

**Belton City Council Meeting
September 27, 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 and Councilmembers Craig Pearson, Jerri Gauntt, Paul Sanderford, Guy O'Banion and Dan Kirkley. Mayor Pro Tem David K. Leigh was absent. Staff present included John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Chris Brown, Byron Sinclair, Angellia Points, Kim Kroll, Matt Bates, Paul Romer, Bruce Pritchard and Larry Berg.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Craig Pearson and the Pledge of Allegiance to the Texas Flag was led by Director of Finance Brandon Bozon. The Invocation was given by Councilmember Paul Sanderford.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:32 p.m.
2. **Public Comments.**

Deputy Police Chief Larry Berg said that National Night Out in Belton will be held on October 4, 2016, in multiple neighborhoods throughout the City. There are 17 parties registered, and while it is down in number, the parties themselves are larger.

Rucker Preston, Executive Director of Helping Hands Ministry, reminded Council and Staff to comment on the rule pending before the Consumer Financial Protection Bureau regarding payday and auto title lending reform. He said that comments must be received by October 7th.

Consent Agenda

Items 3-7 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 September 19, 2016, Special Called City Council Meeting.**
4. **Consider appointment to the Belton Economic Development Corporation Board of Directors.**
5. **Consider authorizing the City Manager to execute a contract for professional construction materials testing services with Langerman Foster Engineering Company.**
6. **Consider authorizing the purchase of the following vehicles through the BuyBoard purchasing cooperative:**

A. ½-Ton Extended Cab Pickup for the Engineering Department; and

B. ½-Ton Crew Cab Pickup for the Parks Department.

7. **Consider an ordinance authorizing assignment pay for police officers performing tactical, crisis negotiations, and advanced accident investigation extra duties.**

Upon a motion by Councilmember Dan Kirkley, and a second by Councilmember Guy O'Banion, the Council unanimously approved the Consent Agenda upon a vote of 6-0.

Planning and Zoning

8. **Hold a public hearing and consider a zoning change from Light Industrial to Commercial-2 Zoning District for a proposed used car lot at 280 Goodway Drive and 380 West Amity Road, a 2.08 acre tract of land, located on the northwest corner of Goodway Drive and West Amity Road.**

Director of Planning Erin Smith said that this property is located within the Salado Business Park and on the edge of the Belton city limits. She explained that the property is currently zoned Light Industrial and a zoning change to Commercial-2 is required for used auto sales.

Mrs. Smith said that the zoning change request includes Lots 1 and 2, Block 2, of the Salado Business Park Addition. A replat will be required prior to new development. She added that this zoning change to Commercial-2 will require any new construction to contain a minimum of 90% masonry as required in the Design Standards.

At their September 20, 2016, meeting, the Planning and Zoning Commission unanimously recommended approval with conditions, and Staff concurs with their recommendation.

Mayor Grayson opened the public hearing. Mr. Ronnie Tynes stated that he was representing the property owner, and that he was in favor of the zoning change. Seeing no one else wishing to speak for or against the item, the public hearing was closed.

Upon a motion by Councilmember Craig Pearson and a second by Councilmember Kirkley, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-38

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM LIGHT INDUSTRIAL TO COMMERCIAL-2 ZONING DISTRICT ON A 2.08 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 4 DESIGN STANDARDS.

9. Hold a public hearing and consider a zoning change request from Commercial Highway to Retail Zoning District for a Popeye's Louisiana Kitchen at 1005 East Central Avenue, a 0.658 acre tract of land, located on the southeast corner of Interstate 35 and East Central Avenue and on the north side of Spring Street.

Director of Planning Erin Smith said that this property is located on the southeast corner of Interstate 35 and East Central Avenue. She explained that the applicant is proposing to construct a Popeye's Louisiana Kitchen at this location. There is an existing church on the property, and a permit has been submitted to demolish that building. She said that restaurant use is permitted in the Commercial Highway Zoning District; however, the applicant is requesting a zoning change to Retail to reduce the required front yard setback due to the irregular shape of this lot.

Mrs. Smith said that, according to the Zoning Ordinance, a minimum of 13 parking spaces would be required, and the current site plan identifies a total of 23 parking spaces. Additionally, Mrs. Smith stated that a 64-inch live oak tree located on the property will be saved, and she has recommended the reduction of one parking space in order to provide sufficient growth space for the tree.

At their September 20, 2016, meeting, the Planning and Zoning Commission had concerns about the driveway entrance located on Central Avenue. Staff met with the applicant, and together they came up with a solution by designating the driveway on Central Avenue as a right out only driveway. Patrons will enter the property from the IH 35 access road.

The Planning and Zoning Commission unanimously recommended approval with conditions, and Staff concurs with their recommendation.

Mayor Grayson asked how changing the zoning will affect their highway signage. Mrs. Smith said that she expects the applicant to request a variance to the signage requirements.

Councilmember Pearson asked how much the applicant must raise the foundation in order to comply with the flood plain requirement. Mrs. Smith responded that they must raise it 18 inches from the base flood elevation.

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

Councilmember Jerri Gauntt thanked Staff for working with the applicant to save the tree.

Upon a motion by Councilmember Kirkley and a second by Councilmember Paul Sanderford, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-39

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY TO RETAIL ZONING DISTRICT ON A 0.658 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

- 10. Hold a public hearing and consider a zoning change from Retail to Planned Development Retail Zoning District for a proposed meat market at 116 North Birdwell Street, a 0.68 acre tract of land, located on the northwest corner of Flat Street and Birdwell Street.**

Director of Planning Erin Smith said that this property is located on the northwest corner of Flat Street and Birdwell Street. She explained that the applicant is proposing this zone change to allow for a 5,000 square feet building for a meat market. This lot has an irregular shape, making it difficult to construct a retail building within the required setbacks. Currently, this property is zoned Retail and a zoning change to Planned Development Retail will allow for a reduced front yard (facing Birdwell) setback of 22 feet, as opposed to the required 25 feet minimum front yard setback, and a reduced northern and southern side yard setback of 10 feet, instead of the required 25 feet minimum side yard setback. She added that this property is located within a floodplain, so the applicant will construct the building 18 inches above the base flood elevation.

Mrs. Smith said that this 5,000 square feet building will contain a storage area, meat preparation area, and retail area for customers and will have a total of 17 parking spaces for staff and customers. The reductions in the setbacks do not allow sufficient space for the interior driveway and required parking. She said that City Staff met with the applicant to review the proposed development. There is a large area next to the Belton Police Memorial that is not utilized at this time and is often muddy when it rains because it does not contain grass. City Staff worked with the applicant to create a driveway easement and shared parking agreement to allow for a 20 feet wide interior driveway and 4 parking spaces. The Belton Police Department dumpster is located close to the northwestern edge of this property, so the applicant is proposing to create a 1,825 square feet access easement which will allow the new dumpster to be located directly adjacent to the existing Police Department dumpster. She added that this easement will also contain a provision to allow accessibility to this property from the Police Department property through a driveway that the applicant is proposing to construct. Currently, there is an access easement through the Police Department property that provides access to the applicant's lot. This driveway from the Police Department property to this property will provide internal access to the proposed parking.

At their September 20, 2016, meeting, the Planning and Zoning Commission unanimously recommended approval with conditions, and Staff concurs with their recommendation.

Mayor Grayson opened the public hearing. The applicant, Ronnie Schoepf, spoke in favor of the zoning change. Seeing no one else wishing to speak for or against the item, the public hearing was closed.

Upon a motion by Councilmember Pearson and a second by Councilmember O'Banion, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-40

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM RETAIL TO PLANNED DEVELOPMENT ZONING DISTRICT ON A 0.68 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 7 DESIGN STANDARDS.

11. **Hold a public hearing and consider a zoning change from Agricultural to Planned Development Commercial Highway for a proposed equestrian center at 301 West Loop 121, a 40 acre tract of land, located on the south side of West Loop 121 and west of Interstate 35.**

Director of Planning Erin Smith said that this property is adjacent to the Bell County Expo Center. She explained that the property is zoned Agricultural, and a zoning change to Planned Development Commercial Highway is proposed to allow for a proposed equestrian center with an 850 seat performance arena and warm-up arena with horse stalls. The applicant has stated that the building expansions will be a total of approximately 220,000 square feet. In addition to the proposed arenas, the applicant is proposing to construct an additional 600-700 parking spaces. Mrs. Smith stated that interior parking landscaping will be required for all new parking. The parking spaces proposed on the southwestern portion of this property will be larger to allow for horse/cattle trailer parking. An additional driveway is proposed from Loop 121 into the new parking area. Mrs. Smith added that since Loop 121 is a TxDOT roadway, the TxDOT area office will need to review and approve the driveway width and location.

At their September 20, 2016, meeting, the Planning and Zoning Commission unanimously recommended approval with conditions, and Staff concurs with their recommendation.

Mayor Grayson opened the public hearing. County Judge Jon Burrows and Ronnie Schoepf spoke in favor of the zoning change stating that this is a great project for tourism in Belton and Bell County. Seeing no one else wishing to speak for or against the item, the public hearing was closed.

Upon a motion by Councilmember Kirkley and a second by Councilmember Pearson, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-41

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO PLANNED DEVELOPMENT COMMERCIAL HIGHWAY ZONING DISTRICT ON A 40.00 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

12. **Consider a preliminary/final plat for the Elm Grove Heights Addition, a 3.739 acre tract of land, located on the west side of Elm Grove Road, east of Interstate 35, in Belton's Extra Territorial Jurisdiction (ETJ).**

Director of Planning Erin Smith said that this is a 1-lot subdivision plat, located in Belton's ETJ, proposed as the Elm Grove Heights Addition. She explained that the 3.739 acre property is currently unplatted, but it is divided into two separate tracts by a fence. Tract 1 is 1.312 acres with an existing single family home, and Tract 2 is 2.416 acres. Mrs. Smith said that the applicant is upgrading their septic system, and the location is within the 100 foot required setback required by Bell County Health Department. A subdivision plat is required to plat (consolidate) this property into a single lot. The applicant is not proposing any other improvements to the property other than a septic system upgrade.

Mrs. Smith explained that the applicant is requesting a variance to the parkland requirement. Since this property contains an existing single family home, and there are no parks within one mile of this property where the park funds could be spent, a variance to the parkland requirement appears to be a reasonable request.

The applicant is also requesting a variance to the perimeter street improvement requirements and the sidewalk requirements. Bell County is requesting a ROW dedication that is a 30' offset from the centerline of road. The applicant is proposing to dedicate 0.077 acres of ROW for Elm Grove Road for the portion adjacent to this proposed lot. Since there is an existing home on this proposed lot, and there is not an increase in traffic anticipated, a variance to the perimeter street improvement requirements appears to be a reasonable request. Additionally, there are no sidewalks nearby for possible future connection or planned sidewalks in this area; therefore, a variance to the sidewalk requirements appears to be a reasonable request.

The Planning and Zoning Commission recommended approval of the preliminary plat at their meeting on September 20, 2016, and Staff concurs in their recommendation subject to the conditions outlined in the City's letter to the applicant's engineer.

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

FY2016 Budget

13. Consider the following:

- A. **An ordinance amending the FY 2016 budget.**
- B. **A resolution authorizing the City Manager to transfer any unencumbered appropriation balance, or portion thereof, from one office, department or agency to another.**

Director of Finance Brandon Bozon discussed budget amendments that are necessary to close out FY2016.

Upon a motion by Councilmember Sanderford and a second by Councilmember Kirkley, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-43

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016.

Mr. Bozon then outlined the transfer of appropriations needed in FY2016 due to the reassignment of responsibilities and collaboration across departments. Mayor Grayson asked if this resolution was only for FY2016, and Mr. Bozon said yes.

Upon a motion by Councilmember Kirkley and a second by Councilmember Pearson, the following captioned ordinance was unanimously approved upon a vote of 6-0.

RESOLUTION NO. 2016-28-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING A TRANSFER OF APPROPRIATIONS AND PROVIDING AN OPEN MEETING CLAUSE.

Miscellaneous

- 14. **Consider an ordinance authorizing the Mayor to execute a tax abatement agreement with Tirzah located at 115 N. East Street, in existing Downtown Belton Development District.**

Director of Finance Brandon Bozon said that the City has received a City tax abatement application for Tirzah, which will be a travel consulting, wedding planning, floral design, bridal accessories, gift shop and venue, and is an eligible

business for abatement under Section D of the Tax Abatement Policy. Mr. Bozon added that Tirzah was awarded a façade improvement grant for \$10,000 at the January 26, 2016, Council meeting. A building permit was issued in February of 2016, and the property improvements are expected to be completed in November of 2016. He explained that Tirzah's proposal includes the following components:

- Tirzah will hire 2 employees
- Tirzah will make \$110,000 in real property improvements

Mr. Bozon said that the applicant represents an appropriate recipient of property tax abatement due to these factors:

- a. The project represents an investment of at least \$25,000 in taxable assets as required by Section E(a)(1) of the Tax Abatement Policy.
- b. The project improves the aesthetic appearance of the neighborhood in the Downtown Development District as required by section E(a)(8) of the Tax Abatement Policy.

Mr. Bozon explained that this property is eligible for a 5-year tax abatement.

Upon a motion by Councilmember Craig Pearson and a second by Councilmember Paul Sanderford, the following captioned ordinance was unanimously approved upon a vote of 6-0.

ORDINANCE NO. 2016-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH TIRZAH, GOVERNING PROPERTY IN TAX INCREMENT REINVESTMENT ZONE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

15. **Consider a resolution authorizing the City Manager or his designee to acquire the necessary property rights through negotiation or eminent domain proceedings from property owners for the IH 35 Wastewater Project.**

Director of Internal Services/City Engineer Angellia Points said that the IH 35 Wastewater Project also known as the South Belton Sewer System is under design. Thirty-percent drawings have been submitted and reviewed. She explained that the alignment is being refined through discussions with property owners and TxDOT, and that easements will be necessary from a number of property owners. The proposed Resolution is necessary to begin negotiations with the property owners. Mrs. Points added that should negotiations fail, the City will need to initiate eminent domain proceedings; however, she is very optimistic the City will be able to avoid that process. She stated that there is one property where a lift station is expected to be located, and Staff desires to purchase the property rather than obtain an easement because the lift station will be a permanent structure. The property owner

has requested compensation, so Staff needs the authorization provided by the proposed Resolution to begin the appraisal process.

Design of the project is expected to be complete by the end of 2016 with construction expected to begin in the Spring of 2017.

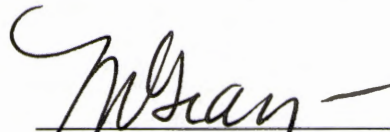
Councilmember Pearson asked if the item will return to the City Council should the City need to initiate eminent domain proceedings. Mrs. Points said that starting the eminent domain process would require approval by the City Council. City Attorney John Messer added that City Council would have to declare that eminent domain was a necessity and give authorization to file suit.

Upon a motion by Councilmember Pearson and a second by Councilmember Kirkley, the following captioned resolution was unanimously approved upon a vote of 6-0.

RESOLUTION NO. 2016-29-R

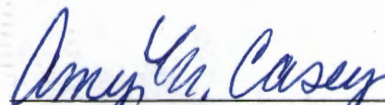
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DETERMINING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE SOUTH BELTON SEWER SYSTEM PROJECT; AUTHORIZING THE APPOINTMENT OF AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF BELTON, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS INCLUDING EMINENT DOMAIN PROCEEDINGS IF NECESSARY; AND DECLARING AND PROVIDING AN OPEN MEETINGS CLAUSE.

There being no further business, the Mayor adjourned the meeting at 6:20 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk