

**BELTON CITY COUNCIL MEETING
SEPTEMBER 27, 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, Wayne Carpenter, Craig Pearson, and John Agan. There were no members 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, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Police Chief Gene Ellis, the Pledge of Allegiance to the Texas Flag was led by City Attorney John Messer, and the Invocation was given by Jordan Hubbard of the Belton Church of Christ.

The Mayor called the meeting to order at 5:32 p.m.

Public comments.

Police Chief Gene Ellis reminded everyone about the National Night Out activities to be held October 4, 2011, from 6:00-8:00 p.m. throughout the community.

Recognize the Finance Department for receipt of the Certificate of Achievement for Financial Reporting for Fiscal Year 2010 for the 25th year.

The City Manager announced the City's Comprehensive Annual Financial Report (CAFR) has received the Government Finance Officer's Association Certificate of Achievement Award for the 25th consecutive year. The award is for Financial Reporting for fiscal year ending September 30, 2010, and recognizes that the City's CAFR meets the national standards of excellence for reporting the City's finances. He presented the award to Assistant City Manager Cristy Daniell and expressed appreciation to her and the Finance Department. Ms. Daniell recognized Assistant Finance Director Karen Evans for her hard work on the audit, and thanked her staff in the Finance Department.

Consent Agenda

Mayor Pro Tem Grayson asked that the appointment of the BEDC Executive Director be pulled from the consent agenda. Upon motion by Councilmember Leigh, seconded by Councilmember Peters, the following items were unanimously approved:

Minutes of previous meetings: Both sets approved as presented.

- A. August 23, 2011 regular meeting
- B. September 13, 2011 regular meeting

Consider appointment of Municipal Court Judge and Associate Judge.

Reappointed Steve Lee as Municipal Court Judge and Ted Duffield as Associate Municipal Court Judge for another one year term.

Consider changes to City of Belton Travel Policy in regard to per diem and mileage reimbursement rates.

Modified the City's Travel Policy, by amending the per diem for meals to follow current State of Texas published rates, and allow mileage computations to be made via online mapping services, with an effective date of October 1, 2011.

Consider an ordinance amending the FY 2011 budget.

Approved the ordinance captioned below amending the FY 2011 budget:

ORDINANCE NO. 2011-18

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011.

Consider a resolution confirming consent to creation of Bell County MUD No. 1 and clarifying boundary of proposed MUD and disannexation area.

Approved the resolution captioned below which serves to:

- Make all documents consistent with a total of 534.66 acres proposed for the MUD boundary. (The previous Consent Resolution indicated "approximately 540 acres".);
- Confirm the City's agreement to disannex a 67.230 acre tract for inclusion in MUD. (The September 6th resolution indicated "approximately 70 acres".); and
- Restate that the disannexation process is underway, with an anticipated conclusion before December 1, 2011, in an effort to minimize questions and expedite review at TCEQ as the MUD application is filed.

RESOLUTION NO. 2011-16

A RESOLUTION OF THE CITY OF BELTON, TEXAS, CONFIRMING CONSENT TO THE CREATION OF BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1.

Pulled from Consent Agenda

Confirm appointment of the Executive Director of the Belton Economic Development Corporation (BEDC).

The City Manager stated the BEDC Board of Directors recommended the appointment of Cynthia Hernandez to serve as the Executive Director at its special meeting on September 19, 2011. He recognized Board Member Grif Lord and Ms. Hernandez in the audience, and recommended the City Council confirm the appointment.

Mayor Pro Tem Grayson praised the Board's decision to appoint Ms. Hernandez, who she believes has proven herself through her years of service at the BEDC. Councilmember Leigh echoed the Mayor Pro Tem's comments and expressed appreciation to Ms. Hernandez for her devotion to the BEDC. Upon motion by Councilmember Leigh, seconded by Mayor Pro Tem Grayson, the Council unanimously confirmed the appointment of Ms. Hernandez as Executive Director of the BEDC.

Planning & Development

Z-11-12: Hold a public hearing and consider an ordinance amending the zoning of 7575 W. US Hwy 190, 5.965 acres located east of 2410 Spur, from Agricultural to Commercial-2 for a vehicle communication technology facility.

The City Manager gave an overview of the zoning request submitted by Tem Bel Development for a 20,000 sq. ft. building to be used for installation of communication technology in vehicles. All work will occur inside the building and there will be no outside storage. Mr. Listi indicated the Planning & Zoning Commission (P&ZC) recommended approval unanimously at its meeting on September 20th, by a vote of 8-0. He concurred and recommended approval of the ordinance for the entire 5.965 acres, with the following conditions:

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

Councilmember Carpenter asked how many jobs will be created, and the developer representing the applicant, Ken Emory of TemBel Development, replied approximately 20 jobs will be created. Mr. Emory explained Azbell Electronics will be installing high-tech communications equipment exclusively in military vehicles. Councilmember Agan asked if

there were any structures on the property, and what the plans might be for the excess land. Mr. Emory indicated there are currently no structures and he would expect the company to pave the remaining property.

The Mayor asked about outside storage, and Mr. Listi indicated it is prohibited, and confirmed with Mr. Emory that all work on vehicles will be performed indoors. The City Manager explained the acreage for the entire site is 5.965 acres, which was clarified during the P&ZC meeting.

The Mayor opened the public hearing. There was no one present to speak for or against the request, therefore the hearing was closed. Councilmember Peters asked if the entire lot will be fenced, and Mr. Emory indicated the entire 5.9 acres is fenced now, but they intend to erect a fence between the two houses that abut the property. The City Manager suggested that "all work to be performed indoors and no outside storage" be added to the ordinance for clarification. Mayor Pro Tem Grayson asked if landscaping will be included with the fencing, and Mr. Listi indicated a landscape plan is required in conjunction with the development.

Billy Hicks, 7861 FM 2410, asked the developers what they intend to do with the remainder of the property to the east. Mr. Emory stated the property is currently listed for lease/sale. Mr. Hicks stated he thinks this will be a nice facility, and agreed he would like to see some sort of screening (privacy fence/shrubs) on the south side.

The City Manager clarified the proposed ordinance correctly reflects the entire 5.965 acres, all to be rezoned to Commercial-2, and additional details will be identified in the site plan. Councilmember Leigh made a motion to approve the ordinance, to include the following clarifications in the ordinance:

- A. Effective screening of the business operation with fencing and/or landscaping shall be provided.
- B. No outside storage of equipment or vehicles shall occur on site.
- C. No maintenance or repair work shall be performed on site.

The motion was seconded by Councilmember Pearson, and the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2011-19

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO COMMERCIAL-2 ZONING DISTRICT AND DESIGN STANDARDS TYPE AREA 11 CLASSIFICATION FOR A VEHICLE COMMUNICATION TECHNOLOGY FACILITY.

Z-11-11: Hold a public hearing and consider an ordinance amending the zoning of 103 Lake Road, from Single Family 1 to Commercial-1, for a retail tire store.

Councilmember Agan announced he would abstain from this item and left the meeting room.

The City Manager gave an overview of this request in which Ken McGuire proposes construction and operation of a 6,000 sq. ft. retail tire store. Other likely activities include oil changes and inspections, but major auto repair is not anticipated. Mr. Listi stated this property is located in an area undergoing rapid land use change, from residential to retail/commercial, as large homes along FM 439 convert to business use. He explained with careful application of the City's Design Standards, this request and use for a retail tire store appears reasonable and can be accommodated at this location, under certain conditions, including the following:

1. Compliance with the proposed site plan.
2. Provision of a 6' screening fence on the west property line (existing residence).
3. A suitable landscape plan that compensates for trees to be removed and softens use impact.
4. Prohibition against outside visible storage of tires.
5. Compliance with Design Standards for building materials.

Mayor Pro Tem Grayson asked what the City's plan is for this area, and the City Manager replied the City's development standards are reflected in the Design Standards, but the Council has to decide whether a retail/commercial use is desired in this location, and if the Design Standards are enough to make the use compatible with surrounding properties/uses.

The Mayor opened the public hearing. On behalf of the applicant, Steve Wright, 5640 Kegley Place Lane, Temple, gave an overview of the project. He indicated the McGuire's would like to expand their business to add a location in Belton. Mr. Wright stated they intend to comply with the City's Design Standards, and realize this is a residential neighborhood transitioning to retail. Mr. Wright added discussions have occurred with TxDOT regarding ingress/egress, and design will begin once zoning is accomplished.

The City Manager stated the P&ZC recommended approval unanimously 8-0 at its meeting, with several additional conditions, including:

- Effective screening with fencing and/or landscaping on both sides (east/west) of the facility;
- No outside storage of tires or other vehicle parts and no outside maintenance work of any kind; and
- No maintenance work on 18 wheeler trucks.

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

Councilmember Leigh expressed concerns about this type of business at this location, given the numerous businesses of this type throughout other areas of Belton. He stated he feels as long as this business remains a neighborhood service type operation, he thinks it can work. Mr. Leigh also expressed concern with the design standard and would like to ensure this be a glass storefront (like Discount Tire, etc.), and not have the appearance of an auto body shop. Lastly, he cited concerns with ingress/egress and cross access. Recognizing the difficulty in accomplishing with individual development, Mr. Leigh suggested this business share an entrance with the next business to provide cross circulation. The City Manager stated this could be done in the site plan, and cross access was discussed during the P&ZC meeting. He stated the site plan wouldn't return to Council, but a condition could be included to require provision of cross access.

Mayor Pro Tem Grayson agreed with Councilmember Leigh and stated her concern was addressed with application of the Design Standards and the applicant's intention to have a store-front appearance that would make this business more compatible and allow transition if this use ceases.

Representing the McGuire's, Bobby Spradley, DB Commercial, 6 S. 1st Street, Temple, stated he talked to Billy Tweedle, TxDOT, about cross access and all agree it would be beneficial. The McGuire's' business will have deliveries by 18-wheelers, and cross access wouldn't be compatible with the neighboring insurance agency. Mr. Spradley indicated TxDOT advised putting the entrance in the middle of this tract, as there is no way to know how long the residence on the other side will remain.

The City Manager stated there have been no conversations with the insurance agency, but he agreed it is worthy of discussion to try and share access. Councilmember Leigh asked if this item should be tabled until the access issue can be addressed, and the City Manager stated this request is for zoning, and ingress/egress will be addressed through the Design Standards on the site plan. Though the site plan won't be specific to one side or the other, or having a middle entrance, it does address the goal of shared accesses where possible, and he stated the City will work hard to try to accomplish it. Mr. Leigh stated he is less supportive of the zone change if it isn't accomplished, and the result could be four business entrances across from another road.

The City Attorney stated no matter where the entrance is (approved by TxDOT), he thinks as long as the City requires an opportunity for cross access to the east or west from this site, that accomplishes what Mr. Leigh is referring to. Mr. Listi agreed approaching TxDOT with the idea that long term the City would like to see this as a joint access location,

he believes TxDOT would be receptive since they strive to minimize driveways. The City Attorney reiterated he thinks it's possible as long as the applicant, developer and the City all understand that cross access is desired during the site plan process.

Councilmember Leigh made a motion to approve the zoning as recommended, with the stipulation that the City will expect a cross access easement in the site plan. The motion was seconded by Councilmember Carpenter, and the following captioned ordinance was approved 6-0-1, with Councilmember Agan abstaining:

ORDINANCE NO. 2011-20

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY-1 ZONING DISTRICT TO COMMERCIAL-1 ZONING DISTRICT AND DESIGN STANDARDS TYPE AREA 1 CLASSIFICATION FOR A RETAIL TIRE STORE.

Miscellaneous

Councilmember Agan returned to the meeting room.

Discuss the impact of Senate Bill 100 on the City's elections and consider recommendations regarding its implementation.

City Clerk Connie Torres gave an overview of SB 100 and its impact on the City's elections. She explained cities and schools have the following options:

- Purchase or lease electronic voting machines to use in May City elections;
- Move elections to November election cycle in even-numbered years and join the County's election, with joint use of their machines; or
- Adjust terms of office so that all City Council/Mayoral elections are held in May of odd-numbered years, and contract with Bell County for election equipment.

Ms. Torres recommended the City keep its elections in May with no changes in terms, and authorize the City to enter into a lease agreement with Election Systems & Software (ES&S) for election equipment and services for the May 2012 election. She indicated the City will still look at other options such as sharing equipment with BISD if possible, but it is important to lock in an agreement with ES&S to guarantee equipment availability for the 2012 election cycle.

Councilmember Agan asked about voting by paper ballots, and Ms. Torres stated this voting method with manual counting remains an option and certainly at a much lower cost, but the City will still need to lease an AutoMark machine for disabled voting in accordance with federal law. She added since ES&S's equipment is available on a first-come, first-served basis, they have received a record number of requests for equipment rental due to SB 100, and are recommending lease agreements be executed by September 30th.

Councilmember Agan asked about joint elections with the school district, and the City Clerk stated the City does hold joint elections with BISD and will share equipment when possible, though the district's polling locations vary depending on which trustee position is up for re-election, with some outside the city limits of Belton.

Councilmember Leigh made a motion to keep the City's elections in May on the current cycle and to authorize the City to enter into a lease agreement with ES&S as recommended. The motion was seconded by Councilmember Agan and carried unanimously.

Consider authorizing the City Manager to take all steps necessary associated with the sale of the following surplus City property:

- A. 123 N. Walker Street
- B. 702 and 704 W. Avenue C
- C. 72' x 150' lot on N. Smith Street
- D. 0.459 acre lot on W. Avenue O

- E. 150' x 300' lot on S. Penelope Street
- F. Lots 20-23, Highland Oaks 1st Addition Revised

The City Manager explained the City has several lots/parcels that may be suitable for development/acquisition by adjoining property owners, and staff is proposing sale of these properties to encourage development, return them to the tax rolls, and to eliminate City maintenance costs and obligations. Chapter 272 of the Local Government Code allows sale or lease of property by a municipality, and the City Charter (Section 8.18) indicates "the sale of City property shall be made in a manner that is not inconsistent with State law".

Mr. Listi reviewed exhibits of each parcel, described in more detail below:

1. 123 N. Walker Street, Property ID 95427, totaling 0.129 acres – A 47' x 108' tract located on the west side of N. Walker Street, near Flat Street (the former Pruet property). Site is zoned Retail.
2. 702 and 704 W. Avenue C, Lots 2 and 3, Schoolcraft Addition, Property IDs 438007 and 438008, with 0.173 acres each – Two remaining lots in the recently platted Schoolcraft Addition located on Avenue C just west of Sparks Street. Residential lots zoned Single Family-2 and measuring 50' x 150' in size each.
3. Smith Street lot, Property ID 405172, with 0.24 acres – A 72' x 150' residential lot located on N. Smith Street, just west of the Harris Community Center. Lot includes 22' of abandoned 4th Avenue ROW. Current zoning is Single Family-2.
4. W. Avenue O lot, Property ID 136083, with 0.459 acres – A tract located between W. Avenue O and U.S. Highway 190 service road east of Loop 121 (the former Cassell property), acquired for recent installation of a wastewater line. A public utility easement will need to be retained on the tract. Current zoning is Commercial Highway.
5. S. Penelope Street lot, Property ID 20420, containing approximately 1 acre – A 150' x 300' tract, which was the former site of the old City barn located on S. Penelope, north of Avenue E, opposite Bell County property. Site is zoned Redevelopment District.
6. Lots 20-23, Highland Oaks 1st Addition Revised, Property IDs 17148, 17149, 17150, and 17151, containing a total of 1.372 acres – Four residential lots zoned SF-2, located along a projected extension of Avenue M, between Fairway and Highland Drives. Miller Heights Elementary School is located to the north.

Mr. Listi recommended authorizing the City Manager to take all necessary steps associated with the sale of these surplus City-owned properties. Upon motion by Councilmember Carpenter, seconded by Councilmember Peters, the Council unanimously authorized the City Manager to proceed as requested.

At 6:43 p.m. the Mayor announced following a short break, the Council would go into executive session for the items below:

Executive Sessions 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 the following:

- A. Section 551.086, to discuss economic development negotiations;

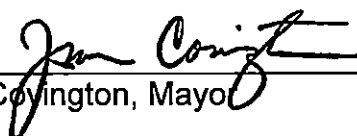
This closed session was held from 6:45-6:59 p.m.

- B. Section 551.072, to discuss land acquisition; and


This session was held from 6:59-7:34 p.m.

- C. Section 551.071, to consult with the City Attorney.

The last executive session was not needed, and there being no further business, the Mayor adjourned the meeting at 7:34 p.m.



Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk