

Belton City Council Meeting
May 24, 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, Jerri Gauntt and Paul Sanderford. Councilmember Guy O'Banion was 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, Kim Kroll and Paul Romer.

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 Director of Library Services Kim Kroll, and the Invocation was given by Rebecca Fox Nuelle, Pastor of First Presbyterian Church.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:34 p.m.
2. **Public Comments.** There were none.
3. **Proclamations and Recognitions:**

Present \$2,000 Scholarship from Waste Management, Inc. to Taryn Cook.

Grants and Special Projects Coordinator Aaron Harris congratulated Miss Cook on her accomplishments and presented her with a \$2,000 check from Waste Management, Inc.

Consent Agenda

Items 4-10 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.

4. **Minutes of previous meetings:**
 - A. **May 10, 2016, City Council Workshop**
 - B. **May 10, 2016, City Council Meeting**
5. **Consider appointments/reappointments to the following boards and commissions:**
 - A. **Ethics Commission** - all members were reappointed
 - B. **Planning and Zoning Commission** – reappointed Rae Schmuck, Brett Baggerly, Ben Pamplin, Eloise Lundgren and Joel Berryman.

6. Consider designating signatories for safe deposit box at the City's depository bank.
7. Consider a resolution authorizing the City's participation in Texas CLASS, an AAAM rated local government investment pool, as authorized by Section 2256.016 of the Public Funds Investment Act, Texas Government Code, and the City of Belton's Investment Policy.
8. Consider a resolution authorizing the City's Participation in the TexPool Prime, an AAAM rated local government investment pool, as authorized by Section 2256.016 of the Public Funds Investment Act, Texas Government Code, and the City of Belton's Investment Policy.
9. Consider a resolution authorizing continued participation with the Steering Committee of Cities served by Oncor and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
10. Consider a resolution approving a change in the rates of Atmos Energy Corporation, Mid-Tex Division, as a result of settlement between Atmos and the Atmos Texas Municipalities under the rate review mechanism and finding the rates set by the attached tariffs are just and reasonable.

Mayor Pro Tem David K. Leigh thanked Director of Finance, Brandon Bozon, for researching additional investment pools in which to invest the City's funds as interest rates have improved.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Craig Pearson, the Consent Agenda items were unanimously approved upon a vote of 6-0.

Planning and Zoning

Councilmember Pearson abstained from this item and left the room.

11. Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 Zoning District with a Specific Use Permit for mini-storage warehouses at 4980 West Highway 190 Service Road, an 8.073 acre tract of land, located on the north side of U.S. Highway 190, east of George Wilson Road and west of Wheat Road.

Director of Planning Erin Smith stated that this 8.073 acre property is currently zoned Agricultural, and a zoning change to Commercial-1 with a Specific Use Permit is proposed to allow for mini-storage warehouses.

Mrs. Smith said that the applicant is proposing to remodel an existing house and construct a 1,250 square feet addition for a total of 2,450 square feet of space for

the mini-storage office. The existing structure is masonry, and the addition will be a combination of masonry and stucco in compliance with the City's Design Standards.

The applicant is proposing to provide five parking spaces by the office and will comply with the parking requirements for mini-storage warehouses in all respects. Mrs. Smith stated that the internal private driveways will be asphalt, and the entrance to the mini-storage warehouses from the US Highway 190 service road will be 26 feet wide and paved with asphalt. She added that TXDOT must approve the proposed driveway location prior to construction of the office addition and mini-storage warehouses.

Mrs. Smith explained that the applicant is proposing 664 storage units in a variety of sizes which will be constructed in phases. The applicant is proposing to construct a 6 feet tall wrought iron fence with masonry columns spaced every 50 linear feet between the mini-storage units and office building, and along the eastern and western property line in the front of the property. She added that the applicant is proposing to screen the mini-storage area with a 6-foot tall wooden privacy fence along the western and eastern sides of this property.

The first row of mini-storage units, which is the only area visible from US Highway 190, will have stone on the façade facing US Highway 190. The remaining three sides of the exterior on the first row of mini-storage units and all exterior sides on all other units will be baked-on metal. Mrs. Smith said that the applicant is also proposing to retain all of the existing trees on the front of this property by the office building and will install new landscaping along the 6-foot tall wrought iron fence, between the office and the mini-storage units and around the office and parking area. She added that the western portion of the front of this property is reserved for future commercial development.

Mrs. Smith said that the Planning and Zoning Commission met on May 17, 2016, and unanimously recommended approval of this zone change with conditions, and Staff concurs with the recommendation.

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

Mayor Pro Tem Leigh asked if there would be a need for any new water meters. Mrs. Smith said that they may want one for irrigation, but that has not been requested at this time.

Upon a motion by Councilmember Dan Kirkley and a second by Mayor Pro Tem Leigh, item 11 was approved upon a vote of 5 ayes, 0 nays and 1 abstention.

Councilmember Pearson returned to the meeting.

12. Hold a public hearing and consider a zoning change from Single Family-1 to Retail Zoning District at 105 Lake Road, a 1.263 acre tract of land, located on the south side of Lake Road, west of Main Street and east of Commerce Street.

Director of Planning Erin Smith stated that the applicant has submitted this zone change to allow for retail development in conjunction with the Future Land Use Plan that identifies this area as Retail/Neighborhood Service. According to the Zoning Ordinance, a retail store or personal service establishment shall provide one parking space per 200 square feet of gross floor area. Site development considerations will include parking to meet the retail use and cross access connections with the adjoining properties – McGuire Tire and Bush's Chicken.

Mrs. Smith stated that, after careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location. She added that the Planning and Zoning Commission met on May 17, 2016, and unanimously recommended approval of this zone change with conditions. Staff concurs with the recommendation.

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

Mayor Pro Tem Leigh asked if the property will include a drive or will it be accessed from the adjoining properties' driveways. Mrs. Smith stated that TXDOT has reviewed the property, and because a driveway already exists, the property owner will not be required to remove it. Mr. Leigh asked if there was a possibility to make a wider driveway that tied in with one of the adjoining properties' driveways. The property owner, Brad Dusek, stated that he had met with TXDOT on the site, and he was told that TXDOT wanted the driveway to be in the middle of the property along Lake Road. He said that its location will also depend on the development of the property.

Upon a motion by Councilmember Jerri Gauntt and a second by Councilmember Pearson, item 12 was approved upon a vote of 6-0.

13. Consider a final plat for River Place Estates, Phase IX, Section 2, a 6.195 acre tract of land, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street.

Director of Planning Erin Smith explained that this single family subdivision, contains 23 lots, and is proposed as River Place Estates, Phase IX, Section 2. The preliminary plat for River Place Estates, Phase IX, containing 53 lots, was approved by Council on April 28, 2015, and the final plat for Phase I was approved on August 25, 2016. This final plat submittal for Section 2 complies with the Subdivision Ordinance final plat submittal requirements in all respects.

Mrs. Smith said that Trinity Drive will function as a minor collector and will contain a 5-foot sidewalk along the east side with a 10-foot public utility easement directly

adjacent to the property line. She reminded Council that on August 25, 2015, an amendment to the Sidewalk Standards was approved that required sidewalks along both sides of collector streets. When the policy was changed, Council also approved a resolution listing subdivisions and associated collector streets, where plats had already been submitted, that would be exempt from this new sidewalk requirement. Trinity Drive was included; therefore, only one sidewalk side is required.

Mrs. Smith stated that a second means of egress is required when there are more than 30 residential lots in a proposed subdivision. There are 30 lots in Section 1 and 23 lots proposed in Section 2. In August 2015, Council approved the final plat for Section 1 with the condition that a second means of egress must be constructed in Section 2. She explained that the applicant is proposing to create a 15-foot wide fire access easement extending from River Fair Boulevard to Barton Creek Road. The Fire Marshal has reviewed this proposal and finds it acceptable for emergency access. Mrs. Smith added that any future phases will be required to provide a permanent second means of access for this subdivision.

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. Mrs. Smith said that, during the preliminary plat review, the developer proposed to pay a fee-in-lieu of \$6,000 for the 30 lots in Section 1. The developer is now proposing to pay an additional \$4,600 for the 23 lots in Section 2, for a total of \$10,600. She added that when the next phase of River Place Estates is proposed, Staff will work with the developer to find a suitable neighborhood park location, and the \$10,600 in funds can be utilized for land acquisition for a neighborhood park and/or parkland improvements.

Mrs. Smith said that, at their meeting on May 17, 2016, the Planning and Zoning Commission unanimously recommended approval of this final plat with conditions, and Staff concurs with their recommendation.

Mayor Pro Tem Leigh asked when the City receives the parkland fee from the developer. Mrs. Smith responded that it is required before the construction plans are released.

Upon a motion by Councilmember Paul Sanderford and a second by Councilmember Kirkley, item 13 was approved upon a vote of 6-0.

The Mayor stated that she would read items 14 and 15 together, and they would be presented together as well since they are related.

14. **Consider a preliminary/final plat for Cameron Hills II, a 19.393 acre tract of land, located on the north side of Sparta Road, west of Lake to Lake Road right-of-way and west and south of Dawson Ranch, Phases 5 and 6.**
15. **Consider authorizing the purchase of 3.546 acres of land from Don and Billie Cameron for Lake-to-Lake Road right-of-way.**

City Manager Sam Listi stated that acquisition of the Cameron property represents the last private property parcel needed in the city limits for the future Lake-to-Lake Road project. At Council's direction, management has recommended ROW acquisition for nearly 20 years, through subdivision plats and purchases as needed. He said that in 2015 the alignment was finalized with TXDOT after much discussion.

Mr. Listi added that, with the alignment, a need for a local access road connecting Lake to Lake Road with Sparta Road was identified. An overpass will go over Sparta Road and the railroad tracks, and a spur will be needed to access Lake to Lake Road. This need will be addressed through the acquisition of the Cameron property. He said that the Camerons accepted the City's offer which includes:

- Purchase of the 3.546 acres for \$95,700 based on the appraisal;
- Plat of the Cameron property, since our acquisition is creating a subdivision;
- Extension of a 2-inch water line to provide domestic water service for the two Cameron residences and set two meters on Sparta Road;
- Relocation of an access gate to the new Cameron property line; and
- Installation of a looped water line and fire hydrant utility system improvement connecting to the existing 16-inch line when the connector road between Sparta and Lake-to-Lake Road is built in the future.

The total cost of the acquisition is \$103,239 which includes the land and remaining recording, water line and gate costs. Mr. Listi explained that funds for the purchase will come from the Park Fund, Water/Sewer Fund and General Fund Contingency. He added that the next step will be to acquire the Corp of Engineer's Belton Lakeview Park property at FM 439 and FM 2271, for which discussions are ongoing. Also, additional work with Bell County on ROW acquisition and KTMPO on funding will be needed to move this project forward.

Director of Planning Erin Smith explained that the Cameron Hills II plat is proposed as a 3-lot subdivision, and it includes a ROW dedication for the FM 2271 Spur. FM 2271 Spur will be a local roadway that is needed to provide future access from Sparta Road to Lake to Lake Road, since there will ultimately be a bridge for Lake to Lake Road extending over Sparta Road, BNSF railroad, and Nolan Creek. Mrs. Smith said that the existing driveway leading to the existing two homes will remain within the proposed FM 2271 Spur ROW to provide access to Lots 1 and 2, Block 2, until this roadway is constructed in the future. Since Lot 2, Block 2 does not have property frontage along the proposed FM 2271 Spur ROW, a 30 feet wide access easement will extend from the FM 2271 Spur ROW to this lot.

This subdivision requires parkland dedication of 0.03 acres or \$600 parkland fee for the three lots. Since two of the lots contain existing houses, and the other lot is not proposed for single family construction, Mrs. Smith explained that Staff recommends approval of a variance to the parkland requirements, given there will be no increase in the number of lots.

Cameron Hills II Plat results in:

- Two Cameron lots – Lot 1 (15 acres) and Lot 2, Block 2 (1 acre);
- FM 2271 Spur – Future connector road ROW between Sparta Road and Lake to Lake Road; and
- A 1.6 acre remainder – Lot 1, Block 1 – open space parcel for park use.

Mrs. Smith stated that, at their meeting on May 17, 2016, the Planning and Zoning Commission unanimously recommended approval of this preliminary/final plat with conditions, and Staff concurs with their recommendation.

Councilmember Gauntt asked how residents will access the parkland. Mrs. Smith discussed the Hike and Bike Trail that is being built currently in that area that will eventually run the full length of the Lake to Lake Road. She added that the parkland could also be accessed from Sparta Road.

Mayor Pro Tem Leigh expressed his concern about the possibility for the subdivision to be divided into more lots than shown currently in the future. He felt that the contract had some vagueness related to when the water line would be looped and when the road would be built. He suggested language in the purchase agreement that says as long as the number of lots does not increase, the City would agree to install the looped water line and the road. However, if the property was developed into more than the three lots with the existing two residences, the City would be installing portions of the development that the City typically requires the developer to install. Mr. Leigh said he could not support what he felt was an open-ended commitment.

City Attorney John Messer said that the Council could make whatever changes they desired, and the Camerons could choose to agree or not.

Councilmember Paul Sanderford asked what portion of Lake to Lake Road was described in the letter as “built in the future.” Mrs. Smith and Mr. Listi responded that it is the section shown in pink on the map, which is approximately 1,000 feet.

Mayor Grayson stated that she felt the length of time that park funds would be committed to this parkland property before the road would actually be built giving access to the park was disconcerting. Mr. Listi said that the trail access to the park could be completed sooner. Mrs. Grayson asked if the Council could approve the purchase with a development agreement to be provided later. Mr. Messer said that the Council needed to provide specifics to the City Manager to use in negotiations with the Camerons.

A motion was made by Councilmember Kirkley for approval of the purchase of the Cameron property as written; however, the motion failed for lack of a second.

Mr. Listi said it appeared to him that the Council was not comfortable with item 3a. He said that we need to ensure that our commitment to extend the waterline and build the road only occurs in conjunction with the construction of Lake to Lake Road in the future.

Councilmember Sanderford asked how negotiations for the loop road and water line came into play and wondered what the thinking was behind it. Mr. Listi said that it is a public street improvement for the Lake to Lake Road project. Under current conditions the loop is only necessary for the two lots as they exist right now. It is a public need created by this division that the City is instigating, so it was felt to be the City's obligation.

Mayor Pro Tem Leigh said that he was not against the purchase. He just feels that some items in the purchase agreement need clarification.

Mr. Listi recommended that both items be tabled until the next Council meeting.

Councilmember Kirkley made another motion to table items 14 and 15 to the June 14, 2016, Council meeting which was seconded by Councilmember Pearson. The motion to table items 14 and 15 to the June 14, 2016, Council meeting passed upon a vote of 6-0.

16. Consider award of bid and authorizing the City Manager to execute a construction contract for Sparta Road Pavement Replacement Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.

Director of Internal Services/City Engineer Angellia Points said that in February 2015, the Council authorized KPA Engineers to complete the design of Sparta Road. She explained that the pavement has failed many times in the area between Walmart and Main Street. A geotechnical analysis determined that Sparta Road is not designed for the actual traffic and vehicle loads that it is being subjected to at this time.

Mrs. Points said that the project was broken into phases:

Phase 1 – Sparta Road from Main Street to the west entrance to Walmart.

Phase 2 – Walmart to Loop 121, including the roundabout at the Commerce Drive intersection with Sparta Road.

Four bids were received on May 12, 2016, for the construction of the Phase 1 improvements. The low bidder was Alpha Paving out of Round Rock with a bid of \$400,447.50.

The Engineer's Opinion of Probable Cost to construct the Project was \$636,000 from discussions with asphalt providers and contractors, which is \$235,552.50 higher than the lowest bid. KPA, the City Engineer, and a review team evaluated the bids,

interviewed the low bidder, and determined that Alpha Paving, the low bidder, has the capability and experience to perform to the requirements of the contract. Although Alpha Paving has not worked with the City of Belton in previous projects, their work history, testing results, and business financials show they have a good record of completing quality projects on time and on budget. Contract documents require the contractor to complete the work by July 1, 2016, and allow the work to be performed overnight between 6:00pm and 7:00am.

Councilmember Gauntt asked if there was a way to get rid of the "suicide lane." Mrs. Points said that discussion had taken place about using raised medians, but since there are so many private entrances, it would be difficult and costly.

Upon a motion by Councilmember Pearson and a second by Councilmember Sanderford, item 16 was approved upon a vote of 6-0.

17. Consider a resolution authorizing the submittal of a regional application to the Texas Water Development Board for a Flood Protection Planning Grant for the Nolan Creen Watershed.

Grants and Special Projects Coordinator Aaron Harris explained that this item represents an opportunity for the City of Belton to support a regional grant application to the Texas Water Development Board for a Flood Protection Planning Grant for the Nolan Creek Watershed. This application was initiated by the Central Texas Council of Governments and several area government agencies will participate and provide that grant match.

The TWDB Flood Protection Planning Program is designed to assist communities in evaluating regional solutions to flooding problems. Only regional applications are eligible and require a 50 percent match, which would be shared between the participating communities. Belton's identified cost share is \$12,578, or approximately 4.6% of the required match of \$273,350 for the estimated \$546,700 total project cost. The deadline for submission of the grant application to the Water Development Board is June 17, 2016.

Mr. Harris said that the Plan would study structural and non-structural approaches to reducing flood damage. The structural approaches could include channelization, regional detention, bridges, and culverts. Non-structural approaches could include additional flood early warning monitors, enhanced software for the existing flood early warning system, flood-prone land acquisition, and storm water management standards (ordinances).

Mr. Harris stated that the potential benefits for Belton include:

- Assess potential need for regional detention pond(s) upstream of Belton
- Update the drainage model/map to analyze impact of current and future development

- Identify removal of East Avenue A (Shirt-Tail Bend) low water crossing as a regional project
- Study the need and location of additional monitoring stations and warning sirens
- Enhance software for flood warning and display a more user friendly interactive platform for the public
- Combine potential projects with water quality components to tie into the Watershed Protection Plan that is currently being developed by Texas Institute for Applied Environmental Research (TAIER).

Mr. Harris added that if the grant application is selected and approved by the TWDB, the project would be funded over two fiscal years. He said that Staff will pursue the possibility of providing in-kind services to minimize the identified cost share such as applying components of the City's updated Drainage Master Plan to this study.

He explained that Killeen, Harker Heights, Nolanville, Brazos River Authority and Bell County WCID #6 have expressed support for this regional grant application. Bell County and Fort Hood have not expressed support or remain uncommitted at this time. Councilmember Pearson asked if the region would still be able to apply if Bell County and Fort Hood do not participate. Mr. Harris responded that the application would still be viable.

Upon a motion by Councilmember Pearson and a second by Councilmember Kirkley, item 16 was approved upon a vote of 6-0.

Executive Session

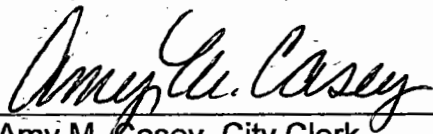
18. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, consultation with attorney.

The Mayor announced that the Executive Session was not needed, and there being no further business, she adjourned the meeting at 6:54 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk