

**BELTON CITY COUNCIL MEETING
APRIL 12, 2011**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, David K. Leigh, Wayne Carpenter, Craig Pearson, and John Agan. There were no members absent. Staff present were John Messer, Cristy Daniell, Connie Torres, Les Hallbauer, Gene Ellis, Bruce Pritchard, Byron Sinclair, Jerri Gauntt, Kim Kroll, Sandy Slade, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Interim Fire Chief Bruce Pritchard, the Pledge of Allegiance to the Texas Flag was led by Councilmember Craig Pearson, and the Invocation was given by Jordan Hubbard of the Belton Church of Christ.

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

Public comments. There were no public comments.

Presentation of Proclamation for Fair Housing Month.

The Mayor read the proclamation and presented it to Beth Correa of the Central Texas Council of Governments who requested the proclamation.

Consent Agenda

Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the Council unanimously approved the following items:

Minutes of previous meeting. Approved as presented.

Consider authorizing extension of lease agreement between the City and Belco Manufacturing Company, Inc. for property located on Taylor's Valley Road.

Authorized extension of the lease from June 1, 2011 to May 31, 2012 for \$750 per month, with a 30-day termination clause that can be exercised at the City's option, with the following conditions:

- Lessee shall maintain the lease property at all times to the satisfaction of the Lessor.
- Lessee shall ensure stored materials remain exclusively within the fenced property boundary.
- Perimeter fence shall be maintained during the term of the lease by the Lessee.

Consider authorizing the City Manager to execute Change Order #3 and Change Order #4 to contract with Dixon Paving.

Approved the following change orders to the contract with Dixon Paving, the primary contractor for the Central Avenue Project, with funds for both change orders to come from 2008 Certificates of Obligation balance from the Avenue D project:

Change Order #3

This is a close-out item to adjust final quantity overages/underages for the Central Avenue project. The change order adds \$23,984.46 to the overall contract amount. Unclassified Excavation (Bid Item # .3, \$13,158) and Tensar BX1100 Geogrid (Bid Item # CO1-2, \$9,444), were the result of the unstable subgrade under Central Avenue encountered during construction. These two items contributed \$22,602 to the overall increase in the contract amount.

Change Order #4

This change order adds construction of the South Mitchell Drainage Improvement Project (located near the intersection of South Mitchell Street and East Avenue E) to the contract, and will add \$46,672 to the overall contract amount with Dixon Paving. These improvements will alleviate flooding that occurs in this area during heavy rain events, and will tie into the proposed drainage improvements to be installed for the South Mitchell Estates Development (Larry Guess project) that will be located near the intersection of Avenue D and South Mitchell Street.

Consider an ordinance abandoning the westernmost 8' x 150' of Sparks Street north of W. Avenue C, and the associated quitclaim of the westernmost 8' x 150' of Part of Lot 4, Block 19, City of Belton, to address existing building encroachments.

Approved the ordinance captioned below providing for the abandonment and the associated quitclaim:

ORDINANCE NO. 2011-04

AN ORDINANCE PROVIDING THAT AN 8' x 150' PORTION OF SPARKS STREET, LOCATED NORTHWEST OF THE INTERSECTION OF WEST AVENUE C AND SPARKS STREET AND ADJACENT TO PART OF LOT 4, BLOCK 19, CITY OF BELTON, IS HEREBY CLOSED, ABANDONED AND VACATED, AND MAINTAINING A PUBLIC SERVICE ACCESS, DRAINAGE AND UTILITY EASEMENT.

Consider acceptance of conveyance of 0.16 acre of land at the intersection of Loop 121 and Old Avenue D from the Belton Economic Development Corporation to the City.

Approved acceptance of the 0.16 acre tract from the BEDC to the City at no cost to the City. The tract is only large enough to accommodate a "Welcome" type sign, but the BEDC Board chose not to erect a sign at this location due to its existing Business Park sign at Powell Avenue/Loop 121. The City is interested in using the tract as an entry feature, and will assume maintenance responsibilities for the tract at a nominal cost for mowing.

Miscellaneous

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

Police Chief Gene Ellis explained he thinks the curfew ordinance has helped deter juvenile crime as the Department hasn't had to enforce it much. He believes continuation of the curfew ordinance provides a good tool in the Department's ongoing efforts to reduce crime. Chief Ellis indicated he presented the curfew to the Youth Advisory Commission at its meeting on April 6th, and the Commission unanimously recommended approval of extension of the ordinance. He concurred and recommended approval of extension of the curfew ordinance with no changes, for another three year period.

The Mayor opened the public hearing. There was no one to speak for or against the curfew, therefore the hearing was closed. Councilmember Pearson made a motion to approve the ordinance as recommended. The motion was seconded by Mayor Pro Tem Grayson, and the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2011-05

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.

Z-11-03: Hold a public hearing and consider an ordinance amending Specific Use Permit 58, to allow a personal service shop to be added as an allowable use, for 710 S. IH-35.

Acting City Manager Cristy Daniell indicated this item was tabled at the last Council meeting to allow staff to explore conditions that would limit the use as proposed by the applicant. The City Manager contacted Matt Thrasher, Pastor of the First Assembly of God Church, and advised him of the request and informed him about the Council meeting date and time. Pastor Thrasher had no opposition. Notification of the

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Council meeting was also sent again to property owners within 200', including Pastor Thrasher.

Ms. Daniell explained additional conditions suggested include the following:

- Operational conditions regarding the extensive amount of services proposed to be provided, including many by certified professionals;
- The property owner has agreed to void the SUP if this business owner ceases to operate; and
- Signage will not be used to promote the application of tattoos, with the only "tattoo" reference to "laser tattoo removal". Signage will be limited to wall signage and a ground mounted sign at the southern/westernmost edge of the site.

Ms. Daniell recommended approval of the ordinance subject to the following conditions identified in the ordinance:

1. The use of the property shall conform to Resolution 96-11 in all respects regarding a tattoo parlor.
2. The development of the property shall conform to all applicable Design Standards, as identified in Section 32 of the Zoning Ordinance, including the following:
 - A. Site Development Standards
 - B. Building Design Standards
 - C. Landscape Design Standards
3. Additional operational conditions shall include the following:
 - A. The operation of this personal service shop shall require a minimum of five (5) services to be offered and at least three (3) services shall be provided by certified professionals.
 - B. The property owner agrees to submit a request to void the Specific Use Permit for a personal service shop if the business owned by Cassandra Locklear ceases to operate.
4. Signage shall be limited to ground mounted monument and wall signage, as allowed in Ordinance 2008-11, and monument signage, if installed, shall be located at the southern/westernmost edge of the site. Signage shall not promote tattooing, but may reference laser tattoo removal.

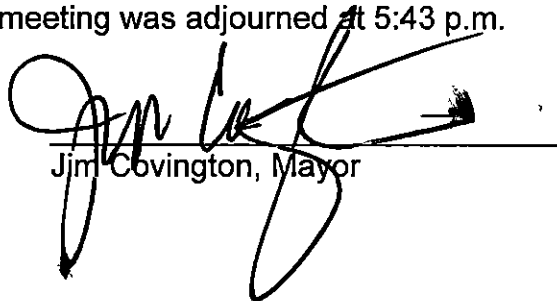
The Mayor opened the public hearing. There were no comments for or against the request, therefore the hearing was closed. Councilmember Agan praised staff for reaching a good solution on this item, and made a motion to approve the ordinance as recommended. The motion was seconded by Councilmember Carpenter, and the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY AMENDING SPECIFIC USE PERMIT 58 TO ALLOW A PERSONAL SERVICE SHOP TO BE ADDED AS AN ALLOWABLE USE FOR 710 S. IH-35.

City Attorney John Messer requested a note be applied to this amendment on the City's zoning map (wherever published), indicating the SUP doesn't run with this property forever.

There being no further business, the meeting was adjourned at 5:43 p.m.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk