

BELTON CITY COUNCIL WORKSHOP
June 28, 2016 – 4:30 P.M.

The Belton City Council met in workshop session in the Smith Room at the Harris Community Center with the following members present: Mayor Marion Grayson and Councilmembers Craig Pearson, Dan Kirkley, Jerri Gauntt, Paul Sanderford and Guy O'Banion. Mayor Pro Tem David K. Leigh was absent. Staff present included Sam Listi, Gene Ellis, Amy Casey, Brandon Bozon, Chris Brown, Erin Smith, Byron Sinclair, Angellia Points, Aaron Harris and Paul Romer.

1. **Call to order.** Mayor Marion Grayson called the workshop meeting to order at 4:33 p.m.
2. **Discuss Growth Management Framework for the City of Belton.**

Director of Planning Erin Smith presented the proposed Growth Management Framework as shown in Exhibit A. She said that the name had been changed from Annexation Policy to Growth Management Framework because annexation is only a portion of growth management.

Councilmember Paul Sanderford asked Mrs. Smith how she envisioned this tool will be used. Mrs. Smith said she believed that it would benefit affected property owners, and it provides a checklist to Staff to follow when considering possible areas for annexation. Mr. Listi said that the first step will be to provide Council with a proposed study area to evaluate for possible annexation.

Councilmember Craig Pearson asked how the annexation of Three Creeks Subdivision will fit into the plan since it will be well over 100 residential properties in the future when considered for annexation. Mr. Listi said that Staff will need to develop a Three-Year Plan that will include that subdivision for possible annexation, approximately three years in advance.

3. **Receive an update on Ordinance regarding management of construction in public rights-of-way.**

Director of Internal Services/City Engineer Angellia Points discussed possible amendments to the City's ordinance regarding management of construction in public rights-of-way as shown in Exhibit B. She said that initially Staff began developing a new ordinance based on Texas Municipal League's model ordinance. The draft ordinance was sent to 70 interested parties, and Staff received several comments and concerns from those affected. After considering all the concerns, Staff decided that amending the existing ordinance was the best route to follow. Mrs. Points reviewed those possible amendments in depth.

Councilmember Sanderford asked about the policy related to underground utilities. Mrs. Points said underground utilities are encouraged but not required. She stated that there was a court case where it was ruled cities cannot require underground utilities.

City Manager Sam Listi said that the ordinance amendments will be presented to Council for action at a future meeting.

4. **Receive an update on Stormwater Public Education.**

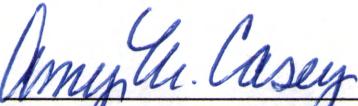
Director of Internal Services/City Engineer Angellia Points informed the Council that the City's Stormwater Permit requires public outreach and education (see Exhibit C). Mrs. Points discussed several handouts, flyers and door hangers addressing each of the required elements that will be part of the City's outreach effort. Council and Staff comments were requested.

5. **Adjourn.** There being no further business, the meeting was adjourned at 5:22 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

Exhibit “A”

Growth Management Framework

City Council Workshop

June 28, 2016

Background

- Texas Municipal League (TML) hosted the 2016 Texas Municipal League Annexation Conference on May 12-13.
- TML recommended each city adopt a growth management framework prior to beginning an annexation study.
- Not a legal requirement, but from a policy perspective it is important to have a clear growth management framework.
- Such a framework will provide background on issues, objectives, and policies that will be considered when addressing major growth and development issues.
- Belton's Strategic Plan identifies Development of a Growth Management Strategy as a Goal for FY2016.

Annexation Authority

- The City of Belton has the authority to annex areas within its extraterritorial jurisdiction (ETJ) that are contiguous to the City limits.
- City Council adopted the Annexation Plan by resolution in 1999 and established all future annexations in the ETJ would comply with allowed exceptions, making Belton exempt from a three year annexation plan.
- Areas located within the Belton ETJ are exempt from the annexation plan requirements because the Plan indicates no future annexation will contain more than 100 residentially developed tracts.

Growth Management Strategies

- **Promote Economic Development**

- Stimulate local and regional economic growth and implement sound capital improvement programming.

- **Facilitate Long Range Planning**

- Manage development on the fringe of the City in accordance with the Comprehensive Plan.

- **Protect Future Development**

- Extend the City's land use standards and building codes to protect future development.

- **Foster Intergovernmental Cooperation**

- Alleviate jurisdictional conflicts with abutting municipal and county governments, and for coordinating service delivery arrangements with emergency response providers.
- Consider boundary adjustments with adjacent municipalities.

Growth Management Policy Statements

- Evaluate areas for Annexation Based on Existing or Planned Level of Development
- Address Service Delivery Needs
- Protect Public Health, Safety, and Welfare
- Facilitate Intergovernmental Regulations
- Evaluate Fiscal Considerations
- Offer the opportunity for Non-Annexation Development Agreements

Recommendation

- The proposed Growth Management Framework will set the stage for Council analysis and decision making to determine if annexation is the right choice for the City and affected property owners.
- Recommend approval of a Resolution establishing a Growth Management Framework consistent with Belton's 2016 Strategic Plan.

**Proposed Amendment to the
Ordinance Regarding
Management of Construction in City
Rights-Of-Way**

Council Workshop

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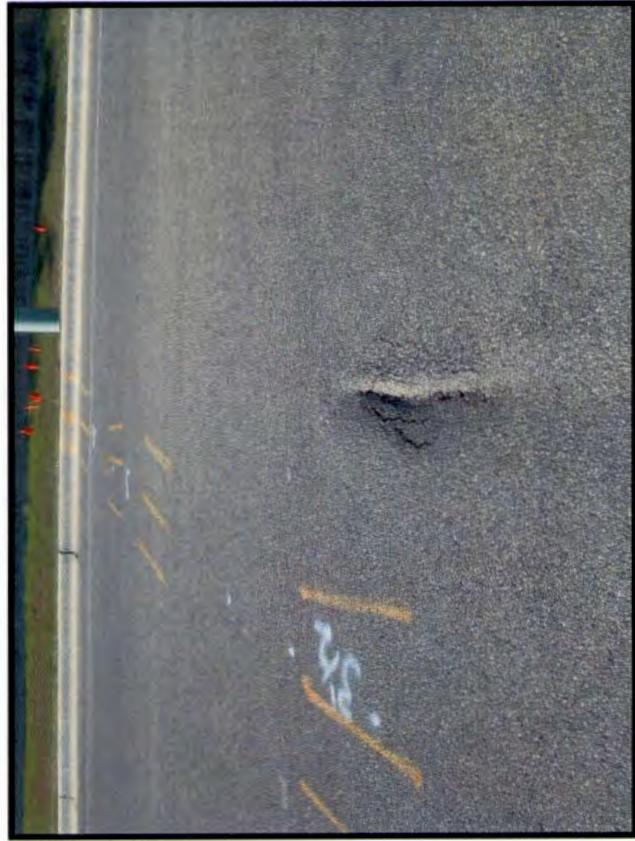
Purpose of the Ordinance

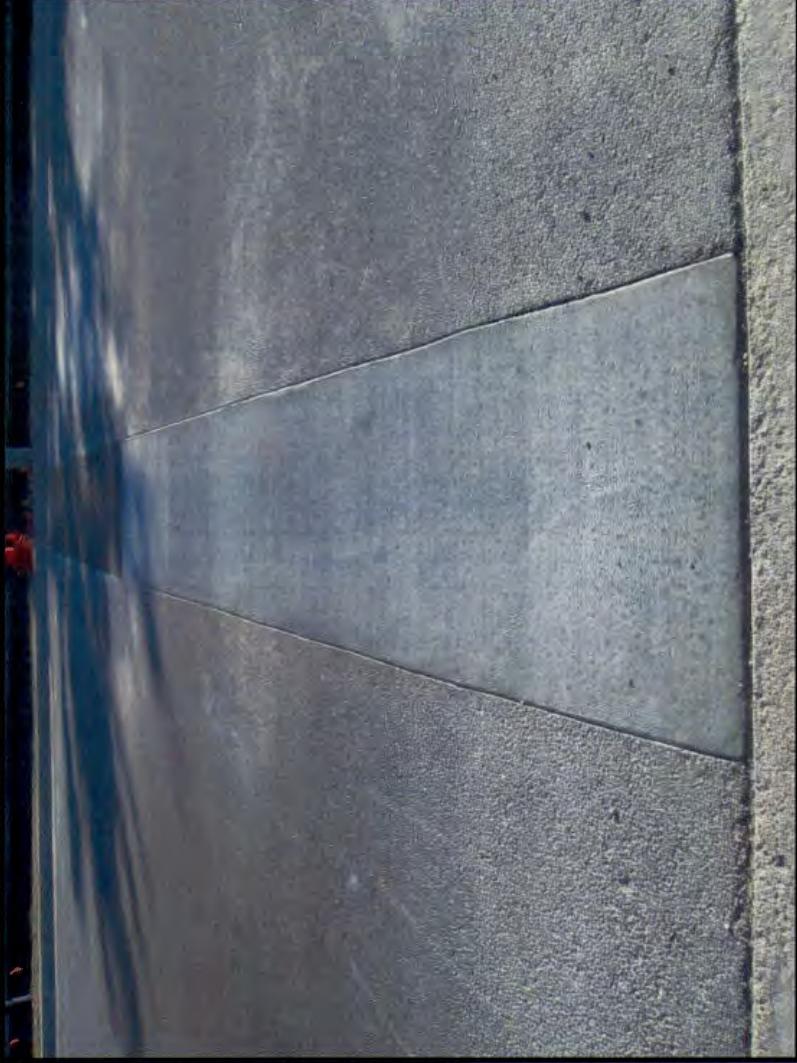
1. Assist in the management of utility facilities placed in, on or over the public rights-of-way to minimize the congestion, inconvenience, deterioration, visual impact, and the public costs from the locations in the public rights-of-way;
2. Govern the use and occupancy of the public rights-of-way;
3. Protect the public health, safety and welfare;
4. Conserve the limited physical capacity of the public rights-of-way held in public trust by the city;
5. Preserve the physical integrity of the streets and highways;
6. Control the orderly flow of vehicles and pedestrians when required for construction;
7. Keep track of the different entities using the public rights-of-way to prevent interference between them;
8. Assist on scheduling common trenching and street cuts; and
9. Protect the safety, security, appearance and condition of the public rights-of-way.

Background

Non-City owned/maintained facilities have been placed in the ROW

→ Deterioration of roadways, interruptions in traffic flow





Ordinance Summary

The ordinance as it stands provides a structure for the City to manage public ROW. However, in order to properly enforce and adequately protect public ROW, Staff proposes additions and revisions to the ordinance along with a formal permitting process.

1. Any person requesting to place facilities in the ROW must apply for a permit.
2. Director of Public Works to review and approve.
3. The City has priority over all other uses of the public rights-of-way. The City shall assign the location in or over the public rights-of-way among users of the public rights-of-way with due consideration.
4. Bonding and insurance are required.
5. Person to give 48-hour notice of beginning construction.
6. In emergency work, City Manager is to be notified immediately.
7. Post-construction, the person shall restore the ROW with 30 days.
8. As-built drawings are required.
9. Warranty of work is 2 years.

Amending the Ordinance

INITIAL APPROACH	FINAL APPROACH
<p>Developed entirely new ordinance.</p> <p>Used TML model ordinance to draft new City of Belton ROW Management Ordinance.</p> <p>Requested 2 rounds of comments from interested parties (70+, including TABA).</p> <p><u>Result:</u> many comments and concerns with proposed new ordinance.</p>	<p>Took a step back.</p> <p>Proposing revisions to existing Ordinance with less stringent requirements.</p> <p>Requested review from interested parties.</p> <p><u>Result:</u> fewer comments, less resistance</p>

Proposed Amendments to the Ordinance

Section 20-143 Definitions

- Definition of Facilities: Included pipes, sidewalks, landscaping, light poles, temporary construction fencing, barricades, storage of materials such as soil, gravel, etc.
- Clarified mailboxes, irrigation systems, and driveways are not included in this ordinance.

Section 20-144 Municipal authorization required

- Clarified that any person wishing for facilities to be placed, reconstructed, demolished, repaired, maintained, or altered within the ROW must receive approval from the Director of Public Works (Director).
- Declared non-City owned or maintained facilities shall not be located within the ROW, unless otherwise approved by the Director.

Proposed Amendments to the Ordinance

Section 20-146 Construction obligations

- A traffic control plan may be required by the Director.
- If approved to be placed in the ROW, any non-City owned or maintained utilities are to be fully encased in steel pipe or concrete and access to such encasements shall be made outside of the ROW.
- A permit must be obtained at least three (3) business days prior to any work to be done in the ROW.
- The ROW must be restored to at or better than the pre-construction condition.
- In the case of emergency work, the person shall apply for a permit on the first working day after the work has been completed.

Section 147 Conditions of public ROW occupancy

- Clarified the City has the first priority over all other uses of the ROW.
- If the City were to obtain new ROW with existing utilities, the existing utilities may be required to be relocated at the direction of the Director.

Other Notes

- Instead of creating a completely new ordinance, Staff modified existing ordinance
 - No Permit Fee is not included at this time
 - The ordinance does not apply to ETJ, only to City limits
 - Specifications on the methods and when traffic control plans are required was not included
 - Underground placement of facilities is encouraged but not required (TXU Electric v City of Allen)
 - Heights of overhead utilities was not included – governed by other entities
- Next Steps:
- A. Schedule consideration of the proposed ordinance amendment at July 12, 2016 meeting.
 - B. Staff to advise interested parties.

Exhibit “C”

Stormwater Public Outreach and Education

Council Workshop

MS4 PERMIT REQUIREMENT EDUCATION!

Residents

- Water quality
- Household hazardous waste program

Visitors

- What is the City doing to promote water quality?

Local Businesses, Commercial and Industrial Facilities

- Focused literature on industrial, commercial, and automotive businesses
- Develop Business Recognition Program

Developers/Home Builders

- Construction related literature

Future Leaders

- Art Contest
- Awareness Events