

**BELTON CITY COUNCIL MEETING  
NOVEMBER 8, 2011**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, David K. Leigh, and Craig Pearson. Councilmembers John Agan and Wayne Carpenter were absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Les Hallbauer, Gene Ellis, Bruce Pritchard, Byron Sinclair, Rex Robertson, Jerri Gauntt, Kim Kroll, Sandy Slade, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Library Director Kim Kroll, the Pledge of Allegiance to the Texas Flag was led by Councilmember Clifton Peters, and the Invocation was given by Councilmember Craig Pearson.

The Mayor called the meeting to order at 5:31 p.m.

Public comments. There were no public comments.

Presentation of National Night Out Awards by the Belton Police Department.

Chief Ellis gave an overview of the event held on October 4, 2011, with a record 14 neighborhoods hosting block parties. He recognized Sergeant Kim Hamilton and Officer John Londrie for their leadership as this year's National Night Out coordinators, and Sergeant Hamilton and Officer Londrie presented awards for the following:

- Rookie of the Year – Saddle Creek, Host Joseph Teehan
- 2nd Runner Up, Best Block Party – The Oaks, Host Erin Ward
- 1st Runner Up, Best Block Party – Housing Authority, Host Hope for the Hungry
- Best Block Party 2011 – Miller Heights, Host Tim & Jennifer Watson

Chief Ellis also recognized Officers Candace Hawkins and Raul Montes for their participation as Sector Officers for Saddle Creek and the Housing Authority.

Consent Agenda

Councilmember Peters praised the City's purchase of the backhoe from ASCO Equipment, as the company locates in Belton. Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the following items were unanimously approved:

Minutes of the previous meeting. Approved as presented.

Consider an ordinance abandoning a 30' and a 15' strip of public street right-of-way (ROW), and a 10' utility easement located north of Shanklin Road, between the IH-35 service road and Toll Bridge Road, made unnecessary by the IH-35 widening project.

Approved the ordinance captioned below providing for the abandonment based on a request from Odis Pippins. This action would allow this property to be incorporated into Mr. Pippins' adjacent lots without the constraint of ROW or utility easement. (Bell County passed a resolution abandoning its interest in the adjoining 30' street ROW, as did Oncor Electric concerning the adjoining 10' utility easement, and the City is unaware of other utility or street needs or interests in this area.)

**ORDINANCE NO. 2011-21**

**AN ORDINANCE PROVIDING THAT A 30' AND A 15' STRIP OF UNUSED PUBLIC STREET RIGHT-OF-WAY, AND AN ADJOINING 10' UTILITY EASEMENT LOCATED NORTH OF SHANKLIN ROAD, BETWEEN IH-35 AND TOLL BRIDGE ROAD, CITY OF BELTON, IS HEREBY CLOSED, ABANDONED AND VACATED FOR ALL PUBLIC PURPOSES.**

Consider authorizing the Public Works Department to purchase a backhoe.

Approved purchase of a 580NWT Case from ASCO Equipment of Belton at \$85,405 via BuyBoard, with funds budgeted in the Water & Sewer Fund.

Consider authorizing a street use license allowing the University of Mary Hardin-Baylor to cross a public street (Shine Street) between 9th and 8th Avenues with various private facilities, between the Visual Arts Center and the Nursing Education Center.

Approved the street use license agreement in substantially the form presented, to allow UMHB to cross Shine Street, and to provide for conditions of construction, operation, and maintenance. This will involve open street cuts, rather than street bores, with UMHB crossing the street with several private utilities to include electrical conduit, chilled water lines, a fire line, a communication line, and storm sewer.

Consider authorizing the City Manager to execute an extension of the service agreement with Russ Reid Company for federal government relations services.

Authorized extension of the agreement until September 30, 2012 at a fee of \$5,000/month, plus a maximum \$4,800 in associated expenses, with budgeted funds from the General Fund and Water & Sewer Fund.

#### Miscellaneous

Z-11-14: Hold a public hearing and consider an ordinance amending the zoning at 6373 Dog Ridge Road, from Agricultural to Commercial-1 with a Specific Use Permit for self storage, for the construction of a vehicle self storage facility.

The City Manager gave an overview of the zoning request submitted by Jack Smith for a vehicle self-storage facility on 10.6 acres located along eastbound U.S. Highway 190 at its intersection with Dog Ridge Road. He reviewed a general site plan with a 150' x 430' building (64,500 sq. ft.) planned to store approximately 200 vehicles. The plan also includes construction of a 30' x 50' (1,500 sq. ft.) building and parking for 8-10 vehicles.

Mr. Listi indicated though there was some discussion about outdoor storage at the Planning & Zoning Commission (P&ZC) meeting on November 1st, the Commission recommended approval unanimously by a vote of 8-0, for a C-1 District with a Specific Use Permit (SUP) to allow an indoor vehicle parking self storage facility only. Detailed site plan review will occur following zoning, and the applicant must conform to the City's Design Standards. The City Manager recommended approval of the request with the following conditions identified in the ordinance:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 11 Design Standards, as identified in Section 32 of the Zoning Ordinance, including preparation of a detailed site plan in accordance with the following:
  - a. Site Development Standards
  - b. Building Design Standards
  - c. Landscape Design Standards
3. Sign standards shall conform to Ordinance 2008-11

Councilmember Peters asked about fencing, and Mr. Listi indicated screening will be added.

The Mayor opened the public hearing. There was no one present to speak for or against the request, therefore the hearing was closed. Upon motion by Councilmember Peters, seconded by Mayor Pro Tem Grayson, the following captioned ordinance was unanimously approved:

#### **ORDINANCE NO. 2011-22**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO COMMERCIAL-1 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR AN INDOOR VEHICLE PARKING SELF STORAGE FACILITY, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.**

Z-11-13: Hold a public hearing and consider an ordinance amending the zoning of 812 Shine Street (UMHB Addition 2) and 405 9th Avenue (UMHB Addition 3), from University Campus to Planned Development, for the construction of a Visual Arts Center at 812 Shine Street and a Nursing Education Center at 405 9th Avenue.

The City Manager gave an overview of the zoning request submitted by UMHB to provide for construction of the Visual Arts Building (27,644 sq. ft. in two stories proposed on the southwest corner of the intersection of W. 9th Avenue and Shine Street), and the Nursing Education Center (75,942 sq. ft. in three stories proposed on the southeast corner of the intersection of W. 9th Avenue and Shine Street). UMHB has applied for a PD zone code amendment, as both facilities encroach into building setbacks required under the Zoning Ordinance, and this appears to be a reasonable approach to address the issue.

Mr. Listi explained the University Campus District (UCD) provides opportunity for land uses accessory to the University, and establishes minimum front (25'), side (15'), and rear (15') setbacks, with additional building setback required when the height of a building exceeds 24'. He gave an overview of the proposed site plans, and reviewed the following setback requirements for both buildings:

**Setbacks for Visual Arts Building**

Area	Required	Proposed
Shine Front Yard	28' – 8½"	15' – 5¼" and 16'
West 9 <sup>th</sup> Side Yard	21' – 10¾"	6' – 11½"
Internal Side Yard	23' – 9"	36' – 4½"
Internal Rear Yard	15'	9' – 1"

**Setbacks for Nursing Center Building**

Area	Required	Proposed
9 <sup>th</sup> Avenue Front Yard	43'	31' – 10" at Main Façade 2' – 8" at Stair Tower
Shine Street Side Yard	38' – 4"	20' – 9"
Internal Side Yard-east	33'	37'
8th Avenue Rear Yard	15'	52'

Additionally, the City Manager stated the University's parking requirement is one space for each day student. He indicated six parking spaces are proposed on the Visual Arts site and approximately 40 spaces on the Nursing Center site. UMHB has developed a comprehensive parking plan that addresses current and future conditions for parking campus-wide. The City recognizes that UMHB cannot meet individual building parking needs on each site, but they will address parking needs campus-wide in a "bank" concept, continuously working toward meeting or exceeding parking needs as development occurs. Mr. Listi explained UMHB's plan identifies 3,651 spaces currently, with 3,136 students registered. The Future Campus Master Plan total indicates 4,796 spaces, allowing a substantial growth in student population over time as buildings and parking spaces are added. City staff is satisfied with this plan, recognizing it is campus-wide, and that it will be implemented over time.

The City Manager added the City would like to work with the University to meet landscaping requirements in accordance with the Design Guidelines. The "bank" concept will also be utilized in this regard to carry forward, on a building-by-building and project-by-project basis. The City will be provided an annual tree mitigation report that will give an accounting of any deficiency in this regard, and a plan for meeting requirements of the Guidelines, at the end of January each year.

Mr. Listi explained as UMHB implements its \$100M capital program, there could be other circumstances when development, zoning, and design standard adjustments may be needed. These requests will be evaluated as they emerge, as the UCD is unique and may require use of another planned development district, or amendment of the UCD, to address these conditions.

The City Manager stated the P&ZC unanimously recommended approval of the zone change from UCD to Planned Development District by a vote of 7-0 at its meeting with the following conditions, and he concurred:

1. The allowable uses of the property shall conform to the University Campus District.

2. The development of the property shall conform to the attached site plan for both sites regarding setbacks, and to the Type Area 3 Design Standards as identified in Section 32 of the Zoning Ordinance where applicable in accordance with the following:
  - a. Site Development Standards
  - b. Building Design Standards
  - c. Landscape Design Standards
3. UMHB is allowed to bank parking and tree mitigation and address the requirements on a campus-wide basis, subject to an annual report provided to the City Manager's office by January 31st each year, addressing the previous year.
4. Sign Standards shall conform to Ordinance 2008-11.

The Mayor opened the public hearing. There were no public comments for or against the request, therefore the hearing was closed.

Councilmember Leigh asked if increased traffic on 9th Avenue was taken into consideration, given the proximity of these buildings. The City Manager stated the issue was discussed and all design plans for the road reflect a two-lane street. There will be no parking on 9th Avenue, and the road will continue to function as a collector street with the addition of these two buildings.

Mr. Leigh asked about the heritage tree program and tree mitigation, citing the instance where the City was obligated to pay itself for removal of significant trees during the Avenue D project. Mr. Listi explained the tree mitigation plan can be handled by replacement trees or through a cash contribution made to a City-administered landscape fund.

Brent Baker, Studio 1619, the City's Planning Consultant, added developers can pay into the tree fund, mitigate on site, or mitigate somewhere else on City property. Since the University could not mitigate on site for these two building projects, the "bank" concept has been set up, so UMHB can plant trees elsewhere on campus as trees are removed from these two properties.

The City Manager stated staff is continually gaining a better understanding of administration and implementation of the City's Design Guidelines, and these are options for the City as well. He agreed it would be more effective in mitigation of trees that are removed, to add trees in lieu of a cash contribution, though the objective is the same. Councilmember Leigh asked that City staff be sure this information is correctly communicated to developers in the future. Mr. Listi stated he would provide the Council with the tree mitigation requirements, and he will ensure staff is providing accurate information to developers. Mr. Baker added he is working with the City Manager to bring a variety of items related to the Design Guidelines forward for review, and mitigation will be included.

Councilmember Pearson asked if UMHB is banking trees being removed during demolition of irreparable buildings, and Bob Pattee, Assistant Vice President for Campus Planning, indicated tree surveys are being done for any areas involving demolition/construction. They are surveying any trees 8" and above, and if they are to be removed they are being identified, but so far they haven't removed anything over 30" on any sites.

The City Attorney stated the City expected issues to arise once the Design Guidelines were implemented, and the Council may want to change and/or add trees which should be protected, when reviewing the provisions. Mayor Pro Tem Grayson asked if Council workshops will be held to review the Guidelines, and the City Manager indicated that is the plan.

Councilmember Pearson made a motion to approve the zoning change as recommended. The motion was seconded by Councilmember Leigh, and the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2011-23**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM UNIVERSITY CAMPUS ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR THE CONSTRUCTION OF A VISUAL ARTS CENTER (812 SHINE STREET) AND A NURSING EDUCATION CENTER (405 9TH AVENUE), WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 3 DESIGN STANDARDS.**

The Mayor praised UMHB for its landscaping and maintenance, and stated he is confident these projects will be something all can be proud of. Mr. Listi showed concept photos of both buildings, and Larry Mosely, GSC Architects, gave a brief overview of the structures, which show the University's commitment to building design and landscaping.

Consider authorizing the City Manager to execute an agreement for construction of a home at 700 W. Avenue C, as part of the Texas Department of Housing & Community Affairs (TDHCA) HOME Program for Disaster Relief.

Support Services Coordinator Jerri Gauntt explained she requested TDHCA review the minimum bond requirement in bids received for this project. TDHCA has not yet completed the review, and it is possible the project may need to be rebid. Ms. Gauntt indicated staff will bring the item back for appropriate action as needed, and the item was tabled.

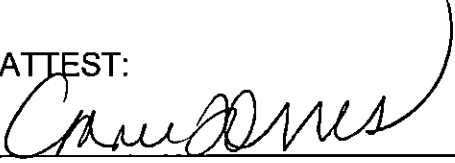
Receive a preliminary design report from KPA Engineers on the Nolan Creek Hike & Bike Trail and consider selection of a project alignment and related decisions.

The City Manager introduced Mack Parker, KPA Engineers, who reviewed the development process of the report and project findings, to include right-of-way issues, design considerations, and public safety features. Mr. Parker reviewed the two proposed routes, and showed examples of bridges, fencing, and lighting for potential use along the trail. Following a review of cost estimates and his list of conclusions and recommendations, Mr. Parker recommended Route #1 be designated as the route of choice, and that preliminary and final design for Route #1 be authorized by the City, to include design of the basic trail consisting of bridges, lighting, pedestrian trails, fencing, and limited trail features. He indicated a more detailed scope of work will be identified and formally presented to the Council at a future meeting, following input by City staff and the Council.

The City Manager concurred with Mr. Parker's recommendation and recommended selection of Route #1 in order to move forward with preliminary design. Councilmember Pearson made a motion to select Route #1 as recommended. The motion was seconded by Mayor Pro Tem Grayson and carried unanimously.

There being no further business, the meeting was adjourned at 7:00 p.m.

  
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Jim Covington, Mayor

ATTEST:  
  
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Connie Torres, City Clerk