traffic counts in the area to identify needed street widening, driveway and curb radii improvements, and traffic signals. Mr. Listi introduced Kelly Parma, Lee Engineering, who gave a summary of the report, with the following recommendations:

- Improve safety on school-area roadways and at school-area intersections;
- Install additional lanes and dual left turn lanes at selected intersections;
- Upgrade pedestrian accommodations on area roadways and at intersections;
- Signalize Commerce Street intersections;
- Widen Sparta Road to a four-lane cross section; and
- Implement access management techniques.

Councilmember Leigh stated it is the norm in many cities for intersections to be red at peak hours, reflecting congestion. He expressed concern in that increasingly, congestion and long red lights are common in non-peak hours, and he thinks it would be helpful to communicate to TxDOT that Belton doesn't want to have long lines once the rush hour lines have gone away. The Mayor agreed this study will help impress upon TxDOT, the need to improve their road system, and he thinks it makes an excellent argument for completion of the Lake-to-Lake Road, which will hopefully alleviate traffic on Main Street.

Councilmember Carpenter asked Mr. Parma where he envisioned a six-lane road as mentioned in his report. Mr. Parma replied, without looking at the statistics, he recalls traffic volumes in the southern portion of the study area are highest now, Sparta Road to FM 439. When fully developed, this area will need six lanes to accommodate development. The City Manager added this assumes full, ultimate development probably 10 years out, at the maximum intensity identified in current zoning. The City may not need that much retail, office, or residential development, but since this is a key retail and residential corridor, demand will warrant some level of response depending on timing of development.

In closing, Mr. Listi explained this study will be shared with TxDOT to impress upon them, the immediate need for improvements to SH 317 and other areas, and that TxDOT's existing plans may not be adequate to handle ultimate development. He indicated the City will continue to work with Lee Engineering to address short term operational improvements – intersection turning movements, radii, paving/stripping, signage, and other safety issues, to help get people off crowded corridors and access the services located in these areas.


Councilmember Pearson made a motion to approve the TIA study. The motion was seconded by Councilmember Peters and carried unanimously.

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 Mayor indicated the closed session was not needed, and there being no further business, he adjourned the meeting at 6:55 p.m.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk