

Belton City Council Meeting
April 11, 2017 – 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, Jerri Gauntt, Dan Kirkley, Paul Sanderford and Guy O'Banion. Staff present included Sam Listi, John Messer, Amy Casey, Erin Smith, Jen Wesley, Chris Brown, Kim Kroll, Paul Romer, Bruce Pritchard, Angellia Points, Matt Bates, Charlotte Walker and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Director of Planning Erin Smith, and the Pledge of Allegiance to the Texas Flag was led by Councilmember Dan Kirkley. The Invocation was given by Councilmember Craig Pearson.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:33 p.m.
2. **Public Comments.** Mayor Pro Tem David K. Leigh said that he had the opportunity to appear before the Texas Legislature to testify on a rural affairs issue. He stated that he appreciated all those who are willing to come to the City Council meeting and testify or speak to the City Council, as well as those who sit through the meetings each time. He said the experience helped him to appreciate the process from both sides of the dais.
3. **Proclamation: Fair Housing Month – April 2017**

Mayor Grayson presented a Fair Housing Month proclamation to Beth Correa, CTCOG Regional Planner.

Consent Agenda

Items 4-8 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. **Consider minutes of March 28, 2017, City Council Meeting.**
5. **Consider authorizing the City Manager to enter into agreements with the Texas Department of Transportation to construct and modify infrastructure in TxDOT right-of-way, including:**
 - A. Loop 121/Sparta Road;**
 - B. SH 317 at W. MLK, Jr. Avenue;**
 - C. SH 317 at Industrial Park Road; and**
 - D. Interstate 35 Frontage Road in the vicinity of Opal and Topaz.**
6. **Consider a resolution suspending the April 21, 2017, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to**

study the request and to establish reasonable rates; and approving cooperation with the Steering Committee of cities served by Oncor to hire legal and consulting services, and to negotiate with the company and direct any necessary litigation and appeals.

7. Consider authorizing the City Manager to execute Amendment #7 to the lease agreement between the City of Belton and Belton Christian Youth Center (BCYC) to recognize the organization's name change.
8. Consider authorizing the City Manager to enter into a mutual aid agreement with the Fort Hood Fire Department.

Mayor Pro Tem Leigh requested that Item 7 be removed for discussion.

Upon a motion by Mayor Pro Tem Leigh, and a second by Councilmember Jerri Gauntt, the Consent Agenda items 4-6 and 8, including the following captioned resolutions, were unanimously approved by a vote of 7-0.

RESOLUTION NO. 2017-13-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR LOOP 121 AND SPARTA ROAD IMPROVEMENTS, FUNDED BY THE CITY OF BELTON

RESOLUTION NO. 2017-14-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR STATE HIGHWAY 317 AND W MARTIN LUTHER KING, JR. AVENUE IMPROVEMENTS, FUNDED BY THE CITY OF BELTON

RESOLUTION NO. 2017-15-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR STATE HIGHWAY 317 AND INDUSTRIAL PARK ROAD IMPROVEMENTS, FUNDED BY THE CITY OF BELTON

RESOLUTION NO. 2017-16-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR A SIDEWALK WITHIN INTERSTATE 35 RIGHT-OF-WAY IN SOUTH BELTON, FUNDED BY THE CITY OF BELTON

RESOLUTION NO. 2017-17-R

RESOLUTION OF THE CITY OF BELTON, TEXAS, SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

Mayor Pro Tem Leigh asked about the entity name change in item 7. Director of Parks and Recreation Matt Bates explained that the Belton Christian Youth Center was no longer associated with the Boys and Girls Club of Central Texas, and therefore the name change needs to be reflected in the lease agreement. Councilmember Gauntt asked if this amendment extended the term of the lease, and Mr. Bates replied that the lease term is unchanged.

Upon a motion by Mayor Pro Tem Leigh, and a second by Councilmember Craig Pearson, Consent Agenda item 7 was unanimously approved by a vote of 7-0.

Miscellaneous

9. Hold a public hearing and consider an ordinance approving an extension of the City's juvenile curfew ordinance.

Deputy Police Chief Jen Wesley presented this item. She stated the juvenile curfew ordinance was established in 1993, and it has been a great deterrent to juvenile crime. It gives law enforcement a tool that allows for proactive intervention. She explained that the curfew ordinance provides 12 exceptions and defenses. Furthermore, it requires a warning on the first offense and a letter sent to the parents. A juvenile may be cited on a second offense. On the third offense, both the juvenile and a parent may be cited.

In 2014, fourteen warnings and two citations were issued for curfew violations. In 2015, there were eight warnings and zero citations issued. In 2016, eight warnings were issued and four citations for curfew violations. Considering the large number of juveniles in our community, and the small number of warnings and citations issued each year, the deterrent effect of the curfew ordinance is apparent.

On March 27, 2017, the Youth Advisory Commission was given an overview of the juvenile curfew ordinance. They unanimously recommended renewal of the curfew ordinance. No changes were recommended.

Mayor Pro Tem Leigh asked how the information about this ordinance is communicated to the youth. Deputy Chief Wesley said it is presented to students by the School Resource Officers and then through word-of-mouth.

The Mayor opened the public hearing.

Mack Parker, 505 E. 14th Avenue, spoke in favor of continuing the ordinance. He said that it is a great tool for parents to use in ensuring the safety of their children.

Garrett Smith, 5282 Lazy Drive, Vice President of the Youth Advisory Commission, stated that YAC is in favor of continuing this ordinance.

Seeing no one else wishing to speak for or against the item, the Mayor closed the public hearing.

Upon a motion by Councilmember Dan Kirkley, and a second by Councilmember Gauntt, the following captioned ordinance was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00 A.M. THE FOLLOWING DAY, AND FROM 12:01 A.M. UNTIL 6:00 A.M. ON ANY SATURDAY OR SUNDAY; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT AND ADMINISTRATIVE APPEAL PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00), AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50.00) BUT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); ADOPTING CERTAIN DEFENSES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

10. Consider award of bid and authorizing the City Manager to execute a construction contract for the Sparta Road Reconstruction 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 the City received four bids for the project on March 28, 2017. The low bidder is Smith Contracting, and since the City has not done business with this contractor previously, Staff interviewed them, reviewed their experience record, reviewed their financials, and checked their references. It was determined that Smith Contracting is qualified to construct this project.

Mrs. Points gave a quick review of the elements of the project. She said the project was broken into four parts as follows:

Part A – Improvements to Industrial Park Road at North Main Street

- ▶ Objective: Rework the valley gutter for a smoother transition; this work shall be done before Part C.

Part B – Improvements to the intersection of W MLK Jr. Ave and North Main Street

- ▶ Objective: Finish the work to widen W MLK Jr. Ave, add a median in North Main Street, and rework the signal lighting.
- ▶ The scheduling of this work shall be done as soon as possible to coincide with the Performing Arts Center opening and the beginning of classes for UMHB.

Part C – Sparta Road and the Roundabout

- ▶ Objective: Installation of the roundabout at Commerce and Sparta and widening of Sparta Road.
- ▶ Construct the temporary detour road, shut down Commerce and Sparta, construct the roundabout, widen Sparta, and construct a 10-foot hike and bike trail. The right turn lane on westbound Sparta will also be reworked for additional queuing space.

Part D – Loop 121 and Sparta Intersection

- ▶ Objective: Improve turning movements by reworking the right turn lanes.

Councilmember Sanderford asked if any consideration has been given to completing the roundabout construction during months when school was not in session. Mrs. Points said that the construction schedule has been revised to try to complete construction of the roundabout during the summer of 2017.

Councilmember O'Banion asked if the entrances into Walmart and the surrounding stores will be blocked. Mrs. Points answered that they will not be blocked.

Mrs. Points discussed the budget for the project which is funded primarily with TIRZ and BEDC funds. She explained that there is a shortfall of \$110,075.85 which is proposed to be funded with FY2018 TIRZ funds. Mayor Pro Tem Leigh questioned committing FY2018 TIRZ funds at this time since the TIRZ Board has not approved the expense. He suggested changing the funding proposal to say "funding will be identified from future funds" without designating which fund. Director of Finance Brandon Bozon said that the funds will be identified during the budget process.

Councilmember Pearson made a motion to approve the contract and any change orders associated with the contract not to exceed the amount authorized under state law utilizing future funds for the additional needed funds. Councilmember Kirkley seconded the motion, and item 10 was unanimously approved by a vote of 7-0.

11. Consider award of bid and authorizing the City Manager to execute construction contracts for the 2017 Street Maintenance Project, and any change orders associated with the contracts, not to exceed the amount authorized under state law.

Director of Internal Services/City Engineer Angellia Points said the City received bids for the construction of Year 3 of the Street Maintenance Plan. The bids are for Chip Seal Treatment and for Asphalt Overlay Treatment. The low bidder for Chip Seal is Old Castle Materials (formerly APAC Wheeler) of Belton with a bid of \$289,461.10 for the identified streets receiving chip seal treatment. The low bidder for Asphalt Overlay is Alpha Paving of Round Rock with a bid of \$554,772 for the identified streets receiving overlay treatment.

Mrs. Points reviewed maps showing what streets will receive treatment during Year 3 of the Plan. She added that because the project is under budget, additional streets will be added to the scope, up to the amount allowed under State law.

Councilmember O'Banion asked if Old Castle is the same contractor as last year for chip seal treatment. Mrs. Points said that it is the same company. Mr. O'Banion explained, that in his opinion, Old Castle performed poorly last year, and he did not think they should receive this year's contract. Mrs. Points explained that the distributor had clogged last year which caused the distribution of chip seal to be poor on one section of N. Beal. Mr. O'Banion said they should not get this contract award until they fix their work from last year.

City Attorney John Messer advised that the two contracts (last year and this year) should be considered separately. Councilmember Sanderford said that Staff should approach Old Castle on the warranty of last year's project, and should consider this year's project award separate from last year's contract. Mrs. Points said that she would contact Old Castle regarding warranty work on last year's project.

Upon a motion by Councilmember Paul Sanderford, and a second by Councilmember Kirkley, item 11 was unanimously approved by a vote of 7-0.

12. Consider authorizing the City Manager to execute a contract with Hunden Strategic Partners to prepare a Hotel/Conference Center Feasibility Study for the City of Belton.

Director of Finance Brandon Bozon said the City released a Request for Proposals to conduct a market feasibility study for a potential conference center and hotel to be located in Belton. He said the driver for this project is the expansion of the Bell County Expo Center and the growth of UMHB which continues to bring people to town. He said that when the UMHB Football Team has a game, they have stay at a hotel in Temple because Belton does not have a hotel that fits their needs.

Mr. Bozon explained that the scope of work includes conducting a study to determine the optimal site from three proposed areas – area around the Expo

Center, downtown Belton and Lake Belton area. The consultant will also determine the overall market feasibility of the recommended hotel and/or conference center facility. The intent is to provide the resulting analysis to potential hotel developers, management companies and brands who may be interested in participating in a conference center and hotel project.

A review committee comprised of City Staff, as well as BEDC Executive Director Cynthia Hernandez and Bell County Expo Center Executive Director Tim Stephens, reviewed proposals from seven firms, and conducted interviews and reference checks on the two firms determined to be finalists. As a result of this process, the committee recommends award of the contract to Hunden Strategic Partners in the amount of \$18,500. Mr. Bozon said the funding will come from TIRZ and explained that it was approved by that board on April 6, 2017.

Mayor Grayson asked if the final report received as a result of this contract will be a marketing tool to use to approach developers. Mr. Bozon said that target user of the final report/product will be the potential developers.

Mayor Pro Tem Leigh asked what the thought was for a hotel/conference center in downtown Belton. Mr. Bozon explained that downtown was a consideration for a boutique type hotel if that was what the market would support.

Upon a motion by Mayor Pro Tem Leigh, and a second by Councilmember O'Banion, item 12 was unanimously approved by a vote of 7-0.

13. Consider authorizing the City Manager to execute a contract with The Retail Coach to prepare a retail development strategy for the City of Belton.

Director of Finance Brandon Bozon said that the Retail Coordinator position became vacant in early FY 2017. Since that time, City staff has taken another look at the City's retail recruitment options and strategy going forward. City staff received proposals and conducted initial interviews with four consulting firms, specializing in retail recruitment, between January and March, and second round interviews with the two finalist firms in March. Based on those interviews, The Retail Coach has been selected for recommendation to the Council.

Mr. Bozon said that The Retail Coach offers the industry connections and data that the City does not currently have the resources to obtain at this time. He explained that Judy Garrett, who transitioned to the City during the reorganization of the Visitors and Convention Bureau, will perform a dual role, handling CVB functions and serving as Belton's primary staff contact for retail recruitment. The goal of this new strategy is to leverage the momentum of the City's staff level recruitment efforts with the additional information and reach that The Retail Coach offers.

Bozon said this is a one year contract with the award of Years 2 and 3 dependent upon Year 1 contract performance. Years 2 and 3 are priced at a reduced amount of \$26,000 each year for retail recruitment and data refresh.

Councilmember Gauntt asked if Ms. Garrett is being adequately compensated for the increase in her responsibilities. Ms. Garrett expressed appreciation for Mrs. Gauntt's concerns, but she believes that with her being a liaison between the retail business and The Retail Coach, it will work much better.

City Manager Sam Listi said that Staff realizes that the City is in a transition period. He added that the City had previously tried a different consulting firm, but had less than desirable results. He believes that this is a good approach to the retail issue, but also realizes that it may not be the final approach.

Councilmember Sanderford said that this is his first exposure to these types of services, but if the company is like an agent for businesses similar to an agent for professional athletes, how will the company choose which city to pitch to a company? Aaron Farmer, Senior Vice President of The Retail Coach, said that the firm assigns a specific project team to each city. Each team reviews the data for the City, develops a retail marketing strategy and determines which retailers the City matches up with in terms of retail needs. He said this is the most important criteria to retail developers. He added that The Retail Coach has a great relationship with several retailers and their site selectors.

Upon a motion by Councilmember Gauntt, and a second by Councilmember Kirkley, item 13 was unanimously approved by a vote of 7-0.

14. **Consider authorizing a one-year extension to the development agreement between the Belton Economic Development Corporation and Wire Rope Industries, LTD.**

BEDC Executive Director Cynthia Hernandez said Wire Rope Industries manufactures wire ropes and industrial steel cables for the automotive, offshore, mining and energy industries. She explained that in 2014, the company invested \$10 million in an asset purchase of the High Performance Ropes of America facility, to include real-estate and equipment. At that time, the City Council approved a Development Agreement between BEDC and Wire Ropes for the creation of 40 new jobs by the end of March 2019, and an additional \$2 million investment in new equipment and site enhancements. BEDC committed to providing incentives to offset the cost of training and facility enhancements, as well as a land grant. To date, the \$2 million investment has been met, and the company employed 27 people at the end of 2016.

Mrs. Hernandez said that in April 2016, the company requested, and received, a one-year extension to the Development Agreement for the land grant requirement. As per the Development Agreement, WRI was to submit a site plan within two years of executing the Agreement to acquire the adjacent 6-acre tract. In initial negotiations, the company intended to use the property for outdoor storage, allowing the company full use of the building for equipment. At the time of the

request, the company was undergoing a merger and needed additional time to plan their growth.

In February 2017, BEDC was notified of the company's need to flex down. Wire Ropes, now Bridon-Bekaert Ropes Group (BBRG), had been affected by the oil and gas market and needed to take time to retool and diversify the product manufactured in Belton. Today, the company has 13 full-time employees and has committed to investing an additional \$1 million in facility enhancements within the next year. As a result of the company's need to flex down and retool, the BBRG has requested a second one-year extension to the land grand incentive.

Mrs. Hernandez explained that Bridon-Bekaert Ropes Group has 19 manufacturing facilities across 11 countries. Belton is one of two production plants in the U.S., and company representatives expect the Belton facility to be in full operation by early 2018. BBRG has worked closely with BEDC in various Business Retention and Expansion programs, and has been proactive in reporting and keeping staff updated on changes within the company.

A one-year extension to the Development Agreement was approved by the BEDC Board of Directors on April 3, 2017.

Mayor Pro Tem Leigh said that sometimes extensions can become perpetual. He asked if the Board is authorized to approve them, or did it legally require City Council approval to accomplish. Mrs. Hernandez said that because the City Council approved the initial development agreement, she thought it was prudent to bring extensions to that agreement to the Council.

Mr. Leigh asked if the company was compliant in other areas of the agreement. Mrs. Hernandez said that BEDC only pays the incentives when presented with receipts showing that the required investment has been made. She also stated that the agreement requires the company to have 40 full-time employees by 2019, so they are currently compliant in that area. BEDC and the City are monitoring employment levels reported to ensure compliance. Director of Finance Brandon Bozon said that tax abatement is not covered under the scope of this agreement, but is a separate agreement approved by the Council.

Leigh said that, in his opinion, BEDC should consider other uses for the 6-acre tract, but give Wire Ropes the first right of refusal on the property. Mrs. Hernandez said that only four of the six acres is developable. Councilmember Kirkley said that he is familiar with the property, and it would be hard for any industry to develop it.

Upon a motion by Councilmember Kirkley, and a second by Councilmember O'Banion, item 14 was unanimously approved by a vote of 7-0.

Mayor Grayson announced that she would be abstaining from item 15, and she gave control of the meeting to Mayor Pro Tem David K. Leigh.

15. **Consider a resolution authorizing the City Manager to execute a Development Agreement between the City of Belton, Quadruple Bogey Development, LLC, and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. regarding Dawson Ridge subdivision.**

Director of Planning Erin Smith said that this item would authorize a development agreement between the City, Quadruple Bogey Development, LLC, and Regatta Oaks/Dawson Ranch Homeowners Association, Inc. concerning the Dawson Ridge Subdivision containing 129 lots proposed for single family residential and town home development.

Mrs. Smith said that the developer is proposing to design and construct a 6-foot wide concrete hike and bike trail along the north side of Chisholm Trail Parkway to satisfy the parkland obligation for this development. The developer will construct a bulb-out turnaround to allow for bike and pedestrians to turn around where the trail ends at Waggoner Drive. This concrete trail extension will provide a substantial benefit to the Belton community. The City is proposing to accept ownership and maintenance of the completed trail improvements, and the HOA will be responsible for landscape installation and routine maintenance of the areas along the trail.

This subdivision is located in 439 WSC CCN, and a letter has been submitted stating this area can be serviced by 439 WSC. The City owns Lot 1, Block 1 of the Dawson Ranch – Regatta Oaks HOA Addition for a future elevated water storage tank. There is a proposed 16" waterline that will extend along Spring Canyon roadway leading to this future water tank site. Staff has met with the developer and requested the developer install 114.43 linear feet of 30-inch domestic steel casing, and trench 644 linear feet during subdivision development for this future waterline extension, for a cost not to exceed \$49,020.

Mrs. Smith explained that Spring Canyon Road is a collector street with 60 feet of ROW and a 37-foot pavement width. She said the developer is proposing to extend this collector street to just north of the proposed lift station #2 with a 5-foot wide sidewalk along the east side of this street. The Spring Canyon Road ROW is 60 feet to the southern plat boundary. The roadway is difficult to construct after this point without creating an off-site embankment due to the steep elevations in that area. She added that when the final plat was presented to the City Council, Staff recommended the developer provide funding for the remainder of Spring Canyon roadway and the 5-foot wide sidewalk from where it will terminate to the southern plat boundary. The applicant's engineer provided a cost estimate, and staff met with the developer to review the components of the estimate. Smith said there are many uncertainties of how the roadway will be constructed going south without having a design of the future Spring Canyon Road south of this subdivision. There is a significant drop in elevation from this subdivision to the area proposed just south of this subdivision where Spring Canyon is proposed to extend to Sparta Road. A timeframe for an extension of Spring Canyon Road south to Sparta Road is unknown, and there is no funding available at this time. Due to the uncertainties in

funding and construction needed to extend this roadway south, she stated that Staff recommends the developer construct the roadway to just north of the lift station, the southernmost constructible point and no escrow funding be collected from the developer.

Mrs. Smith reviewed the obligations of the agreement:

- (1) The developer agrees to do the following:
 - a. Trench 644 linear feet for the future City of Belton 16" waterline extension.
 - b. Provide 114.43 linear feet of 30" domestic steel casing with 0.50-inch wall thickness.
 - c. Design and construct a 6-foot wide concrete hike and bike trail along the north side of Chisholm Trail Parkway, from Spring Canyon Road to just west of Canyon Heights Road on Lots 3, 4, and 5, Block 1 of the Dawson Ranch – Regatta Oaks HOA Addition and Tract B of the Dawson Ridge Addition to satisfy the parkland obligation for this development.
 - d. Warranty built trail improvements for one year from date of acceptance by the City for this trail construction.
 - e. Install irrigation, weed barrier, and mulch where desired at trail bump-outs.
- (2) The HOA agrees to install landscaping and provide maintenance of flower beds and grassy areas along the trail in compliance with Atmos' Hello Neighbor Policy, including the option for periodic change in landscaping also in conformance with Policy.
- (3) The City agrees to do the following:
 - a. Reimburse developer for 114.43 linear feet of 30" domestic steel casing with 0.50-inch wall thickness and trenching 644 linear feet for the City of Belton 16" waterline extension, for a cost not to exceed \$49,020.
 - b. Maintain the completed trail improvements on Lots 3, 4, and 5, Block 1 of the Dawson Ranch – Regatta Oaks HOA Addition and Tract B of the Dawson Ridge Addition.

Councilmember Gauntt asked for clarification about the original language that required the developer to construct Spring Canyon to the end of their plat. Mrs. Smith explained that originally Staff wanted the developer to provide funding to the southern plat boundary for the construction of Spring Canyon. She added that after review of the severe topography of the area, and without a design of that roadway, it is difficult to determine that cost. Mrs. Gauntt asked if the developer was "totally off the hook." Mrs. Smith said the developer will construct the road to the southernmost point they possibly can.

City Manager Listi said the options were to put money into escrow for a future roadway design, or to build the road as far south as realistic at this time. He added that instead of trying to estimate a cost to be escrowed now, the developer is required to construct the roadway as far south as possible.

Mayor Pro Tem Leigh asked if the developer owned the land between the southern plat boundary and Sparta Road. Mr. Listi responded that the property is privately owned, and not by the developer.

Councilmember Gauntt asked how far it is from the edge of the plat to where the developer will stop construction of the roadway. Mrs. Smith replied that it was about 140 feet. Mrs. Gauntt said that the portion not being built by the developer will be the most costly portion to build, and that responsibility will fall on the City to pay for the construction. Mrs. Smith that there is a possibility that the future construction will be driven by development in that area. City Attorney John Messer said that most likely the City will participate in the development of the Lake-to-Lake Road in that area and not Spring Canyon.

Upon a motion by Councilmember Pearson, and a second by Councilmember Sanderford, item 15 was approved by a vote of 6-0-1 with Mayor Grayson abstaining.

Mayor Grayson resumed control of the meeting from Mayor Pro Tem Leigh.

Work Session

16. Receive a presentation regarding requirements for individual mobile food units and food truck parks.

Director of Planning Erin Smith explained that her presentation is separated into mobile food trucks and more permanent food truck parks (see Exhibit "A"). She reviewed the City's current application process for individual mobile food trucks, and stated that the City's current fee is \$100 per year. She stated that Staff researched other Texas cities regarding their requirements for food trucks. That information is shown in Exhibit "A".

Mayor Pro Tem Leigh questioned whether the City of Austin has any zoning requirements for their food truck parks. Mrs. Smith said that she was not able to find the zoning requirements if there are any. Mr. Leigh said that he likes the idea that a permit goes with the food truck and not with a location.

Councilmember Kirkley asked for an explanation regarding the requirement for a central commissary because food trucks typically do their own cooking. Mrs. Smith replied the central commissary is where the food is stored, not where it is cooked. Mr. Kirkley asked why there was a requirement for restrooms. Mr. Listi said that it is typically a requirement for the more permanent facilities where they put out tables and chairs as an encouragement for people to stay and eat.

Mr. Listi said that there are probably three items to consider: (1) individual food truck permits, (2) permitting for special events, and (3) permitting of food truck parks.

Mayor Grayson said that Belton has several restaurants that have made an investment in the community by putting up a brick and mortar building and paying property taxes. Food trucks pay less than \$10 per month for a permit to operate. Mayor Grayson said she wants to take into consideration and protect the existing restaurants and their investment in Belton. Councilmember Kirkley said that food trucks could be a trial for a business having a brick and mortar location in Belton.

Councilmember Gauntt asked if Dusty Miller of Miller's Smokehouse, who was in the audience, would like to comment. Mr. Miller said that he has no problem with food trucks in Belton. He does not think someone who is unable to afford a brick and mortar should be prevented from selling their food in Belton. Food trucks are like incubators for brick and mortar restaurants. He added that some food truck owners bring in their own groups of people which potentially create new business for existing restaurants. Food trucks also provide variety to the citizens of Belton who patronize them.

Mr. Leigh said he was interested in concentrating on individual food trucks more than on food truck parks.

Mr. Listi suggested that a Special Use Permit might be a consideration for special events, and it would apply to the site as opposed to the food truck. Mayor Grayson said zoning is especially important to help protect the neighboring properties. Councilmember O'Banion said that if the City wants to encourage food trucks and food truck parks, it would be beneficial to draft an ordinance for this.

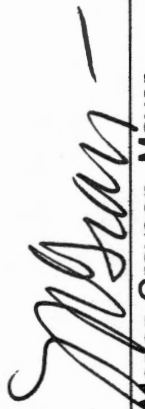
No Council action was required on this item.

Executive Session

At 7:30 p.m., the Mayor announced the Council would go into Executive Session for the following item:

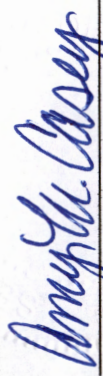
17. **Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.072, to discuss a real estate transaction.**

The Mayor reopened the meeting at 7:49 p.m., and there being no further business, the meeting was adjourned.



Marlon Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

MOBILE FOOD TRUCKS

CITY COUNCIL WORKSHOP

APRIL 11, 2017



CURRENT MOBILE FOOD VENDOR PERMITS

- Complete permit application
- \$100 annual permit fee
- Photo of vendor truck
- Site plan/parking plan
- State sales tax certificate
- Bell County health inspection
- Permission letter from property owner
- Manager certification, food handler cards
- Photo ID



FOOD VENDOR PERMIT

All food service and food processing establishments, including temporary food establishment and mobile food units doing business within Belton city limits are required to be inspected by the Bell County Public Health District, located at 410 Corttingham Drive in Temple, 254-771-2106. Fees: An annual permit fee of \$100 is required by the City of Belton in conjunction with the City's permit application.

Name of Business Owner:									
Address of Business Owner:									
Business Owner Contact Information:									
Name of Business:									
Type of Food:									
Location of Sales:									
Plans to sell alcohol? YES NO Have you applied for a TABC permit? YES NO									
Days/Hours of Operation:									
Please provide following information for each person driving the mobile food operation.									
NAME	ADDRESS	SSN#	DOB	DL#					
Description and license plate number of all vehicles used.									
YEAR	MAKE	MODEL	COLOR	LP#					
FOR OFFICE USE ONLY									
Check and complete as received:									
<input type="checkbox"/> Photo of vendor truck	<input type="checkbox"/> Site plan/parking plan	<input type="checkbox"/> State Sales Tax Certificate	<input type="checkbox"/> Bell County health inspection						
<input type="checkbox"/> Permission letter from property owner	<input type="checkbox"/> Manager certification, food handler cards	<input type="checkbox"/> Photo ID							
Review by City Staff:									
Police Department: _____			Date: _____						
Planning Department: _____			Date: _____						

CURRENT PRACTICE FOR MOBILE FOOD VENDORS

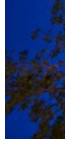
- Allowed on sites in all business zoning districts, except residential
- Food trucks may not occupy within a fire lane or in the required parking spaces for the primary use
- Site must contain an additional 5 parking spaces for the food truck patrons; except the CBD where parking is not required due to the availability of public parking lots
- Not permitted on vacant lots with no primary building
- There are 8 mobile food units currently approved to operate in the City of Belton



MOBILE FOOD ESTABLISHMENTS

- Staff researched the following Texas cities' requirements for mobile food establishments:

- Austin
- Bedford
- Dallas
- Fort Worth



TYLER'S FIRST FOOD TRUCK PARK
INCLUDING CANTINA AND LIVE MUSIC



TEXAS CITIES' MOBILE FOOD REQUIREMENTS

- Annual permit required
- Accessory use only
- Temporary in nature – no new or permanent utility connections
- Vehicles may not be parked overnight
- Mobile food establishments must be readily moveable
- Mobile food establishments shall operate from a central preparation facility (commissary) or other fixed food establishment and shall report to such location for supplies and for cleaning and service operations.
- No mobile food vendor or kitchen is allowed to operate and/or prepare food from a house or private residence
- Letter of permission from the owner of that property or immediately adjacent to the property for the use of restroom facilities (City of Austin allows portable restrooms)
- Mobile food establishments cannot occupy parking spaces required for the primary business
- Location of mobile food establishment must be zoned for commercial/business use
- All signage shall be on or attached to the vehicle

FOOD TRUCK PARK EXAMPLES

- Most cities do not have requirements for food truck parks, just individual mobile food establishments
- Food Truck Parks typically have the following:
 - Multiple food trucks on a daily basis
 - Fixed location
 - Restrooms available in the park
 - Sometimes separate kiosks for alcoholic beverages
- Tyler and Victoria created ordinances for food truck parks
- Victoria created the food truck ordinance to ensure food truck parks follow reasonable regulations in comparison to brick-and-mortar restaurants
- Bedford's approach is not to create a fixed food truck park, but to use existing over-parked shopping centers to accommodate the food trucks and their patrons

CITY COMPARISON OF FOOD TRUCK PARK REQUIREMENTS

Victoria, TX

- Designated site manager
- At least two permanent restrooms located on the same lot or within 300 feet of the mobile food unit. Portable toilets do not meet the requirements as a permanent restroom facility.
- May be co-located on a property with other permanent uses
- Mobile food units shall be on paved surfaces only, such as asphalt or concrete
- Electrical outlet is required for each pad site
- Connection to public water and sewer utilities by the mobile food vendors is prohibited unless there is a central preparation facility located on-site
- All mobile food units shall be removed from the food truck park upon closing of the park – unless central preparation facility is provided on-site

Tyler, TX

- Minor food truck park (2-4 mobile food units) and major food truck park (5 or more mobile food units)
- Different zoning designations – for example, major food truck parks require an SUP in all commercial and industrial districts
- On-site manager
- Accessible restrooms within 500 feet
- Improved parking surfaces for mobile food units
- Parking Requirements: 2 spaces/unit
- May sell alcohol from fixed locations in accordance with City ordinances and TABC regulations
- May not be within 300 feet from a restaurant

NEXT STEPS

- Staff to create an ordinance that addresses specific requirements for:
 - Individual mobile food units (temporary);
 - Special events (temporary); and
 - Food truck parks (permanent)
- The ordinance will address the following:
 - Zoning
 - Parking
 - Restrooms
 - Central Preparation Facility/Commissary
 - Signage
 - Accessory uses – seating, shade structures
 - Dumpsters/Trash Receptacles
 - Other important items