

BELTON CITY COUNCIL MEETING
February 23, 2016 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh, and Councilmembers Craig Pearson, Dan Kirkley, Paul Sanderford, Guy O'Banion and Jerri Gauntt (arrived at 5:34 p.m. and departed at 6:43 p.m.). Staff present included Sam Listi, John Messer, Amy Casey, Gene Ellis, Brandon Bozon, Erin Smith, Bruce Pritchard, Kim Kroll, Denny Lassetter, Angellia Points, Byron Sinclair, Matt Bates, and Paul Romer.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Craig Pearson, the Pledge of Allegiance to the Texas Flag was led by Director of Planning Erin Smith, and the Invocation was given by Steve Cannon, Director of J.A.I.L. Ministry, Inc.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:30 p.m.
2. **Public Comments.** There were none.

Consent Agenda

Items 3-4 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. **Minutes of February 9, 2016, City Council Meeting**
4. **Receive a report on the annual review of the City's Ethics Ordinance, No. 2015-11, by the Ethics Commission.**

Mayor Pro Tem David K. Leigh asked to pull item 4 from the Consent Agenda for discussion.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Craig Pearson, Consent Agenda item 3 was unanimously approved upon a vote of 7-0.

Mayor Pro Tem Leigh asked for some discussion on the Ethics Commission meeting. City Clerk Amy Casey reviewed the Ethics Commission timeline with the Council and discussed how the Ethics Ordinance was developed. She stated that the Ethics Commission believes the Ordinance is working properly as it is written with the correction of one typographical error. City Manager Sam Listi said he concurred with Mrs. Casey, that the Ethics Ordinance has served the City well and continues to stand as a basis for ethical behavior for those who serve. He pointed out that an Ethics Commission Member, Charla Peters, was in the audience and could also answer any questions the Council may have.

Mayor Pro Tem Leigh said that he wanted to highlight that Belton has an Ethics Commission and an Ethics Ordinance. Some communities do not have this, and have had some issues because they do not. He said it's a check and balance that has served us well. Councilmember Jerri Gauntt agreed that it is an effective tool. Mayor Pro Tem Leigh thanked those who are serving and have served on the Ethics Commission.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Jerri Gauntt, Consent Agenda item 4 was unanimously approved upon a vote of 7-0.

Planning and Development

5. **Consider a preliminary plat for Mystic River, Phase II, a 9.99 acre tract of land, located east of North Main Street, west of the Leon River, and south of the existing Mystic River, Phase I, subdivision.**

Director of Planning Erin Smith explained that in October of 2012, Council approved a preliminary plat for Tuscan River (former name), a 120-lot subdivision, including the property under consideration. Phase 1 of Tuscan River was previously final platted and included 42 lots. Phase 2 of Mystic River (new name) was recently filed, and in reviewing the submittal, it didn't match up to the preliminary plat that had previously been approved. Additionally, according to the Subdivision Ordinance, the preliminary plat approval was valid for one year. It is now expired since no final plat for Phase 2 was submitted before the deadline. An updated preliminary plat has been submitted for Council consideration for the subdivision now known as Mystic River.

Mystic River Drive will extend south and terminate at its intersection with Praline Meadows Drive. Since Mystic River Drive is a collector street, the developer will construct 5-foot wide sidewalks on both sides of the roadway. Praline Meadows Drive will terminate in a temporary cul-de-sac with an extension anticipated in future plat phases. At this time, there is only one means of ingress/egress at North Main Street. According to Council-adopted Code, two points of ingress/egress are required for subdivisions with 30 lots or more. Mystic River, Phase 1, is 42 lots, and this proposed second phase is 16 lots, for a total of 58 lots with one means of egress. The master plan indicates that a second means of egress will be constructed to Guthrie Drive in the next phase of Mystic River. Mrs. Smith explained that, while Staff initially considered this access acceptable, Staff presented an alternative to the applicant and to the Planning and Zoning Commission. The developer has agreed to provide a "rough cut" road extension of Mystic River Drive, connecting eastward to the built Lift Station road, for emergency access. Provision of this emergency access supports approval of the requested variance until a permanent second access road is installed.

According to the Subdivision Ordinance, the maximum length of a cul-de-sac is 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission. The applicant is requesting a variance to allow for a 1,243 feet cul-de-sac. Since this roadway will be extended south in the next phase of Mystic River to

the future Pecan Meadow Drive that is proposed to connect to Guthrie Drive, the request appears reasonable.

Mayor Pro Tem Leigh said that it looks like it is all constructed and in the ground. He asked, "What exists today?" Mrs. Smith said that only Phase 1 exists, and she showed on the overhead the roads that currently exist.

Mayor Grayson stated that in the Thoroughfare Plan, it shows a connection to 13th Street, and she wants to make sure that the developer is aware of that. Mrs. Smith said that she spoke with the developer and showed them the Thoroughfare Plan. The plan shows a collector street coming from Guthrie and extending south all the way to Park Avenue and 13th Street. The developer said that was already in their future plan. Councilmember Pearson asked if 24th Street would tie in. Mrs. Smith said that would be something they would have to evaluate at a future date.

There are a total of 58 lots which will require a dedication of 0.58 acres of parkland for the two phases. The master plan submitted by the developer identifies dedication of parkland in the next phase. Mrs. Smith stated that the developer would like to create an overall preliminary plat for the remainder of their property in conjunction with the submittal of the Mystic River, Phase 3, plat. The developer has discussed developing a trail system within the existing ATMOS and ONCOR easements, creating green space, and constructing a pavilion and pool that will be maintained and owned by the HOA. Mrs. Smith explained that Staff concurs with this request to delay parkland dedication; however, when the next phase of Mystic River is submitted, a parkland plan for the overall preliminary plat will be required at that time for P&ZC and Council review, and no additional final plats will be recommended until such obligation and commitment has been addressed.

Mrs. Smith explained the lift station constructed to serve the lots in Phase 1, and the proposed lots in Phase 2, is complete, except for the landscaping that is required for screening. The developer is requesting to delay irrigation and landscape installation until the next phase of Mystic River when Pecan Valley Drive will be constructed, to maintain interim access to this lift station. The developer has expressed that it is difficult to access the lift station to maintain the irrigation and landscaping, since a roadway leading to the lift station does not exist at this time. Since there are no adjacent residences, delaying the installation of the irrigation and landscaping around the lift station until the next phase of Mystic River appears to be a reasonable request.

Mrs. Smith recommended approval of the preliminary plat with the conditions outlined.

In light of the recent conversations regarding permanent variances to cul-de-sac length, Councilmember Gauntt thanked the developer for their use of a temporary cul-de-sac. She also thanked them for the sidewalks that are to be constructed in the subdivision.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Gauntt, item 5 was unanimously approved upon a vote of 7-0, with variances as requested.

6. **Hold a public hearing and consider an ordinance adopting Article VII, Boarding Homes, in Chapter 11, Licenses and Business Regulations, of the Code of Ordinances.**

Assistant City Manager/Police Chief Gene Ellis played a video of a newscast regarding a former boarding home in the City of Belton. He said that in April 2015, the former Crestview Manor at 1103 Mary Jane Street became a boarding house known as God's Blessings. He added that the Belton Police Department responded to several calls at this location for disturbances and welfare concerns that were called in from family members of the residents at this facility. The officers noted unsanitary conditions, residents appearing to be overmedicated, fire safety violations, and many other issues that could put the residents' health and safety at risk.

Chief Ellis filed a complaint with the State, but they notified him that State agencies do not have regulatory authority over this facility since it is classified as a boarding house. While researching this issue, he learned that in 2009, the Texas Legislature passed a bill that allowed for regulation of these facilities, but it requires that cities or counties pass an ordinance adopting the model standards created the Texas Health and Human Services Commission (HHSC). He explained that the only way the City has the mechanism to prevent a similar situation from happening again, and to make it a safe place for future occupants, is to adopt the ordinance. He added that there is a company wanting to open this facility as another boarding home.

Director of Planning Erin Smith explained that HHSC was required to make the model standards available to cities that choose to require boarding homes to obtain a permit to operate in the City. Mrs. Smith explained that City staff – including Planning, PD, FD, and the City Attorney's office – reviewed the HHSC model standards and ordinances regulating boarding homes that have been adopted by cities such as Houston, Dallas, San Antonio, and El Paso, in order to develop a boarding homes ordinance for the City of Belton.

She reviewed the contents of the ordinance and how the facilities would be regulated. She stated that City staff recommends an amendment to Chapter 11, Article VII, "Licenses and Business Regulations," of the Code of Ordinances to implement the provisions of Chapter 260, Texas Health and Safety Code, entitled "Boarding Home Facilities", which allows the City to establish regulations for the protection of the health and safety of residents of boarding home facilities. This proposed ordinance will require a permit prior to operating a boarding home facility within the Belton city limits. The permit will include owner information and emergency contacts for the boarding house. She added that the one-time fee for a permit to operate a boarding home facility is proposed to be \$1,000. She also added that there is an appeal process to the City Manager and finally to the City Council.

Mayor Grayson said she was in favor of preventing a similar situation like what occurred at God's Blessings, but she wanted to know how this would affect a homeowner who rents rooms to college students. Mayor Pro Tem Leigh answered that it is exempted because this is directed toward people who rent to persons with disabilities. Councilmember Gauntt asked about 401 N. Pearl, since it is zoned as a boarding house/bed and breakfast. Mayor Pro Tem Leigh read from the ordinance stating that it applies only to those who rent rooms to three or more persons with disabilities, or elderly persons, who are not related to the homeowner.

Chief Ellis said that this is a lucrative business because some owners require the tenants to sign over their Medicaid or Medicare checks to them as payment for use of the facilities. City Manager Listi said that the purpose of this ordinance addresses health and safety issues and was to fill the gap to help protect these persons from being taken advantage of.

Councilmember Pearson asked if there were any existing facilities that would be grandfathered. Chief Ellis mentioned that there might be a few existing that would qualify under this ordinance and be required to obtain a permit. He mentioned one at Liberty Valley, but stated that he was uncertain if they fit the criteria. Manager Listi said that Liberty Valley may fall under the State definition of Group Home and have other regulations to comply with. Mrs. Smith said that Staff is not recommending a grandfather clause. Councilmember Gauntt commented the facilities that might be keeping just three individuals would be required to pay the \$1,000 fee. Mrs. Smith said that she was correct.

Councilmember O'Banion said he felt it was important that the Council know how many facilities would be affected before voting on it. Chief Ellis stated that it is difficult to know how many might be affected since there is no current regulation that would provide that information.

Councilmember Dan Kirkley asked about the disposition of the property at 1103 Mary Jane. He wanted to know if it was still retained by the owners of God's Blessings. Mrs. Smith commented that she believes it has gone back to the previous owner, Killeen Healthcare, at least according to tax records. She added that there is a company who is interested in reopening the facility as a boarding home.

Councilmember Paul Sanderford asked if Staff had made any changes to the Model Ordinance. Mrs. Smith said that no changes were being recommended. He asked if Staff know why the trigger number was set at three. Mrs. Smith stated that they had not researched that. He asked if charitable ventures would be subject to this as well, to which Mrs. Smith replied that they would.

Mayor Pro Tem Leigh said that part of the ordinance required companies to submit all employees to a background check. He asked how we will keep the employee listing updated because it will change over time, and how will we be assured that all employees have been background screened. Additionally he asked if there is a penalty to not submitting to this requirement.

City Attorney John Messer stated that this is not the perfect ordinance, but it gives the City a way to regulate these types of facilities. He said the City's stance will be that the ordinance applies to every facility in the City that meets the definition.

Councilmember Kirkley stated that there are a few things to be aware of. He said that Belton has a reputation for compassionate enforcement, and he doesn't see us changing. He is very much in favor of the ordinance and thinks that if changes are needed over time, we will make those changes at that time.

The Mayor opened the public hearing on this item. There being no one wishing to speak for or against the item, she closed the public hearing.

Councilmember O'Banion stated that he is in favor of closing the gap, but he cannot support something like this until he knows the impact of the Council's action. Mayor Grayson said she understands what Councilmember O'Banion is saying regarding the effect of the ordinance on those that are doing good works, but she feels that a process exists within the ordinance to be able to resolve the issues that may come up. Councilmember O'Banion said that this is a legal document that cannot be interpreted different ways for different people. Mayor Grayson said that Council would not be interpreting it differently, but they would be able to amend it if necessary.

Manager Listi stated that this is strictly a health and safety type of regulation. He said it is important to pass this ordinance in a timely manner in order to get these State mandated regulations in place in order to take care of the citizens of Belton.

Councilmember Craig Pearson stated that Belton will be better with the ordinance than without it, and he believes that the City will compassionately enforce it. With that said, he made a motion that was seconded by Councilmember Dan Kirkley to adopt the ordinance. Upon a vote of 6-1, the following captioned ordinance was approved. Councilmember O'Banion provided the dissenting vote.

ORDINANCE 2016-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ESTABLISHING CHAPTER 11, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF BELTON DEALING WITH "LICENSES AND BUSINESS REGULATIONS"; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Miscellaneous

- 7. Consider a resolution naming three City of Belton Parks/Facilities, as recommended by the Parks Board:**

- A. The recently constructed fifth baseball field at Heritage Park, to be named Clifton Peters Field;
- B. The proposed nature trail at the intersection of Nolan Creek and the MLK Bridge, to be named Nolan Creek Nature Trail; and
- C. The section of Nolan Creek linking Confederate Park to Yettie Polk Park, to be named The Landing at Nolan Creek.

Director of Parks and Recreation Matt Bates stated that an internal Parks Naming Committee was established to develop recommendations to the Parks Board for the naming of three Parks/Facilities located in Belton. The Parks and Facilities selected for naming are:

- New fifth baseball field, dedicated in 2015, and located in Heritage Park.
- Proposed Nature Trail by MLK Bridge, part of Texas Parks & Wildlife Grant for Creek.
- Nolan Creek and adjacent areas, located behind City Hall and 'The Gin at Nolan Creek' restaurant.

The Committee members developed a number of potential names for each park/facility which were taken to Parks Board on February 1, 2016. At their meeting, the Board developed a recommendation for City Council for two of three Parks/Facilities (Fifth Field at Heritage Park and Nature Trail by MLK Bridge), and tabled the Parkland by Nolan Creek, located behind City Hall and 'The Gin on Nolan Creek' restaurant. A Special Called Parks Board Meeting occurred February 8, 2016, where the tabled Park name was discussed further and ultimately the Board developed a recommendation for City Council.

Mr. Bates stated that Staff has also complied with the Facility Naming Policy requiring internet posting of proposed names a minimum of ten (10) days prior to scheduled Council action. He added that the fiscal impact will be nominal.

The recommended Parks/Facilities names are as follows:

- New Fifth Field in Heritage Park - ***Clifton Peters Field***
 - Parks Board Member from 1998-2000
 - City Council Member 2000-2012 (Mayor Pro Tem: 2003-2005)
 - Chair of C.I.P Committee which designated funds for a fifth field at Heritage Park, in collaboration with the Baseball Association.
 - Identification distinguishes field for players and coaches.
- Nature Trail by MLK Bridge - ***Nolan Creek Nature Trail***
 - Park adjacent to Chisholm Trail Senior Village, a component of the Texas Parks & Wildlife Grant, will include a quarter mile Nature Trail. Trail will include a Kayak drop spot, picnic table, bird observation area, and interpretive signage, and will be built by June 2016. Naming the Trail feature is important in Park identification.

- Nolan Creek and adjacent areas, located behind City Hall and 'The Gin at Nolan Creek' restaurant - ***The Landing at Creekside Park***
 - Park boundary includes the Creek and adjoining areas, 3 water drop features, Limestone outcroppings, and easy access to the water for observation and recreational opportunities. The Park has been used in the past for special events including 'Summerfest', 'Movie in the Park', and 'Family, Fishin' and Fun', and needs identification for event notification.

Mr. Bates recognized Clifton Peters' widow, Charla, in the audience, along with former Councilmember John Agan who recommended the field naming.

Upon a motion by Councilmember Craig Pearson and a second by Councilmember Paul Sanderford, the following captioned resolution was unanimously approved upon a vote of 7-0.

RESOLUTION NO. 2016-12-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, NAMING THREE CITY OF BELTON PARKS/FACILITIES, AND PROVIDING AN OPEN MEETING CLAUSE.

8. **Consider authorizing the City Manager to execute a contract for architectural services for the renovation of the original police building as the final component of the Public Safety Center project.**

Assistant City Manager/Police Chief Gene Ellis said that Staff is seeking Council approval to enter into a contract for architectural services with KAH Architecture to renovate the original Police/Courts building. He explained that this renovation will be the final component of the Public Safety Center building project. He described the proposed renovations that include a separate court entrance and lobby, creating an evidence processing space, and expanding other areas including the dispatch area. Chief Ellis stated that of the three firms who responded to the Request for Qualifications, KAH Architecture was rated as the best qualified. They are currently the subcontractor to the Architectural firm on the current expansion project.

Chief Ellis recommended approval of the contract.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, item 8 was unanimously approved upon a vote of 7-0.

There being no further business, the meeting was adjourned at 6:45 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk