

**Belton City Council Meeting  
February 26, 2019 – 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 Craig Pearson and Councilmembers David K. Leigh (via videoconference from Mammoth Lakes, California), Dan Kirkley, Guy O'Banion, John R. Holmes, Sr. and Wayne Carpenter. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Brandon Bozon, Chris Brown, Matt Bates, Paul Romer, Bob van Til, Bruce Pritchard, Kim Kroll, Judy Garrett, Angellia Points, Charlotte Walker and Cheryl Maxwell.

The Pledge of Allegiance to the U.S. Flag and the Pledge of Allegiance to the Texas Flag were led by Boy Scout Troop #177, and the Invocation was given by Jeff Miller, Pastor of First United Methodist Church.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:31 p.m.
2. **Public Comments.**

Candace Cartwright representing Foster Love of Bell County, 1003 N. Main Street, Belton, Texas, said their goal is to provide space for "children without a placement." They have been told by the Fire Marshal that they must provide a fire suppression system in their new building, but they are having difficulty finding someone licensed to do the work and are concerned about cost. They are requesting not to be required to have a fire suppression system because the on-site workers are not allowed to sleep. Mayor Grayson said that a City Staff member will contact her to discuss.

Kim Kroll, Director of Library Services, said that the Library will be having a birthday party for Dr. Seuss on Friday at 4:00 p.m. She invited the public to attend.

**Consent Agenda**

Items 3-6 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.

3. **Consider minutes of February 12, 2019, City Council meeting.**
4. **Consider approval of a revised employment agreement for the City Manager.**
5. **Consider a resolution authorizing the submission of an application for Community Development Block Grant funds that proposes to replace the water line on N. East Street and E. 5th Street.**
6. **Consider authorizing a Façade Improvement Grant to Fadil Thaqi, 112 East Central Avenue.**

Upon a motion by Councilmember Kirkley and a second by Mayor Pro Tem Pearson, the Consent Agenda, including the following captioned resolution, was unanimously approved by a vote of 7-0.

### RESOLUTION 2019-07-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

#### **Planning and Zoning**

Councilmember Leigh announced that he would be abstaining from Item #7.

- 7. Hold a public hearing and consider a zoning change from Agricultural to Multi Family District on 2.24 acres comprising Lot 2, Block 1, Brentham Addition, located at 406 N. Loop 121, near the northeast corner of W. 2<sup>nd</sup> Avenue and N. Loop 121.**

Director of Planning Cheryl Maxwell explained that there are currently two duplex units on this property. The applicant desires to construct covered carports for each unit and requested a building permit. Upon review of the requested permit, it became apparent that the current Agricultural Zoning District does not allow the existing duplexes. Therefore, the purpose of this zoning change is to bring the property and use into compliance with the Zoning Ordinance and allow the carports. She added that this property is part of a three lot subdivision (Brentham Addition) that was platted in 1993. Access to these duplexes is via the adjacent lot to the south through an access agreement with the property owner.

Mrs. Maxwell said the adjacent property to the south is currently undeveloped and zoned Retail District. Adjacent properties to the east and north are zoned Agricultural District and are either used residentially or undeveloped. Properties on the west side of Loop 121 are zoned Retail at the intersection with FM 93/West 2<sup>nd</sup> Avenue and Agricultural District along the Loop 121 frontage. These tracts are also used residentially or are undeveloped. The requested Multi Family Zoning District allows the proposed duplex use, as well as a traditional apartment complex, and is consistent with the FLUM. The applicant has indicated there are no plans to expand either duplexes or to build apartments on this lot at this time.

Maxwell stated that the Planning and Zoning Commission met on February 19, 2019 and recommended approval of this zoning change from Agricultural District to Multi Family District. Staff concurs with their recommendation.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing.

Upon a motion by Councilmember Holmes and a second by Councilmember O'Banion, Item #7, including the following captioned ordinance, was unanimously approved by a vote of 7-0.

**ORDINANCE NO. 2019-14**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO MULTI FAMILY DISTRICT ON A 2.24 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 8 DESIGN STANDARDS.**

8. **Hold a public hearing and consider a zoning change from Commercial-1 to Planned Development Office-2 District with a Specific Use Permit for the operation of a bail bond business on a 0.18 acre tract located at 795 E. Central Avenue, at the southeast corner of E. Central Avenue and S. Birdwell Street.**

Director of Planning Cheryl Maxwell said the applicant is leasing this property and wishes to open a bail bonds office at this location. There is an existing residential structure on site that has been converted to office use and was recently used as a security firm office. Per Resolution #2007-14, passed by the City Council on February 27, 2007, Bail Bonding Agents and Services are only permitted in the Office-2 District with a Specific Use Permit. Therefore, the applicant is requesting this zoning change and SUP to accommodate the use. Mrs. Maxwell added that a PD is proposed since the lot sizes do not meet the Office-2 District minimums, but Office-2 with a SUP is the vehicle in the Zoning Ordinance for a bail bonds business.

Mrs. Maxwell said this property, and the surrounding properties to the east and south, are zoned Commercial-1 District. Properties to the north and west are zoned Retail District. Auto Zone is located on the adjacent property to the east, while residential uses are located to the south. Uses along the north side of Central Avenue near this site include Eagle Auto Parts and Schoepf's BBQ, while uses on the south side include a parking area and O'Reilly's Auto Parts.

Maxwell explained that a site plan is required by both the Planned Development District and the Specific Use Permit provisions. The site plan that has been provided shows the existing structure and carport, and the area that will be paved for parking. No expansion of the structure will occur, and all activities will occur inside the structure. If the requested zoning change is approved, any use allowed in the Office-1 or Office-2 Zoning Districts would be allowed, plus a bail bonds office would be allowed, per the submitted site plan. If the building is enlarged, or the site plan changes significantly, a zoning code amendment would be needed. Since the adjacent residential uses to the south are zoned Commercial-1, fencing or screening is not required by the Zoning Ordinance; however, screening may be required as a condition of the SUP/PD if deemed necessary.

Mrs. Maxwell said that the applicant currently has another bail bonds office in Waco that has been in operation since 1994, so he has several years of experience with this type of business. The Belton office will function the same as the Waco office. Although 24-hour service will be provided via phone, the applicant has indicated the office hours will generally be limited to 8 to 5 Monday through Friday, and 10 to 2 on Saturday. Customers and employees will only be on-site during these hours of operation. Initially there will be two employees, with possibly a third in the future. The applicant has been advised that no parking will be allowed in the street right-of-way or on an unimproved surface; therefore, additional paved parking may be needed in the future.

The FLUM identifies this area as generally Commercial and Retail. Mrs. Maxwell added that the Commercial and Retail Zoning Districts also allow office use, so the requested PD Office-2 Zoning District is a bit more limiting, but is not in conflict with the FLUM. The existing commercial/retail uses next to residential uses are not desirable; however, that is the current condition. It is anticipated that the residential uses will eventually transition to non-residential. The office use is generally considered more compatible with residential uses; therefore, the requested PD Office-2 may actually be considered a more compatible zoning district given the current use in the area.

At the Planning and Zoning Commission meeting on February 19, 2019, the members discussed this case, and concerns were expressed regarding the proposed “downzoning” of this property, given the location along a major retail corridor—Patriot Way—providing entry to Belton’s downtown area. Concerns were also expressed regarding the close proximity of this property to Belton’s Historic Downtown, and past action that was taken to limit the number of bail bond offices in that area. A motion to approve this zoning change and SUP failed with a vote of 2 in favor and 6 in opposition.

Maxwell explained that the applicant has appealed the P&ZC decision and has indicated willingness to forego signage along the Central Avenue frontage to minimize their visibility along this important gateway to the City. Since the P&ZC recommendation was for denial, a  $\frac{3}{4}$  majority vote (6 votes) of the Council is required for approval.

Mayor Grayson opened the public hearing.

Tom Renschler, 600 S. Valley Mills, Waco: Mr. Renschler said, “My family has been in business since 1943. The Chapman family has been in business since the late 1980s. We are both very responsible individuals. We have a lot business knowledge.” He said he is at the meeting to request a zoning change in order to open a bail bonds company at the location.

Chase Chapman, 301 W. Billington, Robinson: Mr. Chapman said that he is willing to do whatever is suggested in order to allow the company to open in the selected location. He said that the building has housed a security company for 13 years, and

most people will not realize that it has changed to a bail bonds company. He said this location was basically the only option as there are no other O-2s available. He added that most property owners have a Commercial designation and do not want to “downsize” to an O-2 in order to allow a bail bonds company.

Spencer Ferrell, 6422 Golinda Drive, Lorena: Mr. Ferrell said the main concern of the Planning and Zoning Commission seemed to be that the building is located in a gateway area of the City, and they don't want bail bonds signage to be seen at the entrance. He said that Mr. Renschler has owned a security business in the location for 13 years, and most people do not know it as anything other than a “little white building.” He said, “That's actually how we want to keep it.” He said that the bail bonds company will have fewer working hours than the security company since they dropped cars off at all hours of the night. He added that they are willing to do whatever is needed in order for the rezoning to pass.

Seeing no one else wishing to speak, Mayor Grayson closed the public hearing.

Councilmember Leigh said downtown Belton was dominated by this type of business from the 1970s to the early 2000s. The Council has limited the types of businesses that are allowed to be located in the downtown area. He said he is not in favor of allowing a bail bonds company within a half block from downtown. Additionally, he said that he is not inclined to overturn the decision of the Planning and Zoning Commission on this item because he believes they understand the intent of what was done. He asked, “If all they want to do is have an office, then why not have an office and not an operational bail bonds?” Mrs. Maxwell said that office use is allowed in the Commercial District, but she's not sure where you draw the line between a General Office and a Bail Bonds business office.

Mayor Pro Tem Pearson said he understood that there will be clients coming to the bail bonds company. Mr. Chapman explained that in certain situations, family members of their clients may come to the office during business hours.

Councilmember Holmes said that he recognized the efforts that were made to change the area to be more retail shopping, restaurants and similar businesses. He said that he is concerned with the transition to a bail bonds company in the corridor of the downtown. He added that he believes bail bonds companies do a lot of advertising, and he isn't sure how the company would get around that. Mr. Chapman said that the majority of their advertising is done online. Mr. Chapman also explained all the upgrades that will need to be made to bring the building up to code.

Mr. Holmes said that he has concerns when a current business owner makes promises on how a business will operate, but when the property is sold, the conditions or promises do not always carry on to the next owner. Mr. Chapman said he understands the concern, but they are willing to do whatever needs to be done.

Councilmember O'Banion said there has been a lot time and money invested by the Council and other businesses to beautify and revitalize the downtown, so he shares some of the same concerns. He doesn't think it should be changed.

Upon a motion by Councilmember Leigh and a second by Councilmember Carpenter, Item #8, including the following captioned ordinance, was unanimously disapproved by a vote of 7-0.

#### ORDINANCE NO. 2019-15

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL – 1 TO PLANNED DEVELOPMENT OFFICE – 2 DISTRICT WITH A SPECIFIC USE PERMIT FOR THE OPERATION OF A BAIL BOND BUSINESS ON A 0.18 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 7 DESIGN STANDARDS.**

9. Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.
10. Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.

Director of Planning Cheryl Maxwell presented Items 9 and 10 together. She reminded Council that the preliminary plat for Phases IV through VII of the Three Creeks residential development was approved in August 2017.

Mrs. Maxwell explained that Phase VI proposes 138 lots and two common areas, and Phase VII proposes 78 lots and two common areas. The seven phases combined consist of a total 1,044 lots, a slight increase from the 1,033 that was originally proposed. Three Creeks Boulevard will be extended to the eastern boundary of this subdivision as part of Phase VI and available for future extension eastward and connection to Shanklin Road, as identified on the City's Thoroughfare Plan.

Maxwell said these final plats are generally consistent with the approved preliminary plats. Minor changes are noted below:

Phase VI:

- One additional lot is included in this phase; was originally to be included in Phase IV.
- Lots 75 – 80, Block 3 have been reconfigured.

- Tract C has been merged with Lot 80, so there are only two tracts in the final plat.
- The boundary of Tract A has been shifted slightly.

Phase VII:

- Redfish Court shortened and lots slightly reconfigured in cul-de-sac.
- Tract B boundary slightly adjusted.

Mrs. Maxwell added that this property is located in Belton's ETJ, so there is no zoning. All of the lots in each subdivision are a minimum of 50' in width, 100' in depth, and 5,000 sq. ft. in area. This is in compliance with the Development Agreement Section 5.02.b, executed in December 2010. Per the Development Agreement approved in 2010, Bell County Municipal Utility District (MUD) No. 1 was created to finance infrastructure in, and to, this subdivision. This infrastructure includes water, sewer, drainage, and roadways.

Mrs. Maxwell provided a summary of the subdivision ordinance requirements as they apply to these subdivision plats.

**Water/Sewer:** These phases lie within Belton's water and sewer CCN. Six-inch water and sewer lines are being extended throughout the subdivision. Fire hydrant flows and locations meet the City's Fire Code. The City will be responsible for maintaining the water and sewer lines after construction.

**Access:** The development agreement approved by the City Council in 2010 included a master plan of the proposed subdivision that identified two points of access: one via Three Creeks Boulevard, and a second via the extension of Rocking M Lane. For Rocking M Lane, the approved Development Agreement Section 6.06 states that the developer will grade and prepare with crushed limestone base 27' wide and provide a 25' double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. The developer will also dedicate 50' of right-of-way within this subdivision for the road extension. This requirement will be due May 1, 2019 and is currently underway.

In 2016, the Subdivision Ordinance was amended (Section 502.01.J) to require, any single family residential subdivision within the City of Belton or the City's ETJ to provide three entrances/access streets for subdivisions with more than 101 lots. The City's Thoroughfare Plan anticipates the future extension of Three Creeks Boulevard eastward to Shanklin Road, which will provide the third connection, although it is not a requirement for this subdivision.

**Streets/Drainage:** All of the streets in Phase VI are local streets and will be constructed with a 50' ROW, 31' pavement width, and curb/gutter. The streets in

Phase VII are local streets except for Three Creeks Boulevard, which is a major collector on the City's Thoroughfare Plan. Three Creeks Boulevard will be constructed with a 120' ROW, 37' pavement width, but no curb/gutter. This is consistent with previous phases and the approved Development Agreement. After construction, Bell County will be responsible for maintenance of the streets. Drainage plans and calculations have been provided and reviewed. Since this property lies in Belton's ETJ, the City is not responsible for drainage and will defer to Bell County and their requirements. Drainage easements are being dedicated and will be owned and maintained by MUD #1.

**Sidewalks:** Since most streets in Phases VI and VII are local streets, no sidewalks are required, or proposed, for local streets. However, 6' wide sidewalks are required along both sides of arterial streets. This would apply for Three Creeks Boulevard; however, per the Development Agreement, Section 7.08, the developer may install and maintain trails along arterial and collection streets in lieu of installing sidewalks. Phase VI will include an extension of the existing trail system, both nature trails as well as a 10' wide improved surface with compacted crushed limestone base. The existing 6' wide hike/bike trail along the south side of Three Creeks Boulevard will be extended as part of Phase VII.

**Parkland Dedication/Fee:** According to the Subdivision Ordinance Section 517, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 1,044 lots in Phases I-VII and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 10 acres of parkland is required for the seven phases, and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements and is consistent with the master plan in the development agreement. The parkland facilities, greenspaces, and trails will be maintained by the HOA. Phase VI proposes two tracts, or greenspace areas. Tract A comprises 0.5 acre, and Tract B comprises 31.18 acres. Phase VII also proposes two tracts. Tract A comprises 0.89 acre, and Tract B comprises 0.32 acre.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed these plats and provided comments which are being addressed. After Council action, these plats will be taken to Bell County Commissioners Court for approval. Staff has reviewed the plats and finds them acceptable as final plats, subject to conditions identified in the City's letter dated February 14, 2019.

Mrs. Maxwell said the Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of these final plats, subject to the conditions below, and Staff concurs with their recommendation.

1. City letter of conditions dated February 14, 2019.
2. The terms of the development agreement.



Upon a motion by Councilmember Holmes and a second by Mayor Pro Tem Pearson, Items #9 and #10 were unanimously approved by a vote of 7-0.

11. **Consider a final plat of Eagles Bend Subdivision, comprising 23.186 acres, located along the north side of Sparta Road, beginning approximately 300' east of Sparta Lane, and along the south side of Eagle Point West, beginning approximately 200' west of Summit Circle, in Belton's ETJ.**

Director of Planning Cheryl Maxwell explained that this subdivision is proposed for a residential development consisting of 10 lots. Five of the lots will front on Sparta Road, and five lots will front on Eagle Point West and will be accessed via a 25' cross access easement. One single family residence is currently located on Lot 3.

Mrs. Maxwell said that this property is located in Belton's ETJ so there is no zoning. The lots range in size from 0.942 acre to 4.981 acres in size. The five lots fronting on Sparta Road have a 50' front yard setback, while the lots fronting on Eagle Point West have a 25' front yard setback.

Maxwell provided a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

**Water:** This property is located within the 439 Water Supply Corporation (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is a 12" water line along Eagle Point West and a 10" water line along Sparta Road. No extensions are necessary; these lines will be tapped to provide service to these lots.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. 439 WSC cannot confirm this flow rate can be sustained; therefore, the developer is requesting a variance to this requirement, and Staff supports the request. The existing fire hydrant locations are satisfactory.

Mayor Grayson asked if this was located in a rural fire department service area. Fire Chief Bruce Pritchard said that it was in the Sparta Valley VFD service area.

Councilmember Holmes asked if the City requires a minimum water flow pressure for fire even if it is not our fire service area. Mrs. Maxwell responded in the affirmative.

**Sewer:** No sanitary sewer is available to serve this subdivision. Septic systems are proposed, subject to approval by the Bell County Public Health District. The lots exceeds the minimum 0.5 acres required for a septic system.

**Drainage:** Drainage calculations have been provided and reviewed. Since this property lies in Belton's ETJ, the City is not responsible for drainage and will defer to Bell County and their requirements.

**Streets:** The Thoroughfare Plan identifies Sparta Road as a major collector roadway with a required ROW width of 80'. Current ROW is approximately 60', so an additional 20' is needed. The applicant is responsible for providing ½ of the needed ROW, or 10', and is dedicating this portion on the plat.

Eagle Point West is a local street which currently has approximately 50' ROW. Bell County is requesting 60' ROW total, so the applicant is responsible for providing additional ROW as needed to achieve 30' of ROW from the centerline of the street to their property line. Based on the applicant's measurements, no additional dedication is needed. Bell County Engineer's office has confirmed the applicant has met their requirement.

Regarding perimeter street improvements, both Sparta Road and Eagle Point West have 24' wide pavement with a bar ditch drainage system. The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. Staff supports this request since this property is in Belton's ETJ in an area that is mostly developed already with no curb/gutter or other improvements. This area is far outside the City limits, and the County is satisfied with the current facilities, which are under their maintenance.

**Access:** The Subdivision Ordinance (Section 511.02) requires all lots to have "adequate access to an existing or proposed public street" by frontage of not less than 20'. The configuration of ROW for Eagle Point West is unconventional along the frontage of Lots 1 & 2. Although it does appear that each lot has at least 20' of frontage along a public ROW, Lots 1 and 2 do not have frontage along an improved street. Access to all lots is proposed via a 25' cross access easement on Lot 3, where there is an existing paved driveway. Extensions east and west are proposed across Lots 2 and 4 to provide access to Lots 1 and 5.

The proposed access easement will also function as a fire lane. Section 514.01 of the Subdivision Ordinance requires fire lanes to be paved with either asphalt or concrete for a minimum width of 16'. The fire code also states the following: "Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg)." The existing driveway on Lot 3 appears to meet this requirement; however, the applicant is requesting a variance to allow the paving/improvement requirement for the access easement running east/west across lots 2, 3 and 4 to be deferred to the time of development.

The applicant proposes to place this obligation on the lot owners at the time they are building their homes, to ensure the easement is in a location that meets the lot owners' needs. Staff is generally supportive of this request, and the variance to public street access; however, there is no mechanism in place to ensure this

requirement is upheld at a later date. If this property was inside the city limits, this requirement could be enforced through the building permit process. However, in the ETJ, there are no building permits, so there are limited opportunities to enforce this provision if it is not required with the plat. A note is provided on the plat and a provision included in the restrictive covenants for Lots 1 - 5 in Article XIX to document this requirement, and to put future purchasers on notice regarding this obligation.

**Sidewalks:** The Subdivision Ordinance requires the developer to construct and install a 5-foot wide sidewalk along the subdivision side of collector streets, which would apply to Sparta Road. This requirement is waived since the plat is in Belton's ETJ and no entities have assumed responsibility for sidewalk maintenance.

**Parkland Dedication/Fee:** Residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With 10 lots, the dedication would be 0.1 acre, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$2,000 for this subdivision. A variance to the parkland dedication/fee requirement is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time, and these lots are large with ample open space available to satisfy the needs of the lot owners.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which are being addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval. Staff has reviewed the plat and finds it acceptable as a final plat, subject to conditions identified in the city letter dated February 14, 2019.

Maxwell said the Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements and sidewalk requirement for Sparta Road;
3. Approval of variance to requirement that lots have frontage on a public street to allow access via a 25' cross access easement; and deferral of requirement to provide an access easement for a fire lane with a paved or improved driving surface that can support a minimum weight of 75,000 pounds to such time as the lots are developed.
4. Approval of variance to the parkland dedication/fee requirement;
5. City letter of conditions dated February 14, 2019.

Councilmember Holmes asked if Staff knows what the water flow is. Mrs. Maxwell explained that 439 WSC simply said that they don't believe that the flow can be sustained at 1,000 gpm. Although she asked multiple times, they did not give her a pressure reading that can be maintained.

A motion for approval of the final plat including the variances as presented was made by Councilmember Holmes. The motion was seconded by Councilmember O'Banion, and Item #11 was unanimously approved by a vote of 7-0.

12. **Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.**
13. **Consider a final plat of Lopez Addition, a replat of Sherwood Shores VII, Camelot Section, Lots 567 and 568, comprising 0.23 acres located south of I-14 and west of FM 1670, on the south side of Kimberly Drive, west of Swanson Lane, in Belton's ETJ.**

Director of Planning Cheryl Maxwell presented Items 12 and 13 together. She explained that each replat is for a one-lot subdivision proposed for residential development. These properties are located in Belton's ETJ, so there is no zoning.

#12: There are no structures located on Lots 591 and 592, which are proposed to be combined (comprising 0.23 acres) for location of a residence under this replat. The property is under review for a septic system by Bell County Public Health District. The proposed lot has frontage on Goodrich Drive and has a 25' front yard setback.

#13: There is an existing mobile home on Lots 567 and 568 which is in need of a new septic system. The original plat was approved in 1967. This replat proposes to combine the two lots into one, comprising 0.23 acres. The septic system is under review by the Bell County Public Health District. The proposed lot has frontage on Kimberly Drive and has a 25' front yard setback.

Mrs. Maxwell provided a summary of the subdivision ordinance requirements as they apply to these subdivision plats.

**Water:** These properties are located within the Dog Ridge Water Supply Corporation (WSC) CCN. They have provided a letter confirming their ability to serve the subdivisions. There is a 2" water line running alongside the lots that will be tapped to provide service.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water pressure is estimated at 92 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement since it represents conditions that were previously approved by Bell County with the original plat and no additional lots are being created. Dog Ridge

WSC water system is limited in this location, and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

**Sewer:** No sanitary sewer is available to serve these subdivisions. A septic system is proposed, subject to approval by the Bell County Public Health District (BCPHD). The lot does not meet the minimum 0.5 acre typically required for a septic system; however, this requirement does not apply to subdivisions platted before 1988.

**Drainage:** With just one single family residence proposed on each site, and four lots being consolidated into two, minimal impact, if any, is anticipated regarding drainage. Since this property lies in Belton's ETJ, the City is not responsible for drainage and will defer to Bell County and their requirements.

**Streets/Access:** The adjacent streets, Goodrich Drive and Kimberly Drive are unimproved streets, in public ROW. 60' ROW exists, so no additional ROW is needed. The original plat, Sherwood Shores VII Camelot Section was platted in 1967. Roadways were dedicated to the public; however improvements to Goodrich, Kimberly, and Swanson Lane were never constructed, and roadways were never accepted by the County. As a result, the ROW is considered public, but the streets are considered private, and under private maintenance. The applicant is requesting a variance to allow lot frontage on a private street (Section 511.02). A variance is also requested to the perimeter street improvement requirement for Goodrich Drive (Section 502.01.H). A variance is also requested to the perimeter street improvement requirement for Kimberly Drive (Section 502.01.H).

Regarding Subdivision Ordinance Section 514.01, Fire Lanes, a 16' paved surface is required to provide access for fire vehicles. The fire code also states the following: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The distances to the nearest improved streets are approximately 550' (Sherwood Drive) and approximately 600' (Camelot Lane). The applicant is uncertain whether the existing unimproved roads will meet this requirement, and is therefore, requesting a variance.

In order for the County to accept these streets as public and assume public maintenance, the County would require the property owners to pay for the materials to pave the street, then the County would absorb the cost to construct the roadways and would then accept them and maintain them. They would require a minimum 22' pavement with 4' shoulder on each side. They currently have no plans to do so, but would consider if requested by all of the affected property owners and funds provided.

The roads in this portion of the subdivision are below City and County standards; however, we recognize that this is a replat. The lots in the original subdivision are

already legally existing (since 1967) and available for purchase. The replats combine four lots into two, thereby reducing the lot density. Staff supports the variances requested regarding access, perimeter street improvements, and fire lanes, only because this is a replat. These variances would not be supported for a new subdivision.

Regarding sidewalks, we have determined this requirement is not applicable in the ETJ due to no entity accepting responsibility for maintenance.

**Parkland Dedication/Fee:** Residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. The fee in lieu of dedication is \$200/lot which would be \$200 for each subdivision. A variance to the parkland dedication/fee is requested. Staff supports the variance requests since there are no plans to develop a public park in this vicinity at this time, and these are replats proposing a reduction in density from four lots to two.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which have been addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval. We have reviewed the plat and find it acceptable as a final plat, subject to conditions below.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of these final plats, subject to the conditions below, and Staff concurs with their recommendation.

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements and sidewalk requirement for Goodrich Drive;
3. Approval of variance to requirement that lots have frontage on a public street and requirement to provide an access easement for a fire lane with a paved or improved driving surface that can support a minimum weight of 75,000 pounds;
4. Approval of variance to the parkland dedication/fee requirement.

City Manager Sam Listi asked Mrs. Maxwell to review the reason for the replats. Mrs. Maxwell said the replat was triggered due to the property owners' desire to put in a residence and a septic system on one and replace a septic tank on the other. Bell County Public Health District requires that the property owner show that the entire septic system, including drain fields, can be contained within the lot, so they are having to combine the lots from two to one. Since these were platted prior to 1988, there is no 0.50 acre requirement for a septic system.

Mayor Grayson asked if the City has the right to say that the houses can front on a private road. Mrs. Maxwell explained that it is a variance that has been requested. She said the roads are not in good condition, and it will take a lot of money from the residents to get the road to a condition that would be acceptable for Bell County.

Councilmember Carpenter said he is concerned about continuing development in that area since there is such low water pressure. He said it is an ongoing condition that does not seem as if it will go away. Mrs. Maxwell said that there has been a lot of discussion about this issue. She added that there is ongoing discussion about possibly requiring water tanks onsite. Councilmember Kirkley asked if the property owners are made aware of these conditions, especially the need to call for a tanker truck should there be a fire. Mrs. Maxwell said she believes there is a note on the plats to that effect. She said she will confirm.

Councilmember Holmes said this is Dogridge WSC, and the other item was 439 WSC.

Upon a motion by Mayor Pro Tem Pearson and a second by Councilmember Carpenter, Item #12 was unanimously approved by a vote of 7-0.

Upon a motion by Councilmember Kirkley and a second by Councilmember O'Banion, Item #13 was unanimously approved by a vote of 7-0.

### **Miscellaneous**

#### **14. Hold a public hearing and consider an ordinance on second and final reading granting a franchise to Atmos Energy.**

City Clerk Amy Casey said that in 1977, the City of Belton authorized a franchise agreement with Lone Star Gas for a period of 25 years. The franchise agreement was amended in 1979 and 1981.

In 2003, the City of Belton authorized a franchise agreement with TXU Gas, the successor company to Lone Star Gas, for a period of 15 years. The original franchise fee of 4% was amended to 5% in 2008, along with the recognition that the company name was now Atmos Energy.

The current franchise ends in late 2019, and a new 25 year franchise has been proposed. There are no significant changes to the terms and conditions, therefore Staff recommends approval of the franchise agreement.

The City receives 5% of the total gross receipts from customers as a franchise fee. The FY2019 Budget for this franchise fee is \$111,100.

Mrs. Casey stated that in accordance with the City Charter, franchise ordinances require two readings and a public hearing. The franchise ordinance was approved on first reading at the February 12, 2019, City Council meeting.

Mayor Pro Tem Pearson asked if 5% was a common amount for a municipal franchise fee. Mrs. Casey said that it is.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing.

Upon a motion by Councilmember O'Banion, and a second by Councilmember Holmes, Item #14, including the following captioned ordinance, was unanimously approved on second reading by a vote of 7-0.

**ORDINANCE NO. 2019-13**

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF BELTON, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

**15. Consider the following:**

- A. Authorizing a Façade Improvement Grant to Jo Mapel, 106 West Central Avenue (North façade); and**
- B. An appeal to the City Council by Jo Mapel regarding the decision of the Historic Preservation Commission to disapprove the Certificate of Appropriateness application for the South façade (front) of the building at 106 W. Central Avenue.**

Planner Kelly Atkinson said the building at 106 West Central Avenue was built in 1956, and it has some elements of a previous building incorporated into the structure. This building is located in the Downtown Belton Commercial Historic District, which contains a range of buildings constructed between 1870 and 1959. Nearly half of the buildings in this District are Contributing historic structures. Most of the buildings that are Non-Contributing have been classified that way due to inappropriate alterations that have covered or removed historic building materials and details. This building is characteristic of typical 1950s commercial architecture, and retains nearly all of its original fabric that is now over 60 years old. The National Register of Historic Places lists this building as Contributing to the Belton Commercial Historic District, which is based on the integrity of design where principal character-defining architectural elements survive. This building has substantially retained its original appearance with overall form and exterior materials, including window and door opening size and location.



The applicant provided a history of this location through Sanborn Fire Insurance maps documenting the various structures that previously occupied this site. The last available map of 1921 identifies ruins and no roof. This lot sat vacant for decades before it was once again developed to house the Belton Journal/Bell County Democrat newspaper. Mrs. Atkinson said that it is evident in the Sanborn map of 1912 that a previous building on this site housed the newspaper and type room, complete with an electric motor presumably to unload the reams of paper for print. There is evidence that this location served many years as the home to the local newspaper through a number of acquisitions and mergers. Because this building is in a National Register District, and maintains its original integrity, the owner can apply for state and federal tax credits, which could return up to a total of 45% (25% state and 20% federal) of their qualifying rehab costs on exterior and interior work.

Mrs. Atkinson explained that Jo Mapel has submitted a Certificate of Appropriateness application to the Historic Preservation Commission for the complete reconstruction of the primary façade, addition of a faux balcony, and reconfiguration of door and window openings on the side and rear facades.

Mayor Grayson asked if the balcony was the issue that caused the HPC to make the decision they made. Mrs. Atkinson said that it is a part of the issue. However, the main concern of HPC is that the entire front façade will be removed and will be replaced by a completely new façade. Councilmember Holmes said that the property is listed as a 1956 contributing structure, so the HPC based their decision on those guidelines to keep the façade intact.

The proposal involves the following items:

- Remove the front façade facing Central Avenue.
- Construct a new front façade of stone with decorative brick headers.
- Install new windows and a new door on front façade.
- Install 2'0" stone parapet with smooth stone parapet cap.
- Install faux balcony with decorative railing on front façade.
- Clean and repaint east side of building.
- Add door and window opening to east side of building near the rear of the building.
- Enclose overhead door opening on east side
- Install a faux carriage-style overhead door and a functioning carriage-style overhead door on the north side (back of building)
- Install CMU block to top of north side wall to match height of building next door.
- Stucco the north side of building.
- Enclose an overhead door on the west side.
- Build CMU wall for courtyard area on the west side of the building.
- Install gooseneck light fixtures on all three sides of building as identified on elevations.
- Install gutters.

This building was most recently occupied by a bail bond agency and lawyer office. Ms. Mapel has purchased this building and is completing significant interior renovations for several professional offices. The proposed work is scheduled to occur upon approval of a COA (Certificate of Appropriateness) and façade grant as requested with an estimated completion within 120 days. The Façade Improvement Grant (FIG) application only applies to the proposed renovations to the south and north façades.

Mrs. Atkinson explained that Staff has evaluated the proposed work and has determined, through research and consultation with the historic preservation consultant and the Texas Historical Commission, that the proposed renovation items for the east, north, and west façades will not detract from the character-defining elements of the building. However, the northernmost section of the building is a later addition with no historic value and shows signs of several previous alterations. She noted that the proposed reconstruction of the front façade (south) along Central Avenue will eliminate the character-defining elements of the building and render it as Non-Contributing to the National Register Belton Commercial Historic District and to the local Downtown Belton Commercial Historic District. She added that the proposed reconstruction of the front façade (south) along Central Avenue will create a false sense of history, contradicting the Secretary of Interior Standards for the Treatment of Historic Properties.

Atkinson stated that these determinations are based on the Secretary of Interior's Standards incorporated into the Façade Improvement Grant application as follows:

- #2 – The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
- #3 – All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
- #7 – Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Total projected renovation cost shown on the application is \$134,410. The FIG application requests the maximum match amount of \$20,000, which is consistent with application guidelines. This building fronts two public right-of-ways (north façade facing First Avenue and south/primary façade facing Central Avenue), therefore, the applicant may apply for the maximum of \$20,000 at \$10,000 per façade.

After careful review of the Secretary of the Interior's (SOI's) Standards for Rehabilitation, the proposal appeared to be inconsistent with the Downtown Belton Commercial Historic District. Staff recommended disapproval of the proposed work to the south (primary) façade. After discussion amongst the Commission, resolving additional questions with staff, and dialogue with the applicant's representative, the Commission determined that this building is a Contributing structure to the local District and the National Register District, and it is representative of mid-century modern architecture. The Commission determined that the proposed reconstruction of the front façade of this building is inconsistent with the SOI's Standards and the Historic Preservation overlay zoning of this building.

At the February 7, 2019, Historic Preservation Commission (HPC) meeting, the Commission voted unanimously on the following:

1. Recommend APPROVAL of the proposed work as outlined in the COA application AND the Façade Improvement Grant to Jo Mapel for renovations to the north façade, for a total grant award of \$10,000.
2. DISAPPROVAL of the proposed work as outlined in the COA application AND the Façade Improvement Grant to Jo Mapel for the renovations to the south (primary) façade.

The Commission denied the COA application for the proposed reconstruction of the south (primary) façade facing Central Avenue, in turn, deeming this portion of the project as ineligible for the FIG program.

The Historic Preservation Ordinance outlines a process for an applicant adversely affected by a determination of the Commission to appeal the decision to City Council. The applicant requested the appeal within the required seven (7) days via a letter delivered to the HPO and City Clerk.

Mrs. Atkinson explained that the Commission reviews all COA applications by the same guidelines as outlined in the Historic Preservation Ordinance. This review process is applicable to both Contributing and Non-Contributing buildings. Each case is different and each building varies in the amount appropriate and inappropriate alterations that have taken place over time, but the overall goal is to maintain what exists and appropriately alter and adapt existing building stock for current uses. The Commission's review process is guided by the SOI's Standards and is outlined in the Historic Preservation Ordinance. Based on available information and available City ordinances, Mrs. Atkinson said the Staff concurs with the Historic Preservation Commission's determination on the significance of the building and the disapproval of the COA application, and recommended denial of the appeal.

Councilmember Carpenter asked if the alley is maintained by the City or the private sector. Mrs. Atkinson said, "It's a little bit of both." She explained that a portion of the alley is privately owned and the remainder is public.

Upon a motion by Councilmember Holmes, and a second by Mayor Pro Tem Pearson, Item #15A was unanimously approved by a vote of 7-0.

Mayor Grayson thanked Mrs. Atkinson for her thorough work on this item. Councilmember Leigh agreed. He said he has restored several properties, and he has learned that each period has its beauty. He said the downtown area has several contributing structures have been changed over the years, but he thinks that there may be some middle ground on this property. He doesn't think the Council should approve or disapprove the appeal. He believes that Staff should work with the applicant to make something that is historically significant in the area even if it presents a false history.

Councilmember Kirkley said that several of the councilmembers have lived in Belton for a very long time. He said, "Preserving a 1950s building for the 1950s sake is not the goal."

Councilmember Holmes said he received some old photos from the Belton Journal. He reviewed the history of the building as well as other buildings in the downtown area. He said he would prefers the 1900s look in that location, and the proposed façade really makes sense to him.

Mayor Grayson said she can understand why the HPC wants to preserve the façade, but she feels that it is out of place at that location. Most of the other similar style buildings are located along Penelope.

Councilmember O'Banion asked if this building was located outside of the historic district, would it still be considered a contributing structure. Mrs. Atkinson said the historic landmark program was developed for contributing structures located outside of the historic district, and each structure is evaluated against the established criteria. Mr. O'Banion said he is trying to understand how it is determined that something is considered a contributing historic structure. He said, "I think what they are wanting to do is an improvement; they want to go back and gain some of that historic look that is not there currently... currently what it is, is ugly, and why would you preserve ugly?" He said the applicant is doing what he believes is best in this area. "While I understand why the decision was made, it was made in a black and white way." Mr. O'Banion said he believes the Council can make the decision with a little more flexibility to do what is right for that building and downtown. He added that he appreciates the work done by the HPC, and he certainly doesn't want this to come off as an insult to that group. City Attorney John Messer said, "I don't believe it's an insult to anyone. They have their scope of work only to look at the requirements under that ordinance. There is also an appeal process which is why we are here. Their (HPC) scope of work is very limited. The Council has the final say and a much broader scope."

Mayor Pro Tem Pearson said that the Staff and the HPC have each done a great job. He added, "When we look back at the intent of what we are trying to do by

preserving the historic nature of our downtown, I think we should approve this appeal.”

Mayor Grayson asked if the Mapels will still be eligible for the historic tax credits if they make these changes to the south façade. Mrs. Atkinson said they would not. Councilmember Holmes asked if they are aware of that. The Mapels said that they were aware.

Councilmember Carpenter said he has had several conversations with a member of the HPC. The HPC likes the look of the 1890s façade that has been proposed, but they felt constrained by the rules that they were required to work within. He added that he doesn't believe it is disrespectful to overturn their decision. They did what they had to do with the information they had been given.

Councilmember Carpenter made a motion to overturn the HPC decision regarding the Certificate of Appropriateness, and on the advice of City Attorney John Messer, he amended the motion to include award of a \$10,000 FIG grant to the Mapels for the south façade. The motion was seconded by Councilmember Holmes, and Item #15B was unanimously approved by a vote of 7-0.

16. **Consider an amendment to the professional services agreement with Halff Associates to allow for additional survey work for the South Belton Sewer Phase II.**

Director of Public Works Angellia Points stated that on July 24, 2018, the City awarded the South Belton Sewer Phase II design contract to Halff Associates. During the design, Halff identified an alternative alignment for the sewer force mains (pressurized lines) that would result in substantial cost savings for the City when compared to the original alignment.

Mrs. Points said that the original alignment of the force mains was to follow the proposed gravity lines along the Lampasas River, continue to along Toll Bridge Road, and be south and east of Cedar Crest Hospital. The alternative alignment is proposed to be along the Lampasas, as planned, but continue along the Lampasas and be placed in an easement along the eastern side of the Fredrickson and Eris, LLC properties, which connect to the east side of Cedar Crest Hospital. If the easements are granted, this new alignment of the force mains (two identical lines are needed to serve the fully developed sewer basin) will save the City approximately \$500,000 in construction costs.

Points said that additional survey and easements are required to implement this alignment. Right-of-entries from Ms. Morris and Mr. Fredrickson have been granted for the survey work. Ms. Morris is generally in favor of this alignment as it will be placed in the future Capital Way ROW and in future roadway ROW identified in her best-use concept plan for the property.

Staff worked with Halff Associates to develop a scope of services which includes the following items:

- Survey approximately 9.2 acres of property.
- Provide a tree survey of all hardwood trees 8-inches and greater, including tree clusters.
- Provide easement legal descriptions and exhibit preparation for the three properties that will be surveyed (Eris – 2 properties, Fredrickson – 1 property).

The proposed engineering services contract for the additional survey work is \$59,500 and \$4,500 for the easements, totaling \$64,000 for this amendment. Mrs. Points said funding for the additional survey work is proposed to come from the 2016 Utility Certificates of Obligation.

Councilmember Kirkley asked about TCEQ's turn-around time. Mrs. Points said it could be anywhere from one month to a year.

Councilmember O'Banion asked if the force main was a one way pipeline with no taps. Mrs. Points said yes. He asked if everything from the interstate and back will gravity feed to the pump station. She said he was correct because the topography drains to the river.

Upon a motion by Mayor Pro Tem Pearson, and a second by Councilmember Carpenter, Item #16 was unanimously approved by a vote of 7-0.

**17. Consider a request to settle outstanding liens on 915 South Pearl Street, Belton, TX (BellCad Property ID 37060)**

Director of Finance Brandon Bozon explained that the property at 915 S. Pearl has two outstanding liens, filed by the City of Belton in 2017 related to significant cleanup efforts undertaken in late 2016, and a mowing conducted in April 2017. The total balance owed as of February 12, 2019, is \$8,053.12. The breakdown of the balance owed is attached to this report. The City's hard costs in the project total \$5,602.96, broken down as \$5,561.96 in payments to contractors and \$41 in filing and recording fees paid to Bell County. The liens are ineligible for settlement at the City Staff level under the City's policy, as the liens were filed after March 1, 2015.

The property was purchased by Mr. Jimenez at the Bell County Tax Sale on December 4, 2018. Belton City Staff was present at the auction, and the balance of the liens was announced by Sheriff Lange prior to bidding. Mr. Jimenez has requested the City accept \$3,000 in exchange for the release of the liens.

In 2015, City Staff brought to the Council a proposal to allow for the settlement of liens filed prior to March 1, 2015. The policy provided the following guidelines for negotiating settlement:

Upon recommendation of the Assistant Director of Finance and Director of Finance, and approval of the City Manager:

- Reduction or forgiveness of accrued interest
- Cessation of interest accrual
- Reduction or forgiveness of principal, not to exceed City's investment

Upon recommendation of the Assistant Director of Finance, Director of Finance, and City Manager, and approval of the Council:

- Reduction or forgiveness of principal beyond City's investment
- Reduction or forgiveness of filing and recording fees

The policy also outlined proactive measures, including attendance at Bell County Tax Sales in order to notify the public if a property up for auction has liens filed against it. Since that time, a representative has attended every sale that included a property against which City liens had been filed.

Further, the policy states that City Staff will consider the age, balance, and any ownership transfers when determining whether the lien balance is eligible for any reduction or forgiveness, and make every effort to be fair and consistent in dealings with all property owners.

While the liens were filed after March 1, 2015, City Staff believes it is in the best interest of the City to settle the balance in an amount that would make the City whole for its cost to remediate the property. Mr. Bozon said the Staff's recommendation is to authorize City Staff to settle the balance for the City's investment of \$5,602.96.

Councilmember Holmes asked how the 10% interest charge was determined. City Attorney John Messer said the rate was set by State statute. Mr. Holmes said it seems high to him.

Mr. Reyes Jimenez summarized all that he has done to the property since he purchased it. He said he has invested about \$2,000 in the property since the sale.

Mayor Grayson said she appreciates what he is doing. However, she said he was aware that the property had the liens on it, but chose to make the purchase anyway. She doesn't feel it is appropriate to discount the citizens' tax dollars.

Councilmember O'Banion asked the total including interest. Mr. Bozon said the total is \$8,053.12. Mr. Jimenez said, "It's been this long, and zero dollars have been collected... how much longer will it be at zero dollars?"

Councilmember Holmes asked what the property was on the tax rolls for. Mr. Listi said the property is valued at \$19,715.

Councilmember Leigh said he thinks the City should recoup the “out of pocket” costs that have been spent.

Councilmember O’Banion said he is torn. He doesn’t want to set a precedent by discounting the lien amount. However, he said that that it will take a lot of work by Mr. Jimenez, and it will make the area look a lot better, too, so he is willing to try to find a middle ground.

Councilmember Holmes asked if the City had been successful in purchasing the property, what would have been the City’s plan? Mr. Bozon explained that the City did not bid on this property. He added that typically the City will bid on property for three reasons:

- (1) If the property has significant liens, then the City will make the minimum bid in order to be fair to the other taxing entities due of the high cost of the property with the liens on it. The property will then be used in the HOME replacement program if appropriate, or the City will auction the property to recoup City costs;
- (2) To try to acquire tracts for the HOME replacement program; and
- (3) Proximity to other City properties.

Councilmember Carpenter said he doesn’t believe it is a good idea to set a precedent by going below the City’s hard costs. Councilmember O’Banion asked if the City has done this before (going below the hard costs). Mr. Bozon said that it had been done only one time previously, and it was with Mr. Jimenez on another property.

Upon a motion by Mayor Pro Tem Pearson to recoup the City’s hard costs, and a second by Councilmember Leigh, Item #17 was approved by a vote of 5-2 with Councilmembers Holmes and O’Banion providing the dissenting votes.

**18. Consider a resolution supporting 2019 Texas Legislative Priorities.**

City Manager Sam Listi said that in the current FY 2019-2023 Strategic Plan, an emphasis is placed on working with State and Federal Legislators on locally determined priorities. As indicated, the Strategic Plan anticipates an Outcome where the City takes a position on priorities for pending legislation. This objective was reinforced by City correspondence to State Senator Dawn Buckingham and State Representative Hugh Shine on December 19, 2018, before the Legislative Session began. Mr. Listi explained that Bell County Judge David Blackburn entered office on January 1, 2019, and drafted Legislative Position Statements on four (4) topics, on which he is seeking to achieve consensus, in order to assist our legislators in knowing community positions in this critical Legislative Session. The Position Statements, which have been slightly modified to add Belton impacts, include:

- (1) Avoiding Changes to Revenue Caps
- (2) Avoiding Unfunded Mandates
- (3) Expanding Assistance to Cities affected by the Disabled Veterans Tax Exemption



(4) Addressing School Funding

Listi said the City of Temple, the Temple Chamber of Commerce, Temple Economic Development Corporation, the Killeen Chamber of Commerce, and Bell County each endorsed a similar version of these four Position Statements. The Belton Area Chamber of Commerce endorsed these four Legislative Position Statements at its meeting on February 21, 2019.

Mr. Listi said that in accordance with Goal 1d in the FY 2019-2023 Strategic Plan, and in partnership with area entities that believe strongly in self-governance, Staff believes that action affirmatively outlining Belton's interests is imperative.

Upon a motion by Councilmember Carpenter, and a second by Councilmember O'Banion, Item #18, including the following captioned resolution, was unanimously approved by a vote of 7-0.

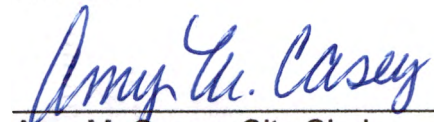
**RESOLUTION 2019-08-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS SUPPORTING BELL COUNTY'S 2019 TEXAS LEGISLATIVE PRIORITIES; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THESE PRIORITIES.**

There being no further business, the Mayor adjourned the meeting at 7:40 p.m.

  
\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

  
\_\_\_\_\_  
Amy M. Casey, City Clerk