

BELTON CITY COUNCIL MEETING
November 25, 2014

The Belton City Council met in regular session with the following members present: Mayor Marion Grayson, Mayor Pro Tem David K. Leigh Councilmembers Jerri Gauntt, Dan Kirkley, Guy O'Banion, and Paul Sanderford. Councilmember Craig Pearson was absent. Staff present included Sam Listi, John Messer, Jana Lewellen, Susan Allamon, Gene Ellis, Bruce Pritchard, Mike Huber, Erin Newcomer, Denny Lassetter, Byron Sinclair, Paul Romer and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Public Information Officer Paul Romer, the Pledge of Allegiance to the Texas Flag was led by Councilmember Dan Kirkley, and the Invocation was given by Dr. Bill Carrell, UMHB Professor and Director of Church Relations.

1. Call to Order: The Mayor called the meeting to order at 5:38 p.m.
2. Public Comments: None
3. Presentations:
 - A. Receive Child Safety Fee funding from Bell County.

County Commissioner Richard Cortese presented the City with its share of Child Safety Fee funding received from October 2013 -September 2014 in the amount of \$21,684.68. Mayor Grayson thanked the County representatives, and indicated the City will remit the funds to the School District for use in its school crossing guard program.

- B. Recognition to the Belton Police Department by the Texas Police Chiefs Best Practices Recognition Program.

City of Harker Heights Chief of Police Mike Gentry, Texas Best Practices Recognition Program Board Member, presented a certificate congratulating the Belton Police Department on its re-recognition with the TPCA Best Practices Program.

Consent Agenda

Upon motion by Mayor Pro Tem Leigh and seconded by Councilmember Kirkley, the following items were unanimously approved by a vote of 6-0.

4. Minutes of previous meetings. Minutes were approved as presented.

November 10, 2014 Work Session
November 10, 2014 Regular Meeting

5. Consider a resolution authorizing an agreement with the Texas Department of Transportation for the temporary closure of state right-of-way related to The Army Marathon to occur in Belton on March 1, 2015. Approved the following resolution as outlined in the caption below:

RESOLUTION NO. 2014-36-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE RIGHTS-OF-WAY AND EXPRESSING THE CITY'S SUPPORT OF THE ARMY MARATHON, TO BE HELD ON SUNDAY, MARCH 1, 2015.

6. Consider authorizing a Façade Improvement Grant to Leo Camden, 130 North Main Street. Approved the Façade Improvement Grant as presented.

Planning and Development

7. Hold a public hearing and consider an ordinance authorizing a zoning change from Commercial Highway and Commercial-1 with a Specific Use Permit for used auto sales to Commercial-1 Zoning District with a Specific Use Permit for outside storage on approximately a 0.52 acre tract of land, located on the northwest corner of South Main Street and West Avenue J.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for a light equipment rental business with outside storage.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 7-0 at its November 18th meeting, and recommended approval of zone change from Commercial Highway and Commercial-1 with a Specific Use Permit for used auto sales to Commercial-1 Zoning District with a Specific Use Permit for outside

storage, with development regulated under the Design Standards for Type Area 2 standards as follows:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects, and in addition outside storage is permitted.
2. The development of the property shall conform to all applicable Type Area 2 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
 - d. In conformance with the site plan.
3. Sign Standards shall conform to Ordinance 2008-11, except that off-premise advertising is prohibited.
4. Specific Use Permit for used auto sales is voided.

Councilmember O'Banion asked about the screening on South Main. Ms. Newcomer stated when traveling north or south you will be able to see the equipment located in back of the building.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed.

Councilmember Kirkley made a motion to approve the ordinance as presented. The motion was seconded by Mayor Pro Tem Leigh and carried by a vote of 6-0. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-53

(Z-14-22)

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY AND COMMERCIAL-1 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR USED AUTO SALES TO COMMERCIAL-1 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR OUTSIDE STORAGE WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

8. Hold a public hearing and consider an ordinance authorizing a zoning change for 418 South Main Street, located on the northwest corner of South Main Street and West Avenue D, from Retail to Planned

Development Retail Zoning District for the placement of a 10' tall monument sign with an 8 square feet electronic changeable copy sign face.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for a proposed 10' tall monument sign with an 8 square feet electronic changeable copy sign face, located on the northwest corner of South Main Street and West Avenue D.

Ms. Newcomer stated the P&ZC voted to recommend disapproval of this zone change by a vote of 7-0 at its November 18th meeting. Ms. Newcomer stated after careful review of the Zoning Ordinance and surrounding uses, this requested zone change does not appear to be a reasonable request and said it is staff's judgment that this proposed sign is not compatible with surrounding businesses and any new signage should comply with the Sign Ordinance requirements in all respects. Ms. Newcomer recommended disapproval of zone change from Retail to Planned Development Retail Zoning District for the placement of a 10' tall monument sign with an 8 square feet electronic changeable copy sign face. Ms. Newcomer noted approval by City Council will require six of seven votes to overturn a recommendation for disapproval by P&ZC.

Councilmember Kirkley asked would the requestor still have the ability to have the five feet tall monument sign if the request is denied. Ms. Newcomer stated yes.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed.

Mayor Pro Tem Leigh made a motion to disapprove the ordinance as presented. The motion was seconded by Councilmember Gauntt and carried by a vote of 6-0.

9. Hold a public hearing and consider an ordinance authorizing a zoning change from Agricultural to Single Family-3 Zoning District on approximately a 6.89 acre tract of land, located on the northwest side of East Loop 121, northeast of Miller Community Park, and southwest of Holland Road.

Planning Director Erin Newcomer provided a brief overview of the request and reviewed area zoning. The applicant has submitted this request for a zone change to allow for residential development on a 6.89 acre tract of land.

Ms. Newcomer stated the P&ZC voted to recommend approval of this zone change by a vote of 7-0 at its November 18th meeting, and recommended approval of zone change from Agricultural to Single Family-3 Zoning District with development regulated under the Design Standards for Type Area 11 standards as follows:

1. The allowable uses of the property shall conform to the Single Family-3 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 11 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign standards shall conform to Ordinance 2008-11.
4. Subdivision plat is required.

Councilmember Gauntt asked would there be a possible connection to the existing roads. Ms. Newcomer stated connections would be reviewed during the plat process.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed.

Councilmember Sanderford made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Kirkley and carried by a vote of 6-0. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-54

(Z-14-34)

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AN AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY-3 ZONING DISTRICT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

10. Hold a public hearing and consider an amendment to Section 15, Multiple Family District, of the Zoning Ordinance, to allow a maximum height of three (3) stories, instead of the current two and one-half (2 ½) stories.

Planning Director Erin Newcomer provided a brief overview of this item and stated this would be to allow a maximum height of three (3) stories, instead of the current two and one-half (2 ½) stories.

Ms. Newcomer stated the P&ZC voted to recommend approval of this amendment by a vote of 7-0 at its November 18th meeting, and recommended an amendment to Section 15, Multiple Family District, of the Zoning Ordinance, to allow a maximum height of three (3) stories, instead of the current two and one-half (2 ½) stories.

Councilmember Gauntt asked if this was necessary, and stated she preferred Council having more control over this decision. Ms. Newcomer stated the majority of apartment complexes are going to three stories, and to make this change would be consistent with our area cities.

City Manager Sam Listi stated when you have a number of zoning cases or variance requests coming to Council for the same thing, this would typically indicate an amendment to the ordinance is necessary.

Councilmember Gauntt stated this was a step Council could have to use as an additional check point, and she was not bothered by the fact that we would not be consistent with our area cities.

Councilmember O'Banion asked if the rationale behind this change is to keep this variance from coming back to Council for approval. Ms. Newcomer stated yes, this particular variance has been brought to Council several times.

Mayor Pro Tem Leigh stated he had not seen many apartment complexes less than three stories, and as Mr. Listi mentioned, we see more variances for this, so this variance should not be an item that requires Council approval each time.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed.

Councilmember Kirkley made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Sanderford and carried by a vote of 5-1 with Councilmember Gauntt voting in opposition. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 15, MULTIPLE FAMILY DISTRICT, OF THE ZONING ORDINANCE, TO ALLOW A MAXIMUM BUILDING HEIGHT OF THREE (3) STORIES; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

11. Hold a public hearing and consider an amendment to Section 19, University Campus District, of the Zoning Ordinance, to create Section 19A, University Campus-1 District and Section 19B, University Campus-2 District.

Planning Director Erin Newcomer provided a brief overview of this item and stated we began review of the University Campus District by researching existing properties zoned University Campus and the UMHB Master Plan.

Ms. Newcomer stated after review of the UMHB master plan, staff created a University Campus-1 District with higher density development and University Campus-2 District with lower density development and proved a brief summary of these proposed amendments.

Ms. Newcomer stated the P&ZC voted to recommend approval of this amendment by a vote of 6-0 at its November 18th meeting, and recommended an amendment to Section 19, University Campus District, of the Zoning Ordinance, to create Section 19A, University Campus-1 District and Section 19B, University Campus-2 District.

Mayor Pro Tem Leigh asked for clarification regarding the proposed uses being removed from University Campus -1 District, as these are existing uses already located at the University. Ms. Newcomer stated the uses being removed would now be located under the proposed UCD-2 District which includes University associated uses such as educational, administrative, residential, and support facilities and accessory buildings used by the University.

Councilmember Sanderford asked what prompted these proposed amendments. Ms. Newcomer stated after review the University's Master Plan as well as their growth, staff felt it necessary because of the recent constraints.

City Manager Sam Listi stated for some time staff has been attempting to aggregate expected uses within the core of the campus, and Mr. Listi said staff has worked closely with the University, and this proposal seems to be a reasonable reflection of what anticipated development is going to occur.

Mr. Listi said to keep in mind the properties owners have not been notified yet, but if approved, staff would go back and notify property owners to give Council an opportunity to hear from them.

Councilmember O'Banion asked what the input was from the University. Ms. Newcomer stated staff had worked with the University for quite some time to accommodate their needs.

Councilmember Gauntt stated she was concerned these changes were being made without contacting the property owners. Ms. Newcomer stated the property owners are not affected until the boundaries are brought forward.

Mayor Grayson opened the public hearing. There being no questions or comments the public hearing was closed.

Attorney Sam Fulcher, representing UMHB, was present for Council's questions.

Mayor Pro Tem Leigh made a motion to approve the ordinance as presented. The motion was seconded by Councilmember O'Banion and carried by a vote of 6-0. The following captioned ordinance was adopted:

ORDINANCE NO. 2014-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 19, UNIVERSITY CAMPUS DISTRICT, OF THE ZONING ORDINANCE, TO CREATE SECTION 19A, UNIVERSITY CAMPUS-1 DISTRICT AND SECTION 19B, UNIVERSITY CAMPUS-2 DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

12. Hold a public hearing and consider adoption of the updated Belton Thoroughfare Plan.

Planning Director Erin Newcomer provided a brief overview of this item and stated on April 9, 2013, City Council authorized approval of a contract with Lee Engineering to update the Thoroughfare Plan.

Ms. Newcomer stated Lee Engineering reviewed City of Belton documents as they completed a thorough assessment of the current Thoroughfare Plan, and completed an inventory of surrounding area Thoroughfare Plans and reviewed plans adopted by the City of Temple, City of Harker Heights, City of Killeen, Village of Salado, Bell

County, and Killeen-Temple Metropolitan Planning Organization (KTMPO) to correlate current and future roadways.

Ms. Newcomer stated the P&ZC voted to recommend approval of this amendment by a vote of 6-0 at its November 18th meeting, and recommended adoption of the updated Belton Thoroughfare Plan.

Mayor Pro Tem Leigh said Ms. Newcomer stated verbally that sidewalks were not required however; some of the proposed verbiage included sidewalks, and asked which is correct. Ms. Newcomer stated we currently do not have a clear sidewalk requirement in place. Mayor Pro Tem Leigh stated it appears to him we may have conflicting documents and questioned which document would supersede.

City Manager Sam Listi stated the Thoroughfare Plan is providing the standards for each type of streets so in all cases sidewalks are shown, but we have not finalized the a policy question regarding the sidewalk requirements. Mr. Listi recommended we show consistently across all of our documents the same requirements for streets and cross sections.

Mayor Pro Tem Leigh said he wanted to make sure we were not approving a sidewalk plan if Council adopts the Thoroughfare Plan. Mayor Grayson agreed as the verbiage reflects sidewalks. City Manager Sam Listi stated we are not adopting a sidewalk plan with the Thoroughfare Plan approval.

City Attorney John Messer stated the Thoroughfare Plan only lays out the different roadways and how they are built. City Manager Sam Listi stated the Council has yet to adopt a policy regarding sidewalk requirements.

Council agreed the verbiage is contradictory, and could become an issue in the future. City Attorney John Messer agreed, and stated the documents should be consistent.

Councilmember Sanderford asked when a sidewalk policy recommendation would be coming back to Council? Mr. Listi stated once the Thoroughfare Plan is adopted the sidewalk policy would come back to Council in the near future, but it was not imminent nor determined at this time.

Councilmember Sanderford suggested a disclaimer in the Thoroughfare Plan extracting any reference to sidewalks. Councilmember Sanderford also asked if the right-of-way would change if in fact no sidewalks were required. Ms. Newcomer stated no, this area would still be needed for utilities.

Mayor Grayson passed the meeting over to Mayor Pro Tem Leigh. Mayor Pro Tem Leigh opened the public hearing. Jared Bryan, 11783 Bonnie Lane, Belton, Texas 76513, Jason Carothers, 922 Crescent Drive, Belton, Texas 76513, and Brad Wyrick, 3207 Purple Sage, Belton, Texas 76513, spoke regarding their concerns with the proposed Thoroughfare Plan, and requested additional time to speak with staff to resolve some of their concerns. Rae Schmuck, 2200 Legacy Lane, Belton, Texas 76513, spoke in favor of the Thoroughfare Plan and commended staff for their work on the Thoroughfare Plan. There being no further questions or comments the public hearing was closed.

Mayor Pro Tem Leigh passed the meeting back over to Mayor Grayson. Councilmember Kirkley voiced concerns regarding the numerous questions brought forward this evening. Mayor Pro Tem Leigh stated some valid concerns were brought forward tonight by our area builders, and felt it would be good if this item was table to allow for some additional input. Council agreed this was a good document, and commended staff for their work, but felt it was necessary for additional review of the proposed Thoroughfare Plan.

City Manager Sam Listi stated staff could certainly address some of the particular question raised by the Council and the community this evening, but felt it was important to get the Plan adopted to use as a guide for pending and ongoing subdivision activity as soon as reasonable.

Councilmember Gauntt stated it was bothersome to her that some might feel their concerns hadn't been heard, but rather the the concerns hadn't been agreed upon, and commended staff for their efforts.

Mayor Pro Tem Leigh made a motion to table this item to a future date not to exceed 90 days. The motion was seconded by Councilmember Kirkley and carried by a vote of 6-0.

Miscellaneous

Mayor Pro Tem Leigh departed the meeting at 7:21 PM

13. Consider a resolution awarding administration and management services for the Texas Department of Housing and Community Affairs HOME Program.

Grants and Special Projects Coordinator Aaron Harris presented this item and stated the City entered into a two year Reservation Agreement with TDHCA on October 30, 2014, expiring on October 29, 2016. Mr. Harris said the City mailed request for proposals to six qualified firms for professional management services on October 23, 2014, and stated the City received one submission from Grantworks, Inc. Mr. Harris stated Grantworks successfully administered the most recent Belton HOME program that produced three new homes that concluded in May 2014, and we were satisfied with their performance. Mr. Harris recommended approval of a resolution awarding administration and management services for the HOME Program to Grantworks, Inc.

Upon motion by Councilmember Sanderford and seconded by Councilmember Kirkley, the following resolution was approved by a vote of 5-0 as captioned below:

RESOLUTION 2014-37-R

A RESOLUTION BY THE CITY OF BELTON, TEXAS, AUTHORIZING THE AWARD OF CONTRACT FOR ADMINISTRATION SERVICES AND SOFT COST PROJECT MANAGEMENT SERVICES FOR THE HOME HOMEOWNER REHABILITATION ASSISTANCE RESERVATION PROGRAM.

14. Consider the following Community Development Block Grant (CDBG) related items:

- Consider a resolution to designate administration and engineering service providers for the 2014 Texas CDBG contract 7214030.
- Consider a resolution to designate authorized signatories for the 2014 Texas CDBG contract 7214030.
- Consider a related budget amendment from the Water Sewer fund balance for use as the City Match for the grant.

Grants and Special Projects Coordinator Aaron Harris presented this item and stated the City entered into a contract with TDA on November 19, 2014, for a CDBG grant in the amount of \$330,000 (Federal share \$275,000 / City match \$55,000) for Phase 3 upgrades to the Miller Heights trunk sewer line.

Mr. Harris said request for Qualifications for engineering services was advertised on October 23, 2014, and submissions were reviewed and

scored November 17. The City received three submissions from qualified engineers, and committee recommended KPA Engineers be selected to provide engineering services for the CDBG funded Miller Heights Relief Trunk Sewer project Phase 3.

Mr. Harris also said request for Proposals for administrative services was advertised on October 23, 2014, and submissions were reviewed and scored November 17. The City received two submissions from qualified firms, including Grant Development Services and Grantworks Inc., and the committee recommends Grantworks, Inc. to be selected to provide administrative services for the CDBG funded Miller Heights Relief Trunk Sewer project Phase 3.

Upon motion by Councilmember Kirkley and seconded by Councilmember O'Banion, the following resolutions and the related budget amendment were approved by a vote of 5-0 as captioned below:

RESOLUTION 2014-38-R

A RESOLUTION OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2014 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT AWARD CONTRACT 7214030.

RESOLUTION 2014-39-R

RESOLUTION OF THE CITY OF BELTON AUTHORIZING DESIGNATED SIGNATORS FOR CONTRACTUAL DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONTRACT 7214030.

15. Consider authorizing approval of a drainage easement between the City of Belton, Carothers Development, LLC, Judy K. Glazener, and Karen M. Linden regarding Highland Estates, Phase II, located south of Yturria Drive and east of Mystic Mountain Lane, and consider authorizing the City Manager to sign the easement.

Mayor Grayson requested to abstain from this item. Planning Director Erin Newcomer presented this item and stated on August 12, 2014, City Council approved the final plat of Highland Estates, Phase II. Ms. Newcomer said a Development Agreement between the City of Belton, Carothers Development, LLC, and Regatta Oaks/Dawson Ranch Homeowners Association (HOA) was approved by Council that stated the City will own Tracts E, F, and G and the HOA will maintain (mow) the tracts, and stated this drainage easement is needed for the drainage of

surface water from the detention pond on Tract G onto the property at 3116 Dunn's Canyon Road owned by Judy K. Glazener and Karen M. Linden. Ms. Newcomer said the property owners have agreed and signed the proposed drainage easement, and recommend approval of a drainage easement between the City of Belton, Carothers Development, LLC, Judy K. Glazener, and Karen M. Linden regarding Highland Estates, Phase II, located south of Yturria Drive and east of Mystic Mountain Lane, and authorize the City Manager to sign the easement.


Upon motion by Councilmember Gauntt and seconded by Councilmember Kirkley, the approval of a drainage easement between the City of Belton, Carothers Development, LLC, Judy K. Glazener, and Karen M. Linden regarding Highland Estates, Phase II was approved by a vote of 4-0 with Mayor Grayson abstaining.

Executive Session

At 7:31 p.m., the Mayor announced the Council would go into Executive Session for the following closed meeting:

16. 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, to consult with the City Attorney.

The Mayor reopened the meeting at 8:08 p.m., and there being no further business, the meeting was adjourned.



Marion Grayson, Mayor

ATTEST:



Jana Lewellen, City Clerk