

**BELTON CITY COUNCIL MEETING**  
**March 8, 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 (via videoconference from a remote location), and Councilmembers Craig Pearson, Dan Kirkley, Paul Sanderford and Jerri Gauntt. Councilmember Guy O'Banion was absent. Staff present included Sam Listi, John Messer, Amy Casey, Brandon Bozon, Erin Smith, Bruce Pritchard, Kim Kroll, Chris Brown, Aaron Harris, Angellia Points, Byron Sinclair, Matt Bates, Paul Romer, Ed Bandas, Larry Berg and Cynthia Hernandez.

The Pledge of Allegiance to the U.S. Flag was led by Jacob Peebles of Boy Scout Troop 101, the Pledge of Allegiance to the Texas Flag was led by Public Information Officer Paul Romer, and the Invocation was given by Darren Walker, Pastor of First United Methodist Church.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:32 p.m.

City Manager Sam Listi stated that Mayor Pro Tem David K. Leigh was participating in the meeting from a remote location via videoconference as allowed by Texas Local Government Code §551.127. Mr. Listi asked Mr. Leigh if, in the event of technical difficulties or if he had a need to leave the meeting, would he approve of having the meeting continue without him. Mr. Leigh agreed.

2. **Public Comments.** Deputy Chief Larry Berg invited everyone to the Open House for the Police Department's newly expanded building to be held at 2:00 p.m. – 4:00 p.m. on March 9, 2016.

Councilmember Jerri Gauntt reminded everyone to take the Parks survey. She stated that it is not only about Parks, but it is also about the Comprehensive Plan.

**Consent Agenda**

***Items 3-5 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 Previous Meetings:**

**A. February 18, 2016 Joint City Council/BEDC Meeting**

**B. February 23, 2016 City Council Meeting**

4. **Consider appointment to the Library Board of Directors.** Appointed Lee Casey.

5. **Consider an ordinance declaring unopposed candidates elected to office and canceling the May 7, 2016, General City Election.**

Upon a motion by Councilmember Craig Pearson and a second by Councilmember Dan Kirkley, the Consent Agenda was unanimously approved upon a vote of 6-0 including the following captioned Ordinance.

**ORDINANCE NO. 2016-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2016, GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**ORDENANZA NÚMERO 2016-11**

**UNA ORDENANZA DEL AYUNTAMIENTO DE LA CIUDAD DE BELTON, TEXAS, DECLARANDO QUE CANDIDATOS SIN OPOSICIÓN EN LA ELECCIÓN GENERAL DE LA CIUDAD DEL MAYO 7, 2016, SEAN ELEGIDOS AL CARGO; CANCELANDO LA ELECCIÓN; PROVEYENDO UNA CLAUSURA DE DIVISIBILIDAD; Y PROVEYENDO UNA FECHA DE VIGENCIA.**

**Miscellaneous**

**6. Consider an amendment to the Professional Services Agreement for engineering services with Kasberg, Patrick & Associates.**

City Manager Sam Listi informed the Council that the City has had an engineering services contract with Kasberg, Patrick & Associates since 1991 for general engineering services that are not project specific. He said that the services under this contract consist of analysis of utilities, drainage and street problems, investigations to determine project feasibility, review of subdivision plats and construction plans, and input on streets, drainage, utilities and parks. The contract is for miscellaneous engineering services that are needed from time-to-time.

Mr. Listi stated that these services are billed on an hourly basis and have not changed since 2009. He added that we have spent approximately half of what was budgeted in FY2016. He recommended approval of the amendment to the professional service agreement given the quality services KPA has provided over the years and due to their legacy knowledge of the City of Belton.

Councilmember Pearson expressed his appreciation for the services provided by KPA over the years.

Upon a motion by Councilmember Paul Sanderford and a second by Councilmember Craig Pearson, item 6 was unanimously approved upon a vote of 6-0.

**7. Consider an amended Resolution determining the necessity of transferring real property and authorizing its transfer to the Belton Economic Development Corporation (BEDC) for a public purpose, and authorizing the City Manager to take all steps necessary to accomplish the transfer of portions of the former Rockwool property, located east of the intersection of IH 35 and FM 93.**

Manager Listi reviewed a map of the former Rockwool property that outlined the three tracts of land under discussion. He reminded the Council that in November 2014, the City Council authorized the City's conveyance of 75 acres, out of 91 acres of the former Rockwool property, to BEDC for economic development purposes. Sixteen acres adjacent to the wastewater plant was held out for planned wastewater plant expansion.

He stated that prior to the final conveyance to BEDC, which has not yet happened, some conditions have emerged that suggest the City may need more land for ultimate wastewater plant expansion. He provided a summary of those conditions:

- Belton's shift away from a separate Belton Lampasas River Wastewater Treatment Plant as acknowledged in the City's updated Wastewater Master Plan in 2015.
- Belton's recent plan to rely on a series of IH 35 lift stations and sewer lines directed to the TBWWTP for exclusive near term sewer service. A design contract for this project was approved by Council in February 2016 with Half Associates.
- Continued extensive development in Belton and Temple, which will rely on the TBWWTP for sanitary sewer service.

He also reminded the Council that at the Joint City Council/BEDC meeting on February 18, 2016, he recommended the City retain ownership of the 25 acre tract which had originally been planned for conveyance to BEDC. The Council and BEDC concurred in this recommendation.

Manager Listi stated that the only cost to BEDC will be the closing costs for the two tracts of land to be conveyed. The City has already reimbursed BEDC its \$10,000 cost share for site prep and platting costs for the 25 acre tract.

Mr. Listi stated that with the conveyance of the property, the City will also transfer the Belco lease to BEDC. Belco has leased a portion of Tract A at \$1,300 per month. The lease expires in May 2016 but has an option for extension.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Craig Pearson, the following amended resolution was unanimously approved upon a vote of 6-0.

**RESOLUTION NO. 2016-13-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DETERMINING THE NECESSITY OF TRANSFERRING REAL PROPERTY AND AUTHORIZING ITS TRANSFER TO THE BELTON ECONOMIC DEVELOPMENT CORPORATION FOR A PUBLIC PURPOSE, AND PROVIDING AN OPEN MEETING CLAUSE.**

**Planning and Development**

8. **Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton and McLean Commercial Ltd. regarding Sendero Estates Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190, and amending the Water/Sewer and General Fund budgets.**

Director of Planning Erin Smith explained to the Council that this item was to authorize a development agreement between the City and McLean Commercial, Ltd., concerning the Sendero Estates Subdivision (formerly known as Chisholm Trail West). The preliminary plat for this subdivision was approved by Council on June 24, 2015, and included a proposal to convey 4.29 acres of right-of-way (ROW) for the future Lake-to-Lake Road ROW following a major subdivision redesign at the City's request.

Mrs. Smith explained that a second means of egress is required when there are more than 30 residential lots in a proposed subdivision. The developer initially proposed to provide a second means of egress by extending Pointer Street to the existing Twin Lakes Addition subdivision. During review of the plat, it was determined that a storage building owned by Mary and Genaro Galindo is located within Pointer Road ROW. Mrs. Smith stated that the developer is now proposing to construct a collector street extending northward from Highway 190 to satisfy the requirement for a second means of egress. The developer is proposing to pave the portion of Pointer Road within his subdivision to the Lake-to-Lake Road ROW for a possible connection in the future. To ensure a street connection will be possible in the future, the developer has committed to providing a concrete pad to assist in the relocation of the storage building.

Mrs. Smith stated that in November 2014, the City submitted a request to the Public Utility Commission to transfer the Dog Ridge Water Supply Corporation (DRWSC) Certificate of Convenience and Necessity (CCN) to the City of Belton. The DRWSC Board voted to relinquish the CCN and allow full certification by the City of Belton so that Belton may serve this subdivision with City water. Mrs. Smith added that the developer paid DRWSC \$50,000 for this opportunity for city water service. The development agreement includes funds to be paid by the developer to complete the transfer of the water CCN to the City of Belton.

Mrs. Smith said that Staff is recommending additional funds be allocated to allow for sewer and water line oversizing, from 8-inch to 12-inch lines. This oversizing will accommodate future growth to the north and west of this subdivision. She said that Staff is also proposing to accept Tract A for regional drainage purposes.

She provided the following information that outlines the obligations of the developer and City:

The developer agrees to the following items in relation to this subdivision:

- a. Dedicate Tracts C and D for Lake-to-Lake Road, totaling 4.29 acres as shown on the attached Sendero Estates Subdivision plat. This will satisfy the Developer's obligation for this roadway.
- b. Donate concrete pad for the relocation of the storage building in Pointer Road right-of-way owned by Mary and Genaro Galindo at 1191 Boxer Road (Block 4, Lot 15 of Twin Lakes Addition) onto their lot prior to acceptance of the subdivision by the City.
- c. Fund a portion of the Water CCN transfer costs at \$15,760.
- d. Secure final subdivision plat approval by City.

The City agrees to the following:

- a. Compensate developer \$57,915.50, at time of acceptance of subdivision by City, for dedication of 4.29 acres of Lake-to-Lake Road right-of-way, as shown on the attached Sendero Estates Subdivision plat.
- b. Reimburse developer \$23,182 to oversize from 8-inch to 12-inch sewer line at time of acceptance of improvements by City.
- c. Reimburse developer \$8,868 to oversize from 8-inch to 12-inch water line at time of acceptance of improvements by City.
- d. Pay the balance of the Water CCN transfer costs of \$8,150.
- e. Accept ownership of Tract A for drainage purposes.

Councilmember Jerri Gauntt pointed out that the City is paying to oversize pipes for an area that the City may not serve in the future since it is still within DRWSC's CCN. City Manager Listi responded that the transfer of the Water and Sewer CCN is pending, and we are hopeful that it will be resolved soon. He stated that the City believes it is prudent to oversize at this time since it is believed that the City will be the utility provider in the future. Mrs. Gauntt said she just wanted to point out that we are spending \$31,000 to oversize pipes in an area that we have nothing to do with at this time.

Councilmember Pearson stated that it would be astronomically more expensive to do it in the future, and he felt it was prudent to complete it now.

Councilmember Gauntt clarified that there will be sidewalks in the subdivision. Mrs. Smith reassured her in saying the sidewalks were a plat item, and they will be addressed when the plat is brought forward to Council at their next meeting.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Craig Pearson, the following captioned resolution was unanimously approved upon a vote of 6-0.

**RESOLUTION NO. 2016-11-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BELTON AND MCLEAN COMMERCIAL, LTD., FOR RIGHT-OF-WAY CONVEYANCE, SIDEWALK CONSTRUCTION, DRAINAGE, AND WATER/SEWER LINE OVERSIZING ASSOCIATED WITH THE SENDERO ESTATES SUBDIVISION PLAT LOCATED ON THE WEST SIDE OF WHEAT ROAD, EAST OF BOXER ROAD, AND NORTH OF US HIGHWAY 190; PROVIDING FOR DEVELOPER AND CITY OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

9. **Receive a report of Council requested analysis of the following items and provide direction to Staff on possible code changes:**
- A. **tree mitigation standards in the Design Standards;**
  - B. **cul-de-sac length in the Subdivision Ordinance; and**
  - C. **maximum lots served by one means of access in the Fire Code.**

Director of Planning Erin Smith said that at Council's request, City staff reviewed the current standards for tree mitigation, cul-de-sac length and means of access, and completed an analysis of area city requirements. Mrs. Smith explained to the Council that she would like to address each item individually, and then allow for discussion before moving to the next item. She added that this item is strictly for discussion and to receive some policy direction from the Council.

**TREE MITIGATION**

Mrs. Smith stated that removal of a heritage tree requires a 3:1 replacement according to the City's Design Standards. When it is determined by City Staff that replanting trees on site is not feasible, an applicant is required to pay \$50 per diameter inch of heritage tree removed. These funds are used in the City's tree program for the planting, pruning, and irrigation of trees on public property. When the Design Standards were first adopted in 2009, the tree replacement fee for removal of a heritage tree was \$200 per diameter inch. Some Councilmembers suggested at their meeting on February 1, 2016, that perhaps this reduction had gone too far.

Mrs. Smith explained that City staff researched area city requirements including the cities of Copperas Cove, Harker Heights, Killeen, and Temple. These area cities do not have tree mitigation requirements. The City of Temple I-35 corridor overlay district states that trees in the floodplain shall be protected or a contribution of \$100

per caliper-inch fee is recommended; however, there are no other tree replacement requirements.

Mrs. Smith also explained that the 2009 Design Standards required a tree mitigation fee of \$200 per diameter inch, and the current Design Standards adopted in 2014 reduced that tree mitigation fee to \$50 per diameter inch. She said that it is Staff's judgment that changing the fee to \$100 per diameter inch may represent a more appropriate compromise between the mitigation fee in 2009 and the current Design Standards. She added that this fee could help staff encourage mitigation of heritage trees, as opposed to paying tree mitigation fees when feasible, and when not possible, it will generate funds for tree replacement.

In addition to changes to the tree mitigation fee, she recommended changing the 3:1 replacement to a 1:1 replacement to encourage the replacement of trees instead of payment of the fee. She explained that sometimes a developer is unable to replace the number of trees required under a 3:1 replacement due to size constraints of the property.

Councilmember Gauntt asked for a definition of a heritage tree. Mrs. Smith stated that it varies per species of trees. Mrs. Gauntt said that the last heritage tree that had been discussed was an approximately 40-inch diameter live oak. She said she didn't feel the 2009 requirement of \$200 per diameter inch was too much given the age of some of the trees that are removed.

Mayor Pro Tem David K. Leigh said he agreed with a 1:1 ratio and also recommended increasing the fee to encourage tree replacement.

Mayor Marion Grayson said that she had been researching this issue and felt that the City of Flower Mound is similar to Belton. She said they are facing these same types of issues, and she recommended contacting them. She also said that that the City is taking in a lot of money, but isn't really planting many trees, so the money is sitting in the account unused. She suggested that perhaps the City consider planting trees in residential areas that don't have trees if the property owners desire trees. She said that by cutting down trees without replacing them, Belton's canopy is reduced. She said that the City should not delay replacing trees since it takes so long for them to grow. She said, "Gathering up dollars isn't fixing our canopy." Mrs. Smith asked if the Mayor was including commercial property or just residential in the tree program. The Mayor replied, "Residential."

Councilmember Dan Kirkley said he agreed with the 1:1 ratio. He said the City receives funds from developers for trees that were removed on private property, so he thinks it is good to replace trees on private property. Mayor Grayson agreed, and stated that the ordinance now allows tree planting only on public property. Mrs. Smith suggested that the policy be changed to allow the money to be used on either public or private property.

Manager Listi suggested that City staff develop a plan on how the money will be spent. City Attorney John Messer stated that Yettie Polk Park and Confederate Park have lost more trees than have been replaced, and he recommended spending more of the money in those parks where the City has made a large investment.

Mr. Messer also said that the City needs to follow up with developers who are required to replant a certain number of trees because so many of the replacement trees die within the first year. He said that the policy needs to include an enforcement mechanism. Mrs. Smith stated that there was a provision that requires the developer to keep the trees alive a minimum of two years. Mr. Messer stated that requirement was not being enforced at this time to his knowledge.

Councilmember Jerri Gauntt stated her concern about the possibility of drought causing the trees to die although the developer planted them in good faith.

Mayor Pro Tem Leigh said that the City should make a covenant with property owners whereby the City will provide the tree and plant it, but the property owner must water and keep it alive. However, he admitted that it would be hard to enforce.

Councilmember Gauntt also voiced concern that we are using public money to improve private property if we provide trees to residents. Councilmember Dan Kirkley pointed out that we do the same thing with façade improvement grants, and he said that the City could come up with something like a tree grant if it was vetted properly.

Mrs. Smith recapped the discussion to include reviewing how Flower Mound's tree mitigation policy works, changing policy language to include planting trees on private or public property, changing the tree mitigation fee to \$100 per diameter inch and the tree mitigation ratio to 1:1.

### **CUL-DE-SAC LENGTH**

Mrs. Smith said that the City's current requirement for cul-de-sac length is 600 feet. She researched other area cities and provided the following information.

**Killeen:** Cul-de-sac streets shall be limited in length to 300 feet and shall provide a turnaround having an outside roadway diameter of at least 80 feet.

**Salado:** Cul-de-sacs can be no more than 600 feet in length.

**Copperas Cove:** Cul-de-sacs can be no more than 600 feet in length. This minimum may be increased by the city engineer where conditions warrant. Dead-end streets cannot exceed 1,000 feet in length.



**Belton:** The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall usually not exceed 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission.

**Harker Heights:** For subdivisions with lots of less than 1 acre, cul-de-sac streets shall not exceed 800 feet in length. For single family subdivisions with lots greater than 1 acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turn-around having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

**Temple:** Can exceed 1,000 feet but intermediate turnarounds are required when it does.

Mrs. Smith recommended changing the maximum cul-de-sac length to 1,000 feet or requiring the construction of an intermediate turnaround when the length of a cul-de-sac is greater than 1,000 feet, similar to the City of Temple requirements. She also recommended amending the City's Design Manual to include design criteria for cul-de-sacs.

Councilmember Kirkley stated that he did not understand the different lengths and why one would be better than another. He requested input from the Fire Chief about what was best for turning around fire trucks, etc.

Mr. Steve Sheppard of McLean Construction provided some history on the changes to cul-de-sac length in Killeen. He said it was due to school busses.

Councilmember Kirkley asked if exceptions were bad. Manager Listi responded that because there have been a large number of them recently, it shows that something is not quite right – either we are being too lenient and approving too many, or it makes you wonder if the standard is right. In Belton we also have topography issues that perhaps other cities do not have. Mr. Kirkley asked Mr. Listi if he felt the 1,000 foot length was better. Mr. Listi responded that it would depend on the density of the lots.

City Attorney Messer said the Council definitely needs to factor in density of the lots. Councilmember Paul Sanderford also agreed that density needs to be considered.

Councilmember Gauntt suggested that we contact the Killeen ISD transportation division and ask them for their opinion. Councilmember Pearson said he felt the width seemed small for turning busses and fire trucks. Mr. Messer said that assumes there is no street parking. Mr. Pearson said he wants Staff to factor in the turning radii of the fire trucks and busses. A discussion of street widths ensued.

Mayor Grayson asked to be given names of some existing streets that are 600 feet so that she can visualize the length. She also asked for some that are 1000 feet in length as well to do a comparison.

Mrs. Smith recapped the discussion to include contacting the ISDs for their input, allowing parking on one side of the street, and providing examples of existing cul-de-sac lengths in Belton with pavement widths. She also stated that she would look at density as a part of the policy.

**Fire Code Means of Egress Requirements:**

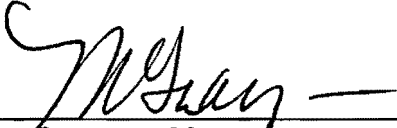
Mrs. Smith stated that the City requires a second means of egress when subdivisions contain more than 30 lots. The cities of Harker Heights, Copperas Cove and Killeen have the same requirement. The cities of Salado and Temple require a second means of access when there are 50 or more lots.

Mrs. Smith recommended allowing a variance to the maximum lot requirement of 30, when considered reasonable based on a future plat phase, with the developer providing an alternate emergency access to the satisfaction of the Fire Marshal.

She said that at this time, Staff is not recommending an amendment to the City's requirements. Councilmember Pearson stated that a lot of the research to be done on cul-de-sac length would provide information for this as well.

There was no action taken by the Council on this item.

There being no further business, the meeting was adjourned at 6:25 p.m.

  
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Marion Grayson, Mayor

ATTEST:

  
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Amy M. Casey, City Clerk