

**Belton City Council Meeting**  
**March 22, 2016 – 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, Dan Kirkley, Paul Sanderford, Jerri Gauntt (left at 6:45 pm) and Guy O'Banion. Staff present included Sam Listi, John Messer, Amy Casey, Brandon Bozon, Erin Smith, Bruce Pritchard, Kim Kroll, Chris Brown, Aaron Harris, Angellia Points, Matt Bates, Paul Romer, Ed Bandas, Jen Wesley and Cynthia Hernandez.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Paul Sanderford, the Pledge of Allegiance to the Texas Flag was led by Director of Parks and Recreation Matt Bates, and the Invocation was given by Rucker Preston, Executive Director of Helping Hands Ministry.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:34 p.m.
2. **Public Comments.** Christina Gaw, 2505 Twin Ridge Court, Chair of the Youth Advisory Commission, spoke about One Community, One Day which will be held on April 9, 2016. She discussed their plans and preparation for the event.

3. **Proclamations:**

**A. American Heart Walk – April 2, 2016 and National Walking Day – April 6, 2016**

Mayor Grayson presented the proclamation to Millie Henn, the regional director of Mended Hearts, and a volunteer with the American Heart Association.

**B. Fair Housing Month – April 2016**

Mayor Grayson presented the proclamation to Cheryl Maxwell, KTMPO Planning Director.

**Consent Agenda**

*Items 4-6 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.*

4. **Minutes of the March 8, 2016, City Council meeting.**
5. **Consider authorizing the City Manager to execute an Interlocal Agreement with Bell County for seal coating streets within the Belton city limits.**

6. **Consider authorizing the City Manager to execute an Interlocal Agreement with the City of Temple for automatic aid between Temple Fire Department and Belton Fire Department.**

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember Craig Pearson, the Consent Agenda was unanimously approved upon a vote of 7-0.

**Finance**

7. **Presentation of the Comprehensive Annual Financial Report for Fiscal Year 2015.**

Director of Finance Brandon Bozon introduced Mike Abel of Jaynes, Reitmeier, Boyd & Therrell who presented the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2015. He outlined the types of information that are contained in the CAFR. He stated that the financial statements are the responsibility of management, but the audit of those financial statements is the responsibility of the Council who hires the audit firm to review those statements. The auditors conduct an audit of those financial statements in accordance with generally accepted auditing standards and express opinions on those financial statements based on the audit.

Mr. Abel said that, in the firm's opinion, as a result of their audit procedures, "... the financial statements do present fairly, in all material respects, the financial position at September 30, 2015, and the changes in financial position and cash flows for the year then ended..." The City received a clean audit report.

Mr. Abel highlighted some financial information for the Council. He said that the City adopted a new accounting standard (GASB No 68) that was required for all state and local governments regarding the way the TMRS pension is recorded in the financial statements. The net change in fund balance in the General Fund is \$139,773 which is attributed to increases in property taxes and sales taxes. Additionally, expenditures were under budget for the year, and revenues were higher than budgeted. The General Fund fund balance was approximately \$5.7M at September 30, 2015.

In the proprietary funds, which include water, sewer, and drainage, the operating revenues were up due to higher consumption and the increase in water and sewer rates. Contributions and Transfers is significantly higher in FY2015 because there were several subdivision developers who contributed to water, sewer and drainage projects which became assets of the City. Change in net position of the funds is approximately \$1.9M.

Mr. Abel said that they had also performed a single audit on a cluster of the federal highway grants we had received. There were no exceptions or material findings. He also discussed some risk assessment that they had performed on internal controls. No material weaknesses or significant deficiencies were reported.

Councilmember Craig Pearson asked for Mr. Abel's opinion as to the optimal amount of money to retain in fund balance. Mr. Abel responded that the Government Finance Officers Association recommends a minimum balance of two months, but the bond rating companies like to see a minimum balance of three months of operating expenditures in fund balance at any given time during the year.

There was no action required by the Council on this item.

### **Planning & Development**

8. **Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-2 for an office warehouse on a 0.264 acre tract of land, located east of South Interstate Highway 35, west of Pat Drive, and north of Grove Road.**

Director of Planning Erin Smith stated that this property is 0.264 acres and is currently vacant. She said that the applicant is proposing a zoning change from Commercial Highway to Commercial-2 to allow for office warehouses. The applicant is requesting a zoning change to Commercial-2 primarily due to the setback requirements.

She stated further that the Commercial Highway Zoning District requires a minimum front yard setback of 60 feet and minimum rear and side yard setback of 20 feet. This property was zoned prior to the IH-35 expansion which resulted in a smaller lot depth. The Commercial-2 Zoning District requires a minimum front yard setback of 20 feet and minimum side and rear yard setback of 15 feet. The side yard setback increases to 20 feet when adjacent to a street. The required setbacks in the Commercial Highway Zoning District make this property unusable due to the lot depth; therefore, a zoning change to Commercial-2 appears to be a reasonable request, given the proposal for office warehouses.

The Commercial-2 Zoning District allows high intensity commercial uses; however, it is Staff's judgment that due to the size of this property, many uses listed in this district will be difficult to achieve.

Mrs. Smith explained that the Planning and Zoning Commission unanimously recommended approval of the zoning change from Commercial Highway to Commercial-2 with conditions, and Staff concurs.

Councilmember Jerri Gauntt asked about the highway right-of-way and if there was a plan to add any landscaping or barrier between the property and the right-of-way. Mrs. Smith stated that we will not know until TxDOT determines ROW usage, but the property owner will most likely provide landscaping between their property and the highway right-of-way.

The Mayor opened the public hearing on this item. Seeing no one wishing to speak for or against the item, she closed the public hearing.

Mayor Pro Tem David K. Leigh asked if access was only from Pat Drive. Mrs. Smith said yes, but that will be addressed during the plat phase.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Gauntt, the following ordinance was unanimously approved upon a vote of 7-0.

**ORDINANCE NO. 2016-12**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY TO COMMERCIAL-2 ZONING DISTRICT ON A 0.264 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.**

9. **Hold a public hearing and consider a zoning change from Agricultural and Single Family-2 to Planned Development Commercial Highway Zoning District for an indoor firearms facility at 3360 West Highway 190 on a 2.22 acre tract of land, and from Agricultural and Single Family-2 to Planned Development Commercial Highway Zoning District at 7140 West Highway 190 on a 2.81 acre tract of land, located on the north side of U.S. Highway 190, between Boxer Road and South Wheat Road.**

Director of Planning Erin Smith explained to the Council that the subject property is located on the north side of U.S. Highway 190, between Boxer Road and Wheat Road. She said the applicant is proposing a zoning change to allow for an indoor gun range on the property to the west and a future development on the property to the east. Currently, the property is zoned Agricultural and Single Family-2, and a zoning change to Planned Development Commercial Highway will allow for the indoor shooting range. The Planned Development proposal will allow for a reduced front yard setback of 56 feet, instead of the required 60 feet front yard setback.

Mrs. Smith stated that on July 21, 2015, the zoning change request to Commercial Highway (CH) for an indoor gun range was disapproved by the Planning and Zoning Commission due to the proposal to extend this CH zoning into the proposed Sendero Estates single family neighborhood. Since then Staff has met with the applicant several times to discuss a Planned Development District zoning change proposal that includes a plan to provide adequate screening between the proposed single family neighborhood and the CH District use.

There are single family lots adjacent to development, so the applicant is proposing to construct an 8-foot fence and add landscaping between the commercial property and the single family housing. Mrs. Smith said that the proposed landscape plan identifies trees and shrubs throughout the parking lot and adjacent to the building. The landscaping plan complies with the Design Standards landscape requirements.

The applicant has not yet provided the City with the proposed indoor gun range sound specifications, so if this zoning change is approved, the Police Chief will need to review the sound specifications to ensure the proposed indoor gun range meets Texas Penal Code requirements.

The applicant initially proposed a zoning change to Commercial Highway on the lot directly to the east across Sendero Estates Drive. At their meeting on March 15, 2016, the Planning and Zoning Commission expressed concern with a Commercial Highway Zoning District that does not include provisions for screening and transition between a commercial use and the single family homes in the proposed Sendero Estates Subdivision, similar to what is being presented for the proposed indoor gun range. The Commission voted 4-1 in approval of a Planned Development Commercial Highway Zoning District so when a commercial use is proposed, the Planning and Zoning Commission and Council will have the opportunity for site plan review and approval, to ensure there is adequate screening between the higher intensity commercial use and lower intensity single family homes zoning district to the north.

The Mayor opened the public hearing on this item. Aaron Ludwig of Action Targets in Provo, Utah, provided information to the Council stating that the applicant has far exceeded the safety and noise requirements for this range. Mr. Ludwig stated that he was there to answer any questions the Council may have. The Council had no questions for him. Seeing no one else wishing to speak for or against the item, the Mayor closed the public hearing.

City Manager Sam Listi explained that the item included two ordinances: 2016-13 is for the indoor gun range and 2016-14 is for the future development. He stated that both include a zoning change request from Agricultural and Single Family-2 to Planned Development Commercial Highway.

Councilmember Jerri Gauntt said that she has struggled with this gun range because of its proximity to Chisholm Trail Elementary. She added that she does not believe there are any safety hazards, and noted that the developer has taken the steps that have been asked of him by the Council.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Pearson, the following captioned ordinance was unanimously approved upon a vote of 7-0.

#### **ORDINANCE NO. 2016-13**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL AND SINGLE FAMILY-2 TO PLANNED DEVELOPMENT COMMERCIAL HIGHWAY ZONING DISTRICT FOR AN INDOOR FIREARMS FACILITY ON A 2.22 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.**

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Kirkley, the following captioned ordinance was unanimously approved upon a vote of 7-0.

**ORDINANCE NO. 2016-14**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL AND SINGLE FAMILY-2 TO PLANNED DEVELOPMENT COMMERCIAL HIGHWAY ZONING DISTRICT ON A 2.81 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.**

The Mayor congratulated Mr. McLean on approval of the gun range, and she said she looks forward to seeing it finished. Councilmember Pearson thanked Mr. McLean for his patience and willingness to work with the City to address Council's concerns, and added that he looks forward to shooting on the range.

**10. Consider a final plat for Sendero Estates Subdivision, a 63.38 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190.**

Director of Planning Erin Smith said that this is a single family subdivision, containing a total of 179 lots, proposed as Sendero Estates Subdivision. There are a total of 177 lots proposed for single family construction and two lots proposed for commercial. The residential lots are in compliance with the Single Family-2 Zoning District requirements, except a 20 feet front yard setback was approved with the preliminary plat prior to annexation inside the City limits. The preliminary plat, formerly known as Chisholm Trail West Subdivision, was approved by Council on June 24, 2014. In November 2014, City Staff submitted a request to the *Public Utility Commission (PUC)* to transfer the Dog Ridge Water Supply Corporation (DRWSC) CCN to the City of Belton so that Belton may serve this subdivision with City water, which has been approved.

Mrs. Smith stated that two points of access are required for subdivisions with 30 lots or more. When the preliminary plat was approved, two means of access were proposed from Digby Drive to Wheat Road and Pointer Drive to the existing Twin Lakes Addition subdivision. The developer is now proposing a second means of access at Sendero Estates Drive from U.S. Highway 190. The developer is proposing to pave Pointer Drive within his subdivision, to the Lake-to-Lake Road ROW, for a possible connection in the future.

On August 25, 2015, Council approved an amendment to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance. Mrs. Smith explained that this policy requires sidewalks along both sides of collector and arterial streets. When the policy was approved, Council also approved a resolution to require sidewalks along only one side of collector streets on plats approved between February 25, 2014 and August 25, 2014. Digby Drive was included in this resolution since the preliminary

plat was approved within this time frame. Therefore, only one sidewalk side is required.

The developer is proposing a sidewalk plan to include a 5-foot wide sidewalk along the south side of Digby Drive, extending from Wheat Road to Damascus Drive. The developer is also proposing to create a sidewalk network by providing a 5-foot wide sidewalk along both sides of Sendero Estates Drive, the south side of Charbray Drive, and the east side of Galloway Drive. Mayor Pro Tem Leigh questioned if the builders or the developer would install the sidewalks. Mrs. Smith stated that the builders would install the sidewalks as they finish houses along Galloway Drive and a portion of Charbray Drive. The remainder will be installed by the developer. Councilmember Pearson asked if sidewalks went to the northwest along the south side of Charbray Drive. Mrs. Smith replied that they would not.

The developer is proposing to divide Tract A, a total of 3.04 acres, with 1.32 acres to be used as a regional detention pond and 1.72 to be dedicated as parkland. Mrs. Smith explained that there are a total of 177 residential lots in this proposed subdivision; therefore, a dedication of 1.77 acres of parkland is required. However, she noted that when the City receives public parkland through subdivision dedication, it is typically raw land without any improvements. The developer is proposing to install a concrete half-court basketball area and bench in the public park area, which in Staff's opinion, makes up for the minor reduction in parkland acreage.

She explained that Tract B is part of the Rustic Oaks subdivision, and the restrictive covenants do not permit the creation of residential lots less than 5 acres in size. The developer is proposing to maintain ownership of this tract, and when the restrictive covenants are released, this tract will be replatted into single family lots. The developer is also proposing to maintain ownership of Tract E since its dimensions do not allow it to be utilized in this subdivision.

The final plat for this subdivision includes a proposal to convey approximately 4.29 acres for the future Lake-to-Lake Road ROW (Tracts C and D). On March 8<sup>th</sup>, Council approved a development agreement that included City obligations to compensate the developer for the 4.29 acres of Lake to Lake Road ROW.

The Planning and Zoning Commission unanimously recommended approval of a final plat for Sendero Estates Subdivision subject to conditions as noted.

Councilmember Gauntt asked about the front yard setback. Mrs. Smith stated that it is 20 feet, and the standard is 25 feet. Manager Listi reminded the Council that the reduced setback was part of the consideration for the Lake-to-Lake Road right-of-way acquisition, which required a subdivision redesign.

Upon a motion by Councilmember Kirkley and a second by Councilmember Pearson, item 10 was unanimously approved upon a vote of 7-0.

**11. Consider a final plat for Mystic River, Phase II, a 10.071 acre tract of land, located east of North Main Street, west of the Leon River, and south of the existing Mystic River, Phase I, subdivision.**

Director of Planning Erin Smith explained Mystic River Phase II is south of the existing Mystic River Phase I. Mystic River Drive is a cul-de-sac that will extend south and terminate at this time at its intersection with Praline Meadows Drive. Since it is a collector street, the developer will construct 5-foot wide sidewalks on both sides of the roadway. Praline Meadows Drive will extend east from Mystic River Drive and terminate in a temporary all-weather cul-de-sac for possible future extension.

At this time, there is only one means of access for the Mystic River subdivision at North Main Street/SH 317. According to the 2009 International Fire Code, two points of access are required for subdivisions with 30 lots or more. Mystic River, Phase I, has 42 lots, and this proposed second phase includes 16 lots, totaling 58 lots with one means of access. The master plan submitted by the developer shows that a second means of access will be constructed in the next phase of Mystic River. The developer has agreed to provide a "rough cut" road extension of Mystic River Drive, connecting eastward to the built lift station road, for emergency access.

Mrs. Smith explained that the Subdivision Ordinance allows for a maximum length for a cul-de-sac or dead-end street with a permanent turnaround to be 600 feet, except under unusual conditions with the approval of the Planning and Zoning Commission. Praline Meadows Drive is proposed to extend east approximately 1,243 feet from Mystic River Drive and terminate in a temporary all-weather cul-de-sac. The applicant is requesting a variance to allow for a 1,243 feet cul-de-sac since this roadway is anticipated to be extended south in the next phase of Mystic River to the future Pecan Meadow Drive that is proposed to connect to Guthrie Drive. Mrs. Smith stated that Staff recommends approval of this variance.

Since there are 58 lots in Phases I and II, a dedication of 0.58 acres of parkland is required. Mrs. Smith said that the master plan submitted by the developer identifies dedication of parkland adjacent to the future Mystic River Drive street extension south to Pecan Valley Drive in the next plat phase. The developer has discussed developing a trail system within the existing ATMOS and ONCOR easements, creating green space, and constructing a pavilion and pool that will be maintained and owned by the HOA. She said that Staff concurs with the developer's request to delay parkland dedication; however, a parkland plan for the overall preliminary plat will be required when the next phase of Mystic River is submitted.

Mrs. Smith said that the lift station constructed to serve the lots in Phases I and II is complete except for the landscaping. She stated that the developer is requesting to delay irrigation and landscape installation until the next phase of Mystic River when Pecan Valley Drive will be constructed. It is difficult to access the lift station since a roadway does not exist at this time leading to the lift station. She added that since there are no adjacent residences, delaying the installation of the irrigation and



landscaping around the lift station until the next phase of Mystic River appears to be a reasonable request.

The Planning and Zoning Commission unanimously recommended approval of the final plat for Mystic River, Phase II with conditions as noted.

Mayor Pro Tem Leigh asked if the “old golf course” property the developer owned adjacent to this property would be included in the overall preliminary plat. Mrs. Smith said that it would.

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

### **Miscellaneous**

**12. Consider authorizing the City Manager to execute Change Order #2 to the contract with James Construction Group for the West Martin Luther King, Jr. Avenue Extension and Overpass Construction Project to add a parking lot adjacent to the street and to account for additional fencing required for the project.**

Director of Internal Services/City Engineer Angellia Points gave an update on the MLK Extension and Overpass Project which also includes the construction of the traffic signal and turn lanes at the intersection of Loop 121 and West Martin Luther King, Jr. Avenue. She said that the project is anticipated to be completed by August

She also explained that, as part of the Nolan Creek Recreation Project, the grant provided by Texas Parks and Wildlife requires the addition of a parking lot for access to the loop trail area near Nolan Creek and West Martin Luther King, Jr. Avenue. The proposed parking lot is located within the right-of-way of West Martin Luther King, Jr. Avenue and would contain 11 spaces. Additional grant and match funds plus projected engineering services savings enable us to construct the parking lot under the existing contract with James Construction Group.

Mrs. Points stated that a six-foot high black chain link fence is also proposed to be installed west of the bridge along the retaining wall. The sloped retaining wall is steep, and the fence is proposed for the protection of pedestrians.

She pointed out that these additional improvements have been designed by KPA, and were reviewed by the City Engineer as well as the Texas Department of Transportation. The total cost of Change Order #2 is \$42,495.93, and no additional days are requested to complete the items in the change order.

Councilmember Pearson expressed concern that the fence was so expensive. Mack Parker of KPA Engineers said the price was reasonable considering it was a 6-foot fence that would have to be anchored to the retaining wall.

Mayor Pro Tem Leigh stated that the project has progressed enough that it appears complete. He asked Staff to encourage James Construction to keep the barricades in place because the college students and locals are beginning to drive on the road prior to it being open to the public.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Pearson, item 12 was unanimously approved upon a vote of 6-0.

**13. Consider First Amendment to Development Agreement and Consent to Creation of Bell County Municipal Utility District No. 1 and Development of the La Cchette (Three Creeks) Development and the specific actions associated therewith:**

- A. Consider a resolution amending the Bell County Municipal Utility District No. 1 boundary to add (annex) a 36.55 acre tract.**
- B. Consider authorizing the City Manager to enter into an interlocal cooperation agreement with Bell County Municipal Utility District No. 1 to provide solid waste collection services.**

City Manager Sam Listi said the City has received a request to amend the boundary of Bell County Municipal Utility District (MUD) No. 1 by adding a 36.55 acre tract located east of FM 1670 and south of US 190 to the development. Additionally, the MUD desires to contract with the City to allow for solid waste collection services within the boundaries of the MUD.

Mr. Listi reviewed the 2010 MUD Agreement which provided for:

- Commitment to a Land Use Plan and Design Standards for proposed development
- Conformance to City of Belton Subdivision Standards
- Extension of off-site water and sewer services by the developer
- Extension of arterial road right-of-way for Three Creeks Blvd., and collector street construction
- Authority for the developer to issue bonds to reimburse infrastructure costs
- Agreement not to annex property into City for 10 years
- The MUD is regulated by a MUD Board of Directors

He explained that the Three Creeks Subdivision is proposed to contain 1,500 homes which will be served by City of Belton water and sewer. Since this subdivision is located in our ETJ, Bell County is responsible for street maintenance, drainage, and street signs. Additionally, the developer has agreed to a modified building permit process.

Director of Planning Erin Smith described the permitting process which includes three inspections for each home:

1. Plumbing rough-in inspection completed by the building inspectors to ensure no City water/sewer cross connections are constructed.
2. Final inspection completed by Public Works when the lot is at final grade or when the sprinkler system is installed to ensure the property is properly constructed to utilize City's water and sewer system.
3. Final inspection by the Director of Planning to ensure the required masonry and landscaping is complete in accordance with the development agreement.

The builder pays \$500 for the water meter, \$375 for the sewer tap, a \$100 inspection fee, and a \$100 building plan review for each home. The City receives \$1,075 for each home.

Additionally, Mrs. Smith provided an overview of permitting and inspections to date. Thirty-eight homes are underway or complete. She provided pictures of the development and discussed features of several homes.

Manager Listi stated that MUD is not allowed to annex additional property into its boundary without the consent of the City. He added that all the existing MUD terms and conditions will apply to this additional 36.55 acres, and the following clarifications have been added to the agreement:

1. Land Use - Maximum six units per acre – same as current MUD – (220 units maximum additional).
2. Platting - Property will require subdivision plat approval by City.
3. Water - Dog Ridge Water Supply Corporation (DRWSC) CCN boundary.
4. Sewer – If upgrades in lift station needed, this will be at developer or MUD cost.
5. Solid Waste/Recycling – Proposed franchise amendment will extend to this area as well.
6. Also, it is anticipated the MUD Board will support the expanded sewer CCN boundary currently pending at the Public Utility Commission.
7. There is no fiscal impact to the City of Belton for this expansion in MUD boundary.

Mr. Listi recommended approval of the resolution amending the MUD boundary to add the 36.55 acre tract.

The second request from the developer is for an interlocal agreement between the MUD and the City for solid waste collection services. Mr. Listi explained that since the current Waste Management contract only applies inside the city limits, Council authorization is needed for the City to extend these services to the residents of the MUD.

Mayor Grayson clarified that the houses built in this subdivision would be built to the MUD building standards and not to the City building standards. Manager Listi confirmed that is correct.

Mayor Pro Tem Leigh discussed the annexation of the MUD into the city limits, and asked if the ten year timeframe was from the date of the original agreement or was it extended with this addition. Mr. Listi responded that it was from the original date of 2010, but the annexation would also depend on other factors such as the MUD paying off their debt. Mr. Leigh asked if this changed their ability to borrow since they now had more land. Mr. Listi responded that had not been discussed, but he did not believe that it increased their debt cap.

Councilmember Pearson stated that the Dog Ridge CCN concerns him. He understands that it's not the City's problem, but he wondered how Manager Listi thought it would work out. Mr. Listi said that one of the elements in the original MUD agreement was that, at the appropriate time, the City would work with the MUD to seek to get the CCN transferred to the City. However, he added that this new area was somewhat problematic. The western portion of the subdivision is at an elevation that makes it difficult to serve with our existing system, so this would be a major change and would require us to secure the DRWSC tank. The developer realizes that it probably won't be serviceable until it is either serviceable by the City or improvements are made to the Dog Ridge system which allows them to serve the area. He reminded Council that Dog Ridge cannot provide fire protection, so that's also a limitation.

City Attorney John Messer stated that this 36.55 acre tract was not the only tract serviced by Dog Ridge. He said there is also another smaller portion of area in this development that is within the Dog Ridge CCN. Mr. Messer advised the Council that they should not take this new portion into the City's CCN until they are fully aware of what it would take to serve that area.

Upon a motion by Councilmember Paul Sanderford and a second by Councilmember Kirkley, items 13A and 13B were unanimously approved upon a vote of 6-0 including the below captioned resolution.

**RESOLUTION NO. 2016-14-R**

**A RESOLUTION OF THE CITY OF BELTON, TEXAS, CONSENTING TO THE ANNEXATION OF 36.55 ACRES OF LAND INTO BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1.**

- 14. Consider an ordinance on first reading amending an exclusive franchise to Waste Management to include service to Bell County Municipal Utility District No. 1, and authorize the City Manager to execute an amendment to the Municipal Solid Waste Collection and Transportation Agreement between Waste Management and the City of Belton to reference the inclusion of the Bell County Municipal Utility District No. 1 in the exclusive service area granted to Waste Management.**

Director of Finance Brandon Bozon stated that the previous agenda item authorized an agreement between the MUD and the City for solid waste collection services. He reminded the Council that the City provides those services to its residential and commercial hand cart customers through an exclusive agreement with Waste Management. The existing agreement is in effect through 2018 and may be extended for two additional years.

Mr. Bozon explained that an amendment to our franchise with Waste Management is required in order to include the MUD in the service area. A franchise ordinance requires two readings and a public hearing, with a ten day notice. The second reading and public hearing is scheduled for April 12, 2016.

Councilmember Pearson said he was a little surprised that Waste Management agreed to provide the service for the same price since it was a little remote from the area they are serving now. Paul Daugereau of Waste Management explained that it will be a slow build, but added they are already serving customers on FM 1670, so they are in the area. Mayor Pro Tem Leigh said that when the area is annexed into the City, it will make change management easier if the MUD is on City utilities.

Upon a motion by Mayor Pro Tem Leigh and a second by Councilmember Pearson, the following captioned ordinance was approved by a vote of 6-0 on first reading with a second reading and public hearing scheduled for April 12, 2016.

**ORDINANCE NO. 2016-15**

**AN ORDINANCE AMENDING AN EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT OF TEXAS, INC., TO INCLUDE PROVIDING RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES WITHIN THE BOUNDARIES OF BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1.**

**15. Consider authorizing the Belton Economic Development Corporation to execute a contract to sell property at 420 E. Central Avenue to Jarrod Metzgar.**

Executive Director Cynthia Hernandez informed the Council that the Belton Economic Development Corporation (BEDC) has received an offer from Jarrod Metzgar, President of Enviro-Serv of Waco, to purchase the 0.322 acre tract at 420 E. Central. She explained that the contract is contingent upon Mr. Metzgar's ability to purchase the adjacent lot, located on the corner of Central and Blair. Mrs. Hernandez stated that the Buyer intends to expand their Waco operation, Enviro-Serv, to Belton to service the Belton/Killeen/Temple region. The broker has indicated that Mr. Metzgar plans to build a 5,000 sq. ft. building on the combined lots, and the building will include a showroom and warehouse.

Mrs. Hernandez explained that in 2011, BEDC purchased the lot for \$55,000 for the purpose of constructing office space for BEDC offices in Downtown Belton. However, the project was placed on hold as other projects demanded BEDC Staff

attention and resources. BEDC is confident that there are adequate alternative sites to accommodate a relocation of their offices to Downtown Belton.

On March 16, 2016, the BEDC Board of Directors approved a contract to sell the property to Jarrod Metzgar for \$60,000. Mrs. Hernandez added that special provisions within the contract provide for BEDC to retain ownership if the Buyer does not purchase the adjoining lot within 45 days. Also, if construction does not commence on the property within one year from closing, BEDC will have the right to purchase the property back for \$60,000.

Mayor Pro Tem Leigh asked what the company would be doing at the property. Mrs. Hernandez explained that the company provided restoration services. The warehouse would be primarily used for storage and will include a flooring showroom.

Mr. Leigh expressed concern that the property had not been advertised for sale, and that others who had expressed an interest in purchasing the property in the past were not contacted to determine interest at this time. Additionally, he felt that BEDC had used its relationship with the Chamber and with Mickey Wade to acquire the property with the understanding that BEDC would build an office for BEDC. Since that is now not going to occur, he did not feel it fair to contract for the sale of the property without at least determining if either party wished to buy back the property.

Councilmember Guy O'Banion said that he agreed with the Mayor Pro Tem. He said that the Chamber and Mickey Wade should have an opportunity to buy the property back before moving forward with this sale. Mrs. Hernandez said that she had a discussion with the Chamber, and they are supportive. However, she has not been able to have the same discussion with Mickey Wade.

Councilmember Kirkley asked Mrs. Hernandez if the BEDC Board of Directors had approved the contract. She stated that they had. Mr. Kirkley said that was "good enough" for him.

Upon a motion by Councilmember Kirkley to authorize the sale of the property to Mr. Metzgar, and a second by Councilmember Sanderford, item 15 was disapproved upon a vote of 3-3. Mayor Pro Tem Leigh, Councilmember Pearson and Councilmember O'Banion voted against allowing the sale.

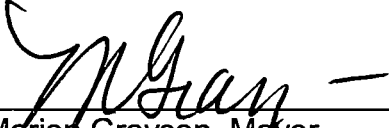
Councilmember O'Banion instructed Mrs. Hernandez to have a conversation with Mickey Wade, and then come back to the Council with the sale if he is not interested in buying back the property.

### **Executive Session**

At 7:25 p.m., the Mayor announced the Council would go into Executive Session for the following item:

**16. Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, regarding personnel.**

The Mayor reopened the meeting at 7:51 p.m., and there being no further business, the meeting was adjourned.

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

ATTEST:

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