

**Belton City Council Meeting
February 12, 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, 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 and Cheryl Maxwell.

The Pledge of Allegiance to the U.S. Flag and the Pledge of Allegiance to the Texas Flag were led by Cub Scout Troop #117, and the Invocation was given by Matt Thrasher, Pastor of Crossroads Church.

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

Mayor Grayson recognized Councilmember David K. Leigh for obtaining his doctorate from the University of Texas. His dissertation is titled, "Improved Process Stability and Ductility in Laser Sintered Polyamide."

2. **Public Comments.** There were none.

3. **Presentation of Police Department Annual Report including Annual Racial Profiling Report.**

Assistant City Manager/Chief of Police Gene Ellis presented the Police Department Annual Report, including the Racial Profiling Report for 2018. Councilmember Leigh asked how "incidents" are defined. Chief Ellis replied that it includes thefts, criminal mischief, alcohol offenses and drug offenses among other Part 1 UCR crimes as the FBI defines them.

Mayor Pro Tem Pearson asked how many officers were injured in the line of duty in 2018. Chief Ellis said that he has that information, but he does not have it with him. He said there were a few, mainly knees and elbows, and the latest was a car accident.

Chief Ellis concluded by thanking the Council for their support. No action was required by the Council.

Consent Agenda

Items 4-8 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

4. Consider minutes of previous meetings:
 - A. January 22, 2019, City Council Meeting
 - B. January 31, 2019, City Council Special Called Meeting
5. Receive a report on the annual review of the City's Ethics Ordinance, No. 2018-03, by the Ethics Commission.
6. Consider a resolution ordering the General Election to be held on May 4, 2019.
7. Consider a resolution authorizing the submittal of a grant application to the US Department of Justice, Bureau of Justice Assistance, for an Edward Byrne Memorial Justice Assistance Grant (JAG).
8. Consider an ordinance on first reading granting a franchise to Atmos Energy, and set a public hearing and second reading for February 26, 2019.

Upon a motion by Councilmember Holmes and a second by Councilmember Carpenter, the Consent Agenda, including the following captioned resolutions and ordinance, was unanimously approved by a vote of 7-0.

RESOLUTION NO. 2019-05-R

A RESOLUTION CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, AND ESTABLISHING PROCEDURES THEREOF.

RESOLUCIÓN NO. 2019-05-R

RESOLUCIÓN CONVOCANDO ELECCIONES GENERALES A REALIZARSE EL 4 DE MAYO DEL 2019 Y LOS PROCESOS A CUMPLIRSE.

RESOLUTION NO. 2019-06-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, DESIGNATING AN AUTHORIZED OFFICIAL.

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.

Miscellaneous

9. **Hold a public hearing regarding an application for Community Development Block Grant funds that proposes to replace the water line on N. East Street and E. 5th Street.**

Grants and Special Projects Coordinator Bob van Til thanked several Staff members for their help in compiling the data for this project. He explained that Staff is in the process of applying for a grant from the Texas Department of Agriculture (TDA) to replace a 6-inch diameter deteriorated water line with an 8-inch diameter water line that will run from E. 2nd Street north on N. East Street, east on E. 5th Street, and ending at the east side of N. Penelope Street. He said the grant source is the Texas Community Development Block Grant (TxCDBG) Program, and the funding originates from the US Housing and Urban Development (HUD).

Mr. van Til explained that, as part of the application process, the City must conduct a public hearing to allow the public adequate opportunity to comment on the pending application as well as provide comment on overall community needs.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing. There was no other action required of the Council as the resolution of support will be presented at the meeting on February 26, 2019.

10. **Hold a public hearing and consider ordinances on second and final reading granting one year extensions to commercial solid waste collection franchises with the following companies:**

A. Waste Management, Inc.

B. Waste Connections (formerly IESI and Progressive Waste Solutions)

C. Eagle Disposal

D. Temple Iron & Metal

City Clerk Amy Casey said that in January 2016, Council authorized commercial solid waste franchises with Waste Management, Progressive Waste Solutions (now Waste Connections), Eagle Disposal and Temple Iron & Metal. The original term of the franchises expired on January 26, 2019. The four service providers desire an extension to the franchise agreement which is allowed under the original terms of the agreements. The original term of the agreements is for three years with two (2) optional one-year extensions. The City currently has commercial solid waste franchise agreements with these four service providers, as well as Sunbright

Disposal Services. She added that the Sunbright franchise will be up for renewal later in the year.

Casey explained that the City receives 5% of the companies' total gross receipts from customers as a franchise fee. FY2019 Budget for this franchise fee is \$110,900 from all commercial haulers.

Mrs. Casey stated that franchises require two readings of the ordinance, as well as a public hearing.

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

Councilmember Leigh asked when the City's bulky waste collections are held. Director of Public Works Angellia Points replied that they are held quarterly, and the last one was held this past Saturday. Mr. Leigh recommended that this information be published for the citizens' benefit.

Upon a motion by Mayor Pro Tem Pearson, and a second by Councilmember Holmes, Item #10, including the following captioned ordinances, was unanimously approved on second reading by a vote of 7-0.

ORDINANCE NO. 2019-04

AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH WASTE MANAGEMENT INC., TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH WASTE CONNECTIONS (FORMERLY PROGRESSIVE WASTE SOLUTIONS), TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH EAGLE DISPOSAL, TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2019-07

AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH TEMPLE IRON & METAL, TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.

11. Hold a public hearing and consider adopting the City of Belton's Drought Contingency and Water Conservation Plan.

Director of Public Works Angellia Points explained that in 2004, TCEQ required potable water providers to develop and adopt a Drought Contingency Plan. In 2007, the 80th Texas Legislature amended the Texas Water Code to require each retail public utility that provides potable water service to 3,300 or more connections to submit a water conservation plan to the State for review and acceptance. Therefore, she said a 2009 combined Drought Contingency and Water Conservation Plan was developed and adopted by the City of Belton. The code also requires the plan to be reviewed and updated once every five years thereafter, and for the entity to report annually on the progress of program implementation. The current 2014 – 2019 Drought Contingency and Water Conservation Plan needs to be updated and a new 2019 – 2023 Plan needs to be adopted.

Mrs. Points explained that Staff has updated the Plan to meet the current TCEQ and TWDB requirements. The significant changes to the updated 2019-2023 Plan including the following:

1. Modified layout of the Plan to have Drought Stage information in one location. The Drought Stage triggers, goals, best management practices for supply management, water use restrictions, and termination requirements are all under each Stage.
2. Removed references for the City to provide wholesale of water. These sections did not apply.
3. The best management practices for supply management will always be one Stage ahead of the general public's Drought Stage.
4. Lessened the burden on master meters and multi-family water users by increasing the base water rationing amount to match the City's base rate allocation.
5. Changed the water rationing amounts to be the same for residents inside and outside of the City limits. The only difference will be the volumetric rate charge, which is 1.25 times more for those outside of the City limits.
6. Updated the water rates to match the City's current fee schedule.
7. Updated the Water Conservation Plan to include population, water use, sewer flow, water loss, and water supply data.
8. A new enforcement paragraph was added to allow for violators of the Plan to appear in municipal court. Failure to appear in court may result in a warrant for arrest. A summons to appear may be issued in lieu of an arrest warrant.
9. Included the updated Fee and Rate Schedule.

She added that the deadline to submit the Plan to TCEQ is May 1, 2019.

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

Councilmember Kirkley said that Belton has had problems in the past with water, so this is very important plan. He thanked Mrs. Points and her Staff for their work on updating the Plan. Mayor Grayson agreed, and said she only remembers once during her tenure on the City Council that the Plan had to be implemented.

Upon a motion by Councilmember Holmes, and a second by Councilmember Kirkley, Item #11, including the following captioned ordinance, was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING THE CITY'S DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN WHICH ESTABLISHES CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSES STAGES; RESTRICTIONS ON CERTAIN WATER USES; PENALTIES FOR THE VIOLATIONS OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

12. **Consider authorizing the City Manager to execute a contract with Bell Contractors for construction of the North Belton 16-inch Transmission Main project, and any change orders associated with the contract, not to exceed the amount authorized under state law.**

Director of Public Works Angellia Points stated that on October 11, 2016, the City Council awarded a professional services contract to Kasberg, Patrick and Associates (KPA) to design Belton's third elevated storage tank and corresponding waterline to supply water to the proposed tank. The driver for the project was to address the City's required storage capacity per TCEQ requirements.

While the project was being evaluated and designed, the property for the tank site was acquired. The alignment for the waterline was also negotiated with the affected property owners.

Mrs. Points said that on May 8, 2018, the City Council authorized the City Manager to execute a Second Amendment with Bell County Water Control Improvement District No. 1 (BCWCID No. 1) to allow the City of Belton to count 95% of the water stored in the 3 million gallon tank owned and maintained by BCWCID No. 1. This contractual agreement boosted the City's storage capacity, meeting the TCEQ requirements as stated in the previous triennial inspection. However, the need for the tank still remains, though the need is not as immediate. Although the tank requirement can be delayed a few years, the need for the supply waterline is still a priority in order to boost pressures in the Dawson Ranch/Highland Estates subdivisions. Staff continued to work on the alignment of the waterline in order to prepare for the future third elevated storage tank.

On November 13, 2018, Staff presented a non-annexation development agreement for the Dickson Ranch properties. The request for a non-annexation development agreement was a condition for providing a waterline easement to the City of Belton for the waterline project that will connect the proposed third elevated storage tank to the transmission line from BCWCID No. 1, which lies in an easement on the Dickson Ranch properties. The agreement was approved at the November 13, 2018 Council meeting, and the easement for the waterline was subsequently provided.

Points said that another driver for the water transmission project was the stipulation in the utility easement agreements on the Dickson Ranch properties. The following are the timelines agreed upon with the granting of the easement agreements.

- If the pipeline is not constructed by January 1, 2021, the easement shall terminate.
- Once construction commences, the installation of the water pipeline shall be completed within 183 calendar days.
- If the City ceases to use the easement for water pipeline purposes for a period of 24 consecutive months, the easement shall terminate and any pipeline installed shall be removed.
- The City shall restore the property to pre-construction conditions within 30 days of finishing the waterline construction.

Mrs. Points explained that the waterline is planned to be a 16-inch ductile iron pipe, connecting to the 21-inch transmission line. The new 16-inch waterline is shown to be placed in the utility easement on the Dickson Ranch property and the dedicated, recorded, right-of-way for Dawson Ridge. The line would also extend to the property proposed for the third elevated water storage tank. The waterline plans also include a connection to the existing 8-inch waterline along Chisolm Trail Parkway that serves the Dawson Ranch subdivision.

Dawson Ridge is currently under construction. Mrs. Points explained that the bid did account for boring under the new Dawson Ridge roadways, if the construction of the subdivision was farther along. However, that bid alternative will not be needed as the construction in Dawson Ridge will allow the City's contractor to open cut the waterline before the roads are constructed.

Also, the contract documents were developed to show the price difference between plastic pipe (PVC) and ductile iron pipe. For a 16-inch waterline under such pressures, ductile iron is the preferred and recommended pipe material. However, the documents were developed to give the City as much flexibility as possible, knowing the timeline requirements and funding considerations for this waterline. Between the eleven (11) qualified bids received for the PVC and ductile iron prices, Staff recommends proceeding with the ductile iron pipe. To compare, the 16-inch waterline in the Lake-to-Lake ROW is ductile iron, and ductile iron is known to be more durable than PVC.

Mayor Grayson asked if we typically use ductile iron on waterlines. Mrs. Points said that larger waterlines are usually ductile iron pipe.

KPA completed the design in December 2018, and bids were opened on January 22, 2019. Eleven (11) qualified bids were received for the project for the 16-inch ductile iron pipe. The Director of Public Works/City Engineer, the Assistant Director of Public Works, and the Project Engineer at KPA evaluated the bids received. The low bidder, Bell Contractors of Belton, has successfully worked with the City of Belton in the past on projects such as the Nolan Creek Trunk Sewer Project.

Points added that the construction is anticipated to take approximately 8 months at a cost of \$804,121.75. The funding for the project is the 2016 Water and Sewer Bond Fund.

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

13. Consider authorizing the City Manager to enter into a professional services agreement with Kasberg, Patrick and Associates for Construction Administration services for the North Belton 16-inch Transmission Main project.

Director of Public Works Angellia Points explained that Kasberg, Patrick and Associates (KPA) is the design engineer for the third elevated storage tank and corresponding waterline to supply water to the proposed tank. The scope awarded to KPA in October 2016 included the design and bid phases for the waterline and tank project, but it did not include construction administration services. Staff recommends awarding a contract to KPA for construction administration services on the North Belton Waterline Project. The scope includes review of submittals, attending and coordinating monthly progress meetings, reviewing and approving pay applications, general site visits, every other week construction staking, and development of the record drawings.

The cost for these construction administration services is \$35,120, which is to be funded by the 2016 Water and Sewer Bond Fund.

Upon a motion by Councilmember Holmes, and a second by Councilmember Leigh, Item #12 was unanimously approved by a vote of 7-0.


Executive Session

At 6:15 p.m., the Mayor announced the Council would move to the Smith Room and go into Executive Session for the following item:

14. Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance

with the authority contained in Section 551.074, Personnel - conduct an evaluation of the City Manager's performance.

The Mayor reopened the meeting at 7:55 p.m., and there being no further business, the meeting was adjourned.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk