

Belton City Council Meeting
April 26, 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 and Councilmembers Dan Kirkley, Jerri Gauntt and Guy O'Banion. Mayor Pro Tem David K. Leigh and Councilmembers Craig Pearson and Paul Sanderford were absent. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Bruce Pritchard, Chris Brown, Aaron Harris, Angellia Points, Matt Bates, Paul Romer, Ed Bandas, Byron Sinclair, Charlotte Walker and Cynthia Hernandez.

The Pledge of Allegiance to the U.S. Flag was led by Mayor Marion Grayson, the Pledge of Allegiance to the Texas Flag was led by Public Information Officer Paul Romer, and the Invocation was given by Councilmember Dan Kirkley.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:34 p.m.

City Manager Sam Listi announced that Mayor Pro Tem David K. Leigh was supposed to participate in the meeting from a remote location via videoconference as allowed by Texas Local Government Code §551.127. However, the facility where Mr. Leigh was staying did not have the bandwidth available to allow his participation.

Additionally, Mr. Listi stated that item 12 would be rescheduled to the May 10, 2016, Council meeting.

2. **Public Comments.**

George Barrett, 1211 Remuda Court, recommended that Council consider requiring sidewalks in all new subdivisions. Additionally, in areas that have already been developed and do not contain sidewalks, he requested that the speed limit be reduced to 20 mph.

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. **April 12, 2016, City Council Workshop**
- B. **April 12, 2016, City Council Meeting**

4. **Consider reappointments to the Board of Directors of the Texas Dormitory Finance Authority.** The entire Board was reappointed.

5. **Consider an amendment in revenues for the Tax Increment Reinvestment Zone operating budget.**

Upon a motion by Councilmember Guy O'Banion and a second by Councilmember Dan Kirkley, the Consent Agenda items were unanimously approved upon a vote of 4-0.

Miscellaneous

6. **Consider authorizing the City Manager to execute an amendment to the lease agreement with Belton Christian Youth Center, an affiliate of Boys and Girls Club of Central Texas, for the Orenda/Nolan Creek Charter School.**

City Manager Sam Listi explained that the City has a lease agreement with BCYC that lasts until 2048 for a portion of Confederate Park for a youth center. BCYC became an affiliate of Boys and Girls Club of Central Texas in 2015, and there was discussion at that time of the desire to start a Charter School within the BCYC facility. Mr. Listi said that the City requested a traffic impact analysis to evaluate the impact of the school on park operations as it relates to traffic flow, circulation and parking.

He explained that this would be a K-6 school that would serve a maximum of 279 students. The school would operate 7:15-2:45 Monday through Friday, and the charter would be with Orenda Education.

Mr. Listi reviewed elements of the Traffic Impact Analysis with the Council. He said that Staff is satisfied with the information provided and believes that the school can operate without interfering with the park's operations.

Richard Rickey, Founder and CEO of Orenda Education, introduced himself to the Council.

Councilmember Jerri Gauntt said that she was concerned that this school would be operating in a public park that would allow the public to walk through their playground area. She asked Mr. Rickey if Orenda would be requesting a fence around the property in order to protect the children on the playground. Mr. Rickey stated that they would not be requesting a fence. Manager Listi stated that discussion about fencing had taken place during the preliminary meetings with the charter school. He added that if a fence was requested in the future, the fencing plan would have to be presented to Council for approval.

Councilmember Gauntt additionally expressed concern that we are limiting the public's use of the park. She said she was not sure that this was the best use of public lands.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Guy O'Banion, item 6 was approved upon a vote of 3-1, with Councilmember Gauntt voting nay.

7. **Consider authorizing a one-year extension to the Wire Ropes Development Agreement.**

Belton Economic Development Corporation Executive Director, Cynthia Hernandez, explained that Wire Ropes signed a development agreement with the City in 2014. One of the requirements of the agreement states that in order for Wire Ropes to be conveyed the land adjacent to their facility, they have to provide a site plan within two years. The two years expires in April 2016. Wire Ropes is currently undergoing an ownership change at this time, so they are asking for a one-year extension to this requirement to April 2017.

Mrs. Hernandez stated that the BEDC Board of Directors approved the extension at their meeting on April 11, 2016.

Upon a motion by Councilmember Kirkley and a second by Councilmember O'Banion, item 7 was unanimously approved upon a vote of 4-0.

8. **Consider authorizing the purchase of software and equipment, through the Texas Department of Information Resources, to move the City of Belton to a virtual server environment at a cost of \$105,466.**

Director of Information Technology Chris Brown explained that the City currently runs on ten physical servers, and four of those have reached their end of life. The City's email server ran out of disk space last week. One of the servers at the Police Department is running out of capacity and no additional drives can be added.

Mr. Brown said that this virtualization will allow us to change from ten physical servers to three virtual servers which will take us out approximately five years in both storage and enhanced performance. This environment also gives us better fail-over protection, and lowers cost of ownership.

Upon a motion by Councilmember O'Banion and a second by Councilmember Kirkley, item 8 was unanimously approved upon a vote of 4-0.

9. **Consider authorizing the following Façade Improvement Grants and approving an amendment to the TIRZ Operating budget.**

A. Cedon Realty - 209 East Central Avenue

B. Camden Enterprises - 112 North Main Street

C. Cochran, Blair and Potts - 221 East Central Avenue

Director of Planning Erin Smith said that a \$10,000 Façade Improvement Grant (FIG) had previously been approved this fiscal year, and the City has received requests for three more at this time with a fourth from Miller's BBQ in the pipeline.

Item 9A: Mrs. Smith explained that the first request was for \$10,000 and was submitted by Don Ringler to complete exterior repairs and renovations on the primary exterior façades of the building located at 209 East Central Avenue, the former Trends and Treasures building. Mrs. Smith said that notices were sent to property owners within two hundred feet, and three were returned in favor. While this is not a requirement, it was a request from the Historic Preservation Commission.

She explained that the applicant will be using the first floor as office space, and the second story has been approved for a residence as it meets all current Fire Code requirements. Their proposal includes replacing the primary façade facing East Central Avenue. They would like to install new limestone blocks where the blocks currently exist on the building. A large amount of the window trim is rotted and will need to be replaced. The applicant is also proposing to paint the trim around the windows and to install four small wall mount light fixtures next to the windows and doors for exterior lighting.

Mrs. Smith stated that City staff had spoken with the applicant and encouraged removal of the fabric awnings and installing either a horizontal metal awning or balcony. The balcony would create additional outdoor space for the residents on the second floor and provide cover for the public traveling on the sidewalk. Staff recommended that the window opening remain the same and if the applicant would like to install a door, recommend the door be placed in the existing opening. The existing window is raised two feet from the interior floor and the proposed floor of the balcony. The applicant would like to cut out the bottom two feet of the opening for a doorway to prevent the need to step up two feet when entering and exiting the balcony. The opening will remain the same width and height, so the bottom of the window would be the only area modified. Mrs. Smith concurred with the Historic Preservation Commission and recommended approval of this FIG request.

Item 9B: Mrs. Smith explained that the second request was from Leo Camden for \$20,000 to complete exterior repairs and renovations on the eastern, southern and western exterior façades of the building located at 209 East Central Avenue.

The proposal involves items such as:

- Remove paint from brick facing North Main Street;
- Repair bulging and broken brick on North Main Street;
- Demolish storefront glass and entry on North Main Street;
- Demolish brick in upstairs windows on North Main Street;
- Install new historically correct wood frame windows and doors;
- Stain doors mahogany and paint frames white;
- Install horizontal metal awning;

- Expose windows on the second floor of the primary facade;
- Install wood frame windows and paint white;
- Clean and repair masonry on the south side;
- Clean masonry on rear (western) side;
- Install wood deck at rear with metal handrail and stairway;
- Install wood framed windows and paint white at rear; and
- Install double doors at rear first floor.

Mrs. Smith said that the applicant is proposing to restore the primary façade facing North Main Street. The windows on the second story have been covered with brick and the applicant would like to remove the brick and install new wood windows in the historic opening. The first story has also changed over time and the applicant would like to renovate this façade to have three wooden double doors with a transom window above each doorway, similar to other historic facades on the block of North Main Street. The applicant is also proposing to stain all doors mahogany and paint the frames around the windows and doors white. Historically this building had a horizontal awning, so the applicant is proposing to install an oil rubbed bronze horizontal metal awning with turn buckles above the transom windows.

Mrs. Smith added that the rear of the building contains an addition to the first story that was constructed several years ago. The applicant is planning to create a residential apartment on the second story and will comply with all minimum standards for fire prevention. To create outdoor space for the resident, the applicant would like to install a wood deck over the first story addition with a metal handrail and stairway leading to the rear alley. Currently, there are two windows on the second story in the rear of the building. To ensure the residents have access to the balcony, the applicant is proposing to create a larger opening and install a door leading to the balcony. The masonry will need to be cleaned on the first story rear side. There is an existing single doorway leading on the first story in the rear of the building. The applicant would like to expand the opening to allow for double doors. Since this is not the primary façade, the larger openings proposed appear to be a reasonable request. There is a short wall on the south side of second story that is in need of repair. The applicant would like to repair and clean that masonry as well.

Mrs. Smith concurred with the Historic Preservation Commission and recommended approval of this FIG request.

Item 9C: Mrs. Smith explained that the last request was from Robert Potts for \$50,000 to complete exterior repairs and renovations on the northern, eastern, and southern exterior façades of the Cochran, Blair and Potts building, located at 221 East Central Avenue.

The proposal involves items such as:

- Replace the exterior fabric awnings with horizontal metal awnings;
- Install stain-grade exterior doors with glass inserts;

- Install new glass to the right and left of the exterior doors;
- Build new glass vent above the doors;
- Install 8 exterior light fixtures;
- Remove and replace two exterior ceiling fans;
- Remove the Red Wing sign;
- Run wiring for existing neon projecting sign;
- Clean and repair all exterior stone and mortar;
- Install new parapet wall to match existing;
- Stain existing yellow brick red and seal;
- Scrape and paint tin ceiling at the front entrance;
- Paint exterior siding, windows, and second floor rear of building;
- Revitalize the existing side entrance covered with wood boards; and
- Install roofing material to rear side of new parapet wall.

Mrs. Smith explained that the applicant is proposing to complete several exterior repairs to the Cochran, Blair and Potts building, the oldest department store in the state of Texas. This request is for \$50,000 due to the large size of this building. Historically, this building was three different buildings with five street facing facades.

The applicant would like to remove all of the fabric awnings from this building and replace them with horizontal metal awnings. Several of the doors need to be renovated or replaced, so the applicant is requesting to install stain-grade exterior doors with glass inserts on all facades and new glass to the right and left of the exterior doors on the primary façade. The applicant would like to install eight exterior hanging light fixtures on the exterior of the building facades and replace the two exterior fans at the entryway along Central Avenue. The front entryway also has a tin ceiling that the applicant is proposing to scrape and paint. There is an existing neon projecting sign on Central Avenue that hasn't worked for several years. The applicant is proposing to run wiring for to the sign so it may operate as it did in the past.

Mrs. Smith said that the existing stone and mortar is in need of repair and could cause the building to fail if it is not addressed, so the applicant would like to clean and repair all exterior stone and mortar to ensure it will stay intact and be safe for the patrons and traveling public. There is an historic storefront along Penelope Street that has been covered for several years with wood sheets. The applicant is proposing to restore this storefront to the historic appearance with stained double doors, storefront windows, transom windows, and stained wood trim. There are also existing Mesker and Brothers cast iron beams that the applicant would like to restore to the historic appearance. The applicant would also like to install a new parapet wall to match the existing parapet wall on the building.

Mrs. Smith concurred with the Historic Preservation Commission and recommended approval of this FIG request for \$50,000.

She said that this is the first year that we have reached our budgeted amount of \$50,000, and now requests have exceeded the budgeted amount by \$60,000. On

April 14, 2016, the TIRZ Board met and authorized an additional \$60,000 to be used in the FIG program. Mayor Grayson said that she thought the redevelopment downtown was exciting, and the purpose of the FIG program was to assist in that redevelopment.

Councilmember Gauntt asked Director of Finance Brandon Bozon if the money for these grants is coming only from the TIRZ Fund which is restricted for use in this area, and also asked what projects might not have funding if Council was to approve these grant requests. Mr. Bozon stated that the additional funding is available in the TIRZ Fund due to an increase in revenues over what was budgeted referencing Item 5 on today's Council agenda. He added that while there are other projects that these funds could be used for, no funds will be taken away from other projects in order to award these Façade Improvement Grants.

Councilmember Kirkley said that he is also excited about these projects. Upon a motion by Councilmember Kirkley and a second by Councilmember O'Banion, item 9 was unanimously approved by a vote of 4-0.

10. Hold a public hearing and consider a zoning change from Agricultural to Planned Development Commercial-1 Zoning District for a recreational vehicle park on a 20 acre tract of land, located on the east side of South Interstate Highway 35, south of Grove Road.

Director of Planning Erin Smith explained that this 20 acre property is currently vacant, and the applicant is proposing this zone change to allow for a recreational vehicle (RV) park on 15 acres of this property and future commercial development on the remaining 5 acres of this property that fronts Interstate Highway 35. The Future Land Use Plan identifies this area as high density residential/mixed use. Currently, this property is zoned Agricultural and a zoning change to Planned Development Commercial-1 is proposed to allow a recreational vehicle (RV) park called Hilltop RV Park.

Mrs. Smith said that the Planned Development C-1 proposal will allow for the proposed Hilltop RV Park. It is Staff's judgment that a Commercial-1 Zoning District is an appropriate base zoning for this use and this location. According to the Zoning Ordinance, all required parking shall be provided on paved concrete, asphalt, or other similar impervious surface (brick). The applicant is proposing to pave the proposed 20 feet wide internal private roads with concrete. The entrance to the RV park from Interstate Highway 35 service road will be 35 feet wide and constructed with concrete.

Mrs. Smith added that the RV park is proposed to contain a total of 240 RV sites that will all be constructed with concrete. The applicant is proposing to construct a mixture of 45 feet long and 110 feet long RV sites with sufficient space for RV parking, vehicle parking, landscaping, and outdoor space for the guests. Also proposed is a 1,800 square foot office and laundry area close to the entrance of the RV Park. There will be 10 parking spaces constructed adjacent to this building.

There are a total of 20 cottages proposed on the southwestern portion of the property with 40 concrete parking spaces available for the guests. There will be two buildings with showers constructed for RV park guests with adequate parking provided adjacent to each building. The applicant is also proposing to provide an outdoor play area and a dog park for the RV park guests. There are several existing trees on this property that the applicant would like to retain to provide shade for the RV park guests. The existing trees will be evaluated in relation to proposed construction plans to determine mitigation requirements for trees removed.

There is a 14" Central Texas WSC waterline extending east-west through the middle of the property within an existing easement. Applicant has contacted Central Texas WSC regarding this development, and they stated that the RV sites and roadways may be constructed over the easement, but no buildings may be constructed over the line. The applicant has designed the site to ensure no buildings will be constructed within the easement.

Mrs. Smith said that this requested zone change appears to be reasonable in this location. She added that the Planning and Zoning Commission unanimously recommended approval but had questions about the length of stay and open space requirements. According to the Code of Ordinances, continuous occupancy shall not extend beyond 90 days in a 12-month period. This section in the Code of Ordinances also states that a minimum of 8% of the RV park gross site area shall be open space or common areas for open or enclosed recreational facilities. This proposed RV park is 15 acres; therefore, a minimum of 1.2 acres is required. The RV park shall comply with Chapter 19, Recreational Vehicle Parks, of the Code of Ordinances in all respects with the exception of length of RV. Mrs. Smith said that most Class A RVs are 45 feet in length, so we are recommending an exception to allow for that length. She said that the Code of Ordinance needed to be reviewed to allow for the longer RVs.

Mayor Grayson stated that the property is adjacent to UPS, and she asked what the original land use plan was for this property. Mrs. Smith responded that the future land use was listed as high density residential mixed use. She added that a UPS representative attended the P&Z Commission meeting, and expressed concern that their 24 hour operation might cause issues for the RV Park guests due to noise. Mrs. Smith also added that UPS had recently built a large parking lot adjacent to the property that had not been known of or approved by the City. She stated that Staff would be investigating the situation to address permit requirements.

Councilmember Kirkley asked about the five acre portion in the front of the property. Mrs. Smith said that the applicant is retaining that portion of the property for future commercial use.

The Mayor opened the public hearing on this item. Bill Holmes, 505 Red River, said that he was neither for nor against the RV Park. He wanted to provide some observations about RV Parks where he and his wife have had the opportunity to stay. Good RV parks include swimming pools, showers, etc. He is concerned that

travel trailers and FEMA trailers will be moving into this RV park, and that there will be no enforcement available to move them out. He added that the City receives no income from these trailer residents.

The applicant, Nilay Limbachiya, said that he has a friend who has a nice RV park, and he has been providing assistance in designing this RV park. He discussed various aspects of the proposed park and said that he was going to leave as many trees in the park as possible.

Seeing no one else wishing to speak for or against the item, the Mayor closed the public hearing.

The Mayor reminded the Council that the item for approval was only the zoning change. She asked Mrs. Smith to read the list of types of businesses that would be allowed under the proposed zoning. The Mayor asked if RV Parks paid hotel motel taxes. Mr. Bozon said that rental of the cottages would most likely be taxed, but rental of the RV spaces would not.

Councilmember O'Banion made a motion for approval, and Councilmember Kirkley seconded the motion. Councilmember Kirkley asked Staff to ensure that the ordinance is enforceable as to length of stay. Manager Listi said that the ordinance is enforceable although it has not been an issue in the past. Councilmember Gauntt said that the RV Park was needed and was an appropriate use for this property. The following captioned ordinance was unanimously approved upon a vote of 4-0.

ORDINANCE NO. 2016-16

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO PLANNED DEVELOPMENT COMMERCIAL-1 ZONING DISTRICT ON A 20 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

11. Consider a final plat for Hubbard Branch, Phase I, a 45.656 acre tract of land, located along the north side of FM 436/Holland Road, ease of Loop 121.

Director of Planning Erin Smith explained that Hubbard Branch, Phase I, is in the City's ETJ and contains 177 lots with separate entrances into the subdivision from Leon Overlook Trail and OT Tyler Drive. The applicant is proposing to install a 5' wide sidewalk along one side of all collector streets and the portion of Settlers Oak Drive, from OT Tyler Drive to Leon Overlook Drive in which a majority of this roadway will be constructed in Phase II. The BISD school site is located in the center of the entire subdivision between Land Grant Lane and OT Tyler Drive. The proposed sidewalks will create a walkable neighborhood for the BISD students and the residents within this subdivision, and comply with Resolution 2015-25, approved September 8, 2015, for subdivisions that were in the planning process at the adoption of the sidewalk standards.

This subdivision will be served by City of Belton water and sewer. To serve this subdivision with sewer, the applicant is proposing to construct two lift stations and a force main extending from the subdivision directly to the Temple Belton Wastewater Treatment Plant (TBWWTP) located on FM 93. The lift station proposed to be constructed to serve Phase I will be located on a 0.064 acre tract of land adjacent to the off-site easement. Quintero Engineering is proposing a 12 feet wide concrete roadway in a 35 feet wide easement extending from Settlers Oak Drive to the northern preliminary plat boundary and a 12 feet wide asphalt roadway in a 45 feet wide easement extending from the northern preliminary plat boundary to the TBWWTP. This easement will contain the proposed force main with adequate space for the Public Works Department to access and complete maintenance on the proposed lift stations.

According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland to pay the fee-in-lieu of parkland dedication. The developer is proposing to pay a fee-in-lieu of parkland dedication. There are a total of 177 lots in Phase I; therefore, a parkland fee of \$35,400 is required prior to construction plan approval. The developer is proposing to construct an 8' wide concrete trail within a 60' wide HOA private parkland area that will extend the length of the subdivision along FM 436/Holland Road. The Thoroughfare Plan classifies FM 436/Holland Road as a major arterial roadway. According to the Design Standards, fencing along arterial roadways must be constructed with masonry columns every 50 feet with wood fencing and a capped topped rail. The fencing along FM 436/Holland Road must comply with the Site Development Standards for fencing, walls, and screening in the Design Standards.

Mrs. Smith said that Staff has reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer. She added that the Planning and Zoning Commission recommended approval, and Staff concurs.

Councilmember O'Banion asked if the \$35,400 fee covered the entire subdivision or just this phase. Mrs. Smith responded that it is just for this phase. He asked if there will be parkland in the future phases. Mrs. Smith said that the City can put the parkland fee in escrow for ten years, and with the potential school site, there is a possibility for partnering with BISD on a nicer playground/park on school property. Mr. O'Banion said the proposed Phase 1 contains a lot of houses at a high density to not have parkland. Mayor Grayson asked if it wouldn't be better to have the parkland dedication now instead of the fee because by the time a decision is made on the school property, many of the houses will already be built. Mrs. Smith stated that the parkland fee is optional to the developer to provide either the land or the fee unless the park land requirement is greater than two acres. At two acres, the Council may choose with to except the fee or require the parkland dedication.

Councilmember Kirkley asked to see where the school site was on the plat. He recommended partnering with the school on the park/playground.

City Attorney John Messer suggested that since this issue comes up frequently, Council should consider changing the ordinance to allow for Council to control whether the developer dedicates parkland or pays the fee in lieu of. Councilmember O'Banion suggested that when the next phases come forward, parkland needs to be identified. Mrs. Smith said that Staff attempted to identify land for parkland within the proposed phase, however, none seemed acceptable.

Mr. Messer reminded the Council that we have no control over the school site, and there is no guarantee that a school will actually be built there. Mr. Listi said that once Phase 2 comes up for review, we may know more about whether the school will be built.

Councilmember Gauntt expressed concern about the layout of the streets within the subdivision. She believes that the straight, wide streets will encourage speeding. She also said that the cost of getting utilities to the site did not seem like a good use of City funds.

Mr. Listi said that he believes that P&Z and Council have flexibility related to the park if they are not comfortable with what is being presented. Councilmember O'Banion pointed out that the total subdivision would fall into the over two acre requirement, but only Phase 1 is being considered at this time.

The applicant's engineer, Pedro Quintero, explained the developer has faced many challenges to get to this point. He said that they are investing quite a bit of money to provide utilities within the subdivision. He said that they have spent many hours with BISD on the potential school site. The developer is making the site feasible for use by the school district by providing utilities to it and providing the proper streets with sidewalks. The developer considered bulb-outs and curved roads, but determined that the network of roads that was proposed was best for the circulation needed for the school site. The developer does intend put a linear park with a hike and bike trail at the front of the subdivision along FM 436, and agrees that there is a possibility to work with the school for a park.

Councilmember Kirkley said he agreed with the other Councilmembers on the parkland. Councilmember O'Banion said that the two acre trigger made him more comfortable in approving the final plat for this phase. Councilmember Gauntt asked Mrs. Smith if the proposed linear park was included as parkland. Mrs. Smith said that it was not included because it did not meet parkland requirements. It will be maintained by the HOA.

Upon a motion by Councilmember O'Banion and a second by Councilmember Kirkley, item 11 was approved upon a vote of 3-1. Councilmember Gauntt provided the dissenting vote.

12. Hold a public hearing and consider a final plat for Highland Estates, Phase III, a 15.229 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II.

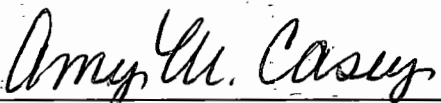
This item was moved to the May 10, 2016, City Council meeting.

There being no further business, the Mayor adjourned the meeting at 6:55 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk