



City of Belton, Texas

City Council Meeting Agenda
Tuesday, February 11, 2020 - 5:30 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas

Mayor Pro Tem Wayne Carpenter will participate in the meeting via video conference from Kennesaw, Georgia.

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Craig Pearson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Planning Cheryl Maxwell.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Bill Carrell, Director of Church Relations at the University of Mary Hardin-Baylor.

1. Call to order.
2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

3. Recognition of Michelle Fogle for receiving her Texas Registered Municipal Clerks certification.
4. Presentation of the Police Department's Annual Report including the Annual Racial Profiling Report.

Consent Agenda

Items 5-10 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.

5. Consider minutes of January 28, 2020, City Council Meeting.
6. Consider a resolution ordering the General Election to be held on May 2, 2020.
7. Receive a report on the annual review of the City's Ethics Ordinance, No. 2018-03, by the Ethics Commission.
8. Consider approval of a revised employment agreement for the City Manager.
9. Consider resolutions authorizing the submittal of grant applications for the Police Department as follows:
 - A. Justice Assistance Grant for the purchase of ballistic shields;
 - B. Homeland Security Grant for the purchase of ballistic shields;
 - C. Justice Assistance Grant for the purchase of a tactical robot; and
 - D. Victims of Crime Act (VOCA) Grant for an Investigative Assistant to assist victims of crime.
10. Authorize the City Manager to enter into an agreement with the Texas Department of Public Safety for the Failure to Appear Program.

Miscellaneous

11. Consider an application from Killeen Express Shuttle for an Operating Authority Permit to operate a shuttle service between Belton and Austin-Bergstrom International Airport.
12. Hold a public hearing and consider an ordinance amending the City's Tax Abatement Guidelines and Criteria.

Executive Session

13. 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 551.072, Deliberations about Real Property.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



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OFFICE OF THE CITY MANAGER

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3. **Recognition of Michelle Fogle for receiving her Texas Registered Municipal Clerks certification.**

Michelle Fogle, Executive Administrative Assistant to the City Manager, has completed the Texas Municipal Clerk's Certification Program, and was awarded the Certificate of Graduation by the University of North Texas on January 30th. This is the only university-level professional education program for City Clerks and City Secretaries in Texas. We appreciate the opportunity to recognize Michelle for this significant accomplishment.

4. **Presentation of the Police Department's Annual Report including the Annual Racial Profiling Report.**

In compliance with State law, Assistant City Manager/Chief of Police Gene Ellis will present the Annual Police Report for 2019. A copy is included in the packet.

Consent Agenda

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5. **Consider minutes of January 28, 2020, City Council Meeting.**

A copy of the minutes is attached. Recommend approval.

6. **Consider a resolution ordering the General Election to be held on May 2, 2020.**

See Staff Report from City Clerk Amy Casey. Recommend approval of the proposed resolution ordering the May 2, 2020, General Election.

7. **Receive a report on the annual review of the City's Ethics Ordinance, No. 2018-03, by the Ethics Commission.**

See Staff Report from City Clerk Amy Casey. No changes are recommended.

8. **Consider approval of a revised employment agreement for the City Manager.**

A copy of the revised agreement, including a 5% base salary increase, is attached. Recommend approval.

9. **Consider resolutions authorizing the submittal of grant applications for the Police Department as follows:**

- A. **Justice Assistance Grant for the purchase of ballistic shields;**
- B. **Homeland Security Grant for the purchase of ballistic shields;**
- C. **Justice Assistance Grant for the purchase of a tactical robot; and**

D. Victims of Crime Act (VOCA) Grant for an Investigative Assistant to assist victims of crime.

See Staff Report from Assistant City Manager/Chief of Police Gene Ellis and Grants and Special Projects Coordinator Bob van Til. Recommend approval of the resolutions authorizing the grant applications.

10. Authorize the City Manager to enter into an agreement with the Texas Department of Public Safety for the Failure to Appear Program.

See Staff Report from Director of Finance Mike Rodgers. Recommend authorizing the City Manager to enter into the agreement as presented.

Miscellaneous

11. Consider an application from Killeen Express Shuttle for an Operating Authority Permit to operate a shuttle service between Belton and Austin-Bergstrom International Airport.

See Staff Report from City Clerk Amy Casey. Recommend approval of the Operating Authority Permit as presented.

12. Hold a public hearing and consider an ordinance amending the City's Tax Abatement Guidelines and Criteria.

See Staff Report from Director of Finance Mike Rodgers. Recommend approval of the ordinance amending the City's Tax Abatement Guidelines and Criteria incorporating recommended changes.

Executive Session

13. 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 551.072, Deliberations about Real Property.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM
AT THE

UNIVERSITY OF NORTH TEXAS
1155 Union Circle #305067
Denton, Texas 76203-5017
(940) 565-3488 • Fax (940) 565-2012
<http://municlerks.unt.edu>

February 3, 2020

Marion Grayson
and the City Council
City of Belton
PO Box 120
Belton TX 76513-0120

Dear Mayor Grayson:

I am pleased to tell you that Exec Admin Asst to City Mgr Michelle Garcia graduated from the Texas Municipal Clerks Certification Program on January 30, 2020. Our keynote speaker for this year's graduation luncheon was Caroline Webster, assistant city attorney, city of Austin.

The Texas Municipal Clerks Certification Program, located at the University of North Texas, is a professional development program. The program is comprised of four courses of study covering municipal finance, municipal law, election law, public economics, public administration, human resource management, public and press relations, communications, office administration, and municipal court administration. Completion of the program requires over 200 hours of individual study that includes submitting written work and successfully passing four examinations. In addition, the candidate must attend eight related seminars requiring over 100 contact hours of instruction.

The Certification Program is recognized and endorsed by Section 22.074 of the *Local Government Code*, Vernon's Texas Codes Annotated.

Congratulations to you and the city council as well as Michelle for her accomplishments.

Sincerely,

Miriam Sheehan, TRMC



2019

ANNUAL REPORT

BELTON POLICE DEPARTMENT

PREVENTION FOCUSED

www.beltontexas.gov/police



OUR MISSION

The Belton Police Department is dedicated to providing excellent service through partnerships that build trust, reduce crime, create a safe environment, and enhance the quality of life in our community. ●●●



PHOTO CREDIT: TEMPLE DAILY TELEGRAM

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On behalf of the men and women of the Belton Police Department (BPD), I am pleased to present you our 2019 Annual Report. This report provides a snapshot of crime and our activities during the previous calendar year. It also includes highlights of community outreach efforts, BPD staff and volunteers, and much more. We saw many changes in 2019 as some long time members of our team retired, the addition of new team members, and the enhancement of community outreach efforts.

We see ourselves as servant guardians of this great community. We operate under a prevention focused model of community policing with servant leadership as a foundation. Belton officers and support staff are not just problem solvers. They are challenged to be problem finders to identify and prevent issues that could negatively impact the great quality of life we enjoy in Belton. We strongly believe we are successful when we have a strong community partnership built on trust, fairness, transparency, and impartiality.

We are here to serve you, so please do not ever hesitate to reach out to any member of the BPD team if you ever need any assistance. I would like to express my sincere appreciation to the Belton City Council, City Manager Sam Listi, City staff, and all members of the BPD team for their efforts to maintain an outstanding quality of life in Belton. We are truly committed to providing excellent service to Belton. I look forward to seeing you in 2020 at a Coffee with a Cop, National Night Out, or other community events.

Sincerely,
Gene Ellis
Chief of Police
Assistant City Manager





The rich heritage on display every day in Belton has roots to the people who settled in the Nolan Creek basin in 1850. The famous Chisholm Trail traveled through Belton during the days of cowboys and cattle drives. Today Belton is located at the crossroads of Interstate Highways 35 and 14 and remains an important transportation corridor. As the county seat of Bell County, Belton is at the center of the Temple-Killeen-Fort Hood MSA; the 9th largest metropolitan area in Texas. It is a great place to live due to the great schools, including the University of Mary Hardin-Baylor, abundant recreation opportunities, safe neighborhoods, robust housing market, and excellent quality of life. Historic Downtown Belton, the Bell County Expo, the famous annual 4th of July Parade, two lakes, live music venues, award winning barbecue restaurants, and a host of other shops and events make Belton a tourist unique destination.

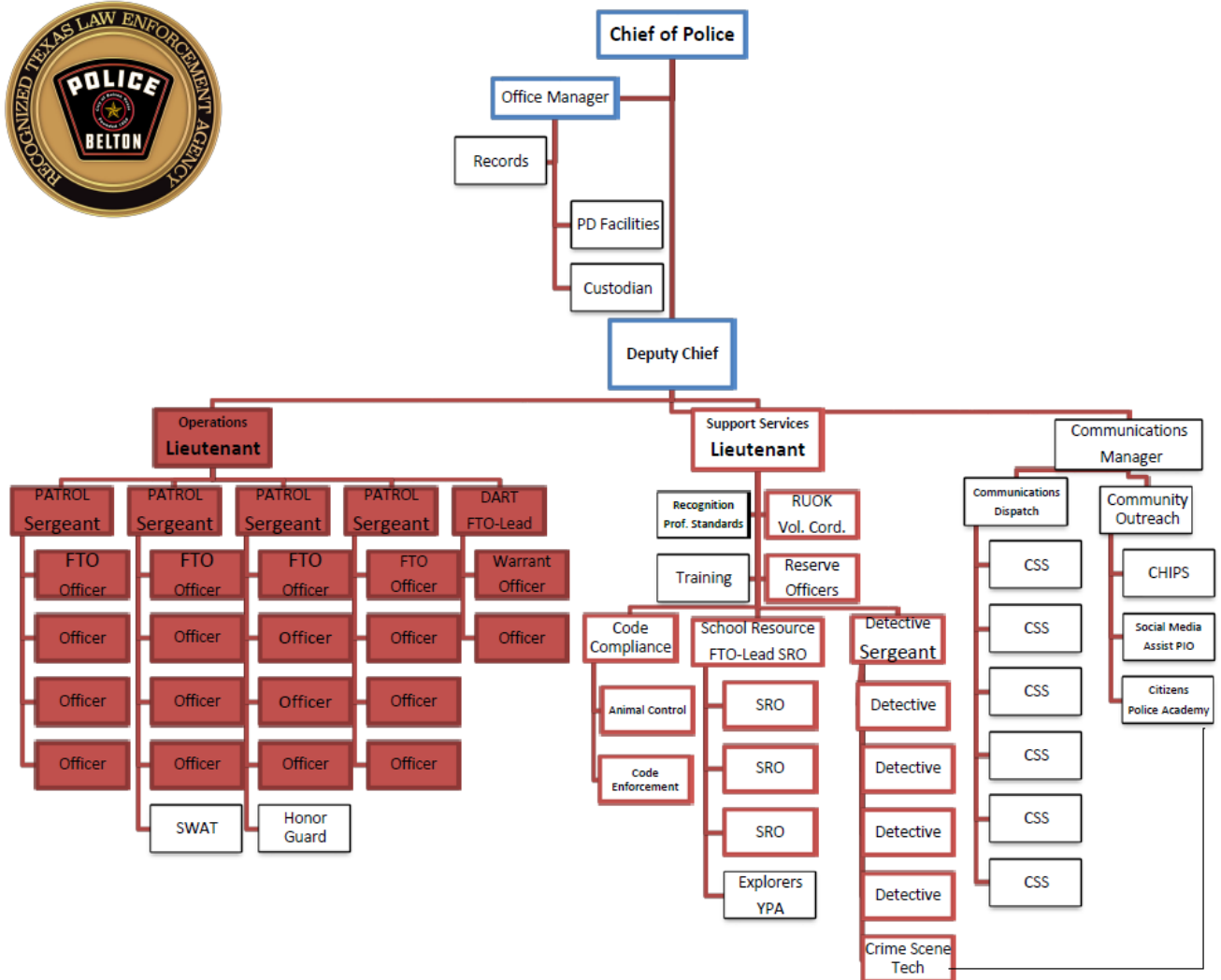
The City of Belton serves a growing community of more than 22,000 residents with a full range of municipal services. The City operates under a council-manager form of local government. The Belton City Council sets policy, formulates a strategic plan, and hires a professional City Manager to carry it out. The City Manager serves as the Chief Executive Officer of the City and oversees all City operations. Sam A. Listi has served as Belton's City Manager since 2001.

Sam A. Listi
City Manager





Belton Police Department June 1, 2019



BELTON POLICE STRATEGIC PLAN 2020-2024



SIMPLIFIED PURPOSE

Protecting a great quality of life for those we serve.

STRATEGIC INTENT

Cultivating a safe environment for our community to thrive through a Prevention Focused model of community policing.

VISION STATEMENT

We will remain Prevention Focused to keep Belton a safe and family friendly community with an excellent quality of life.

FOUNDATION

The foundation of the Belton Police Department Strategic Plan is the City of Belton Strategic Plan, and the City's vision and mission statements focused on quality of life in Belton.

FIVE GUIDING PRINCIPLES

1. Prevention
2. Safety
3. Partnerships
4. Team
5. Quality of Life

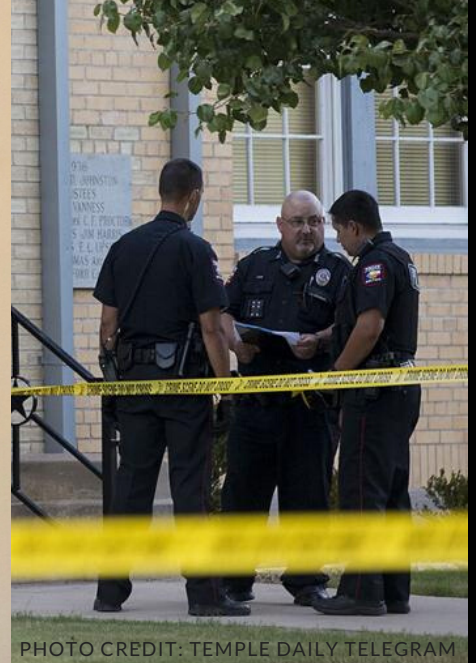
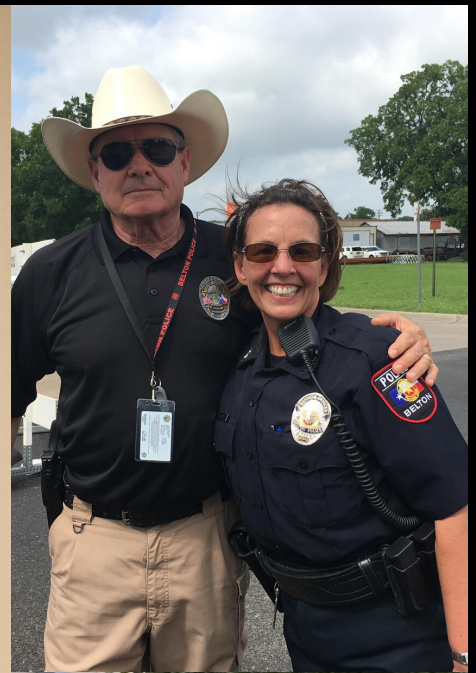
OUTCOME STATEMENTS

- A. BPD is *Prevention Focused* through proactive community policing.
- B. BPD is dedicated to keeping our community and roadways safe.
- C. BPD maintains strong relationships with our stakeholders built on trust and transparency.
- D. BPD values all members of our team.
- E. BPD is committed to creating an environment whereby our community can enjoy an excellent quality of life.

OPERATIONS



Deputy Chief Larry Berg, a 23-year veteran of the Belton Police Department; oversees Operations and Support Services. Operations is under the command of Lieutenant Allen Fields, a 15-year veteran of BPD. Patrol is the main function of the Operations and the workhorse of BPD. Patrol responds to calls for police service, conducts preventive patrol, enforces traffic laws, conducts preliminary investigations into criminal activity, arrests criminal offenders, and seeks proactive interactions with citizens and groups. Patrol is divided into two teams, made up of two 12-hour shifts each. Patrol is normally the first line of contact the public has with the police department. Patrol has an authorized staff of one lieutenant, four sergeants, and sixteen patrol officers. Officers responded to over 35,000 events in 2019.

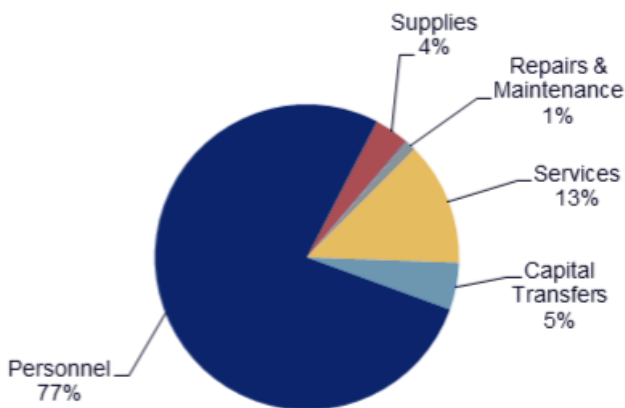


Support Services is under the command of Lieutenant Daniel Aguirre, a 10-year veteran of BPD. This division is comprised of services that support the delivery of law enforcement response to citizens of Belton including: Criminal Investigations; School Resource Officers; Evidence Management; Police Records; Code Compliance; Communications; Personnel and Training; Reserve Officer Program; Professional Standards; RU OK? Program; CHIPS Volunteers; community outreach; and accreditation. Staffing for the Support Services Division includes: a communications manager; a sergeant; four detectives; a crime scene technician; four school resource officers; a records clerk; six telecommunicators; two code compliance officers; and a volunteer coordinator. Lt. Aguirre reports to Deputy Chief Larry Berg.

POLICE BUDGET

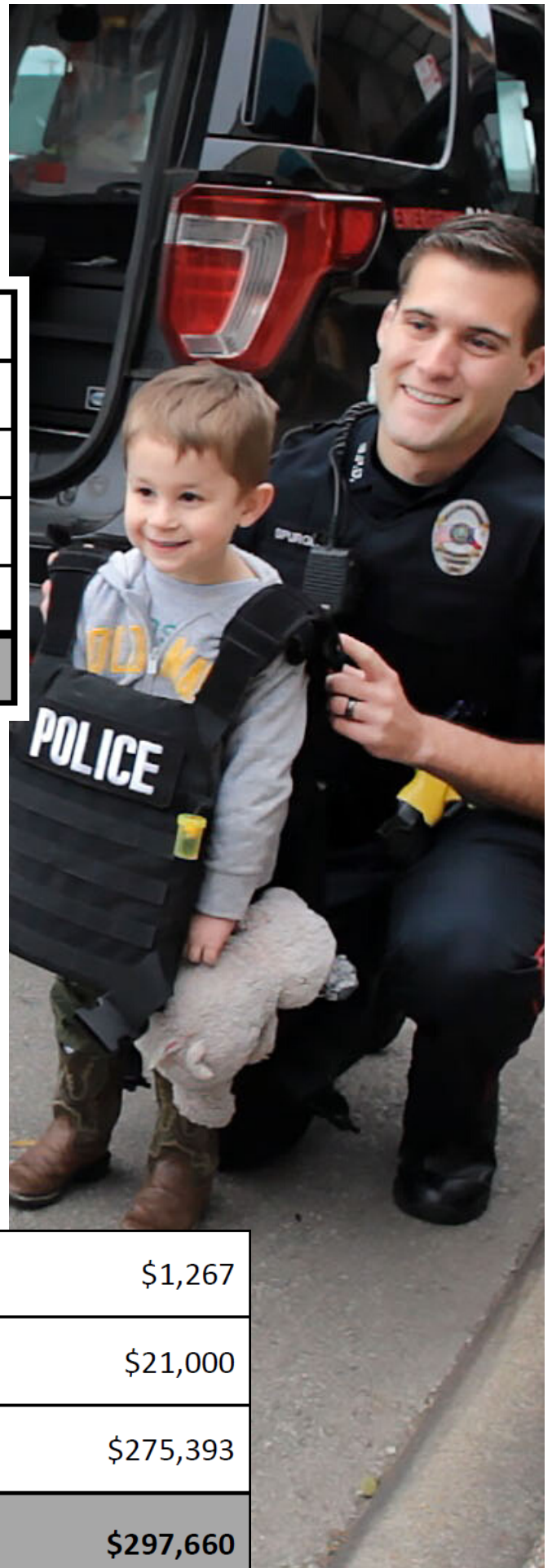
Administration	\$323,280
Operations	\$2,915,589
Support Services	\$1,104,994
Animal Control	\$99,317
Code Compliance	\$71,299
Total Budget	\$4,514,479

Police Expenditures



GRANTS & REIMBURSEMENTS 2019

Department of Justice Bulletproof Vests	\$1,267
Area Agency on Aging (RU OK Program)	\$21,000
Belton Independent School District School Resource Officers & Security	\$275,393
Total Received	\$297,660





The School Resource Officer (SRO) Unit is a partnership between BPD and Belton Independent School District (BISD). Four BPD officers are assigned to the 11 BISD campuses in the City of Belton. This collaboration is funded both by BISD and the City of Belton. The goal of the SRO program is to promote a safe learning environment and deter distractions that jeopardize school safety. This is accomplished by proactive interaction with faculty and students, quick response to disruptions, investigation of criminal activity on campuses, and presentation of prevention programs.

...TRAFFIC SAFETY...

2019 TRAFFIC CRASHES

502	Non-Injury
191	Injury
5	Fatalities
3:00 pm	Hour of Most Accidents
Friday	Day of Most Accidents

2019 TRAFFIC ENFORCEMENT

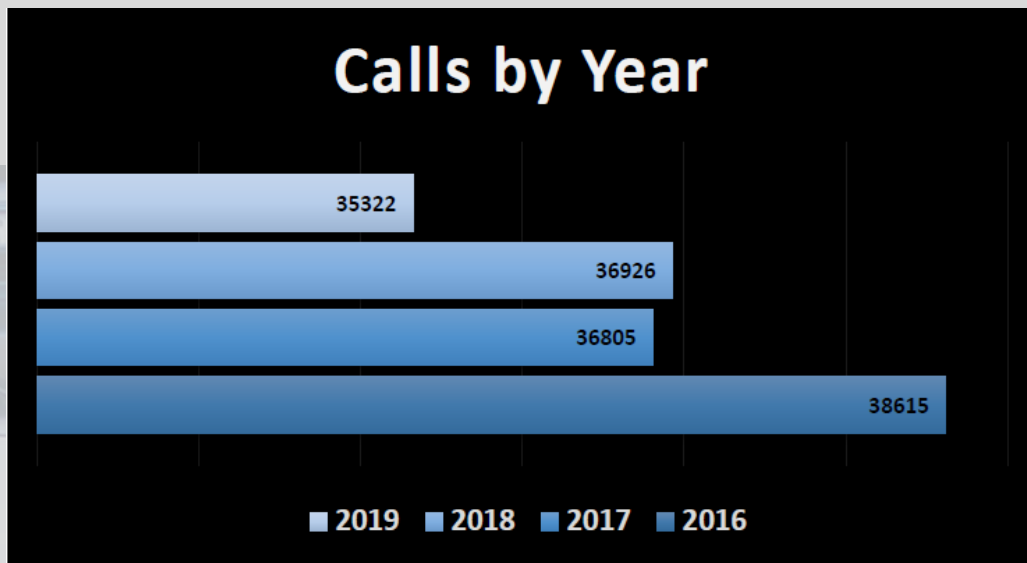
7,090	Traffic Stops
2,650	Citations
4,440	Warnings



2019 POLICE ACTIVITY

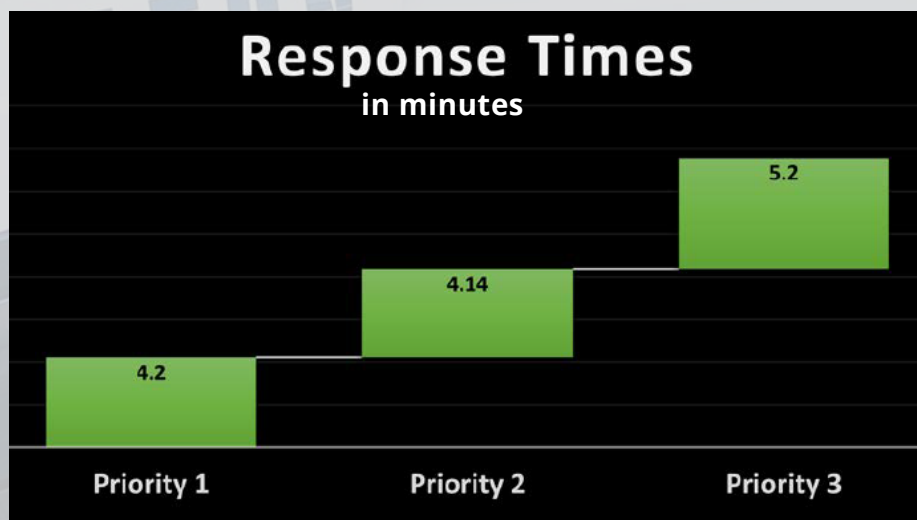
CALLS FOR SERVICE

Instances when an officer responds to a request for service from a citizen or initiates contact with a citizen.
(As recorded through the Bell County Communications Center)



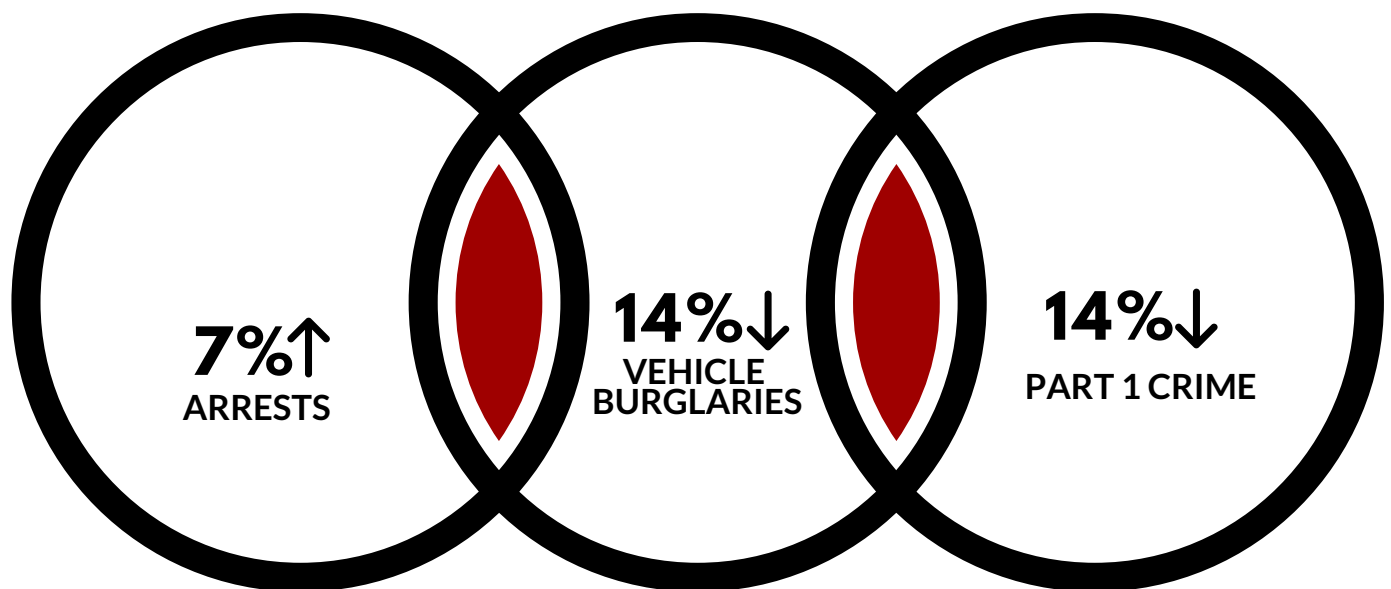
TOP 10 CALLS FOR SERVICE

1. 911 Calls
2. Suspicious Circumstances
3. Traffic Accidents
4. Reckless Drivers
5. Citizen Contact
6. Alarm Calls
7. Welfare Concerns
8. Disabled Vehicles
9. Assaults
10. Animal Calls



CRIMINAL INCIDENTS AND ARRESTS

2019 Arrests	
1,565	Total Arrests
2,055	Total Criminal Charges
284	Felony Charges
1,771	Misdemeanor Charges



PART I CRIME REPORT (UCR)

Crime	2015	2016	2017	2018	2019
Murder	0	2	1	0	0
Sexual Assault	3	1	6	16	22
Robbery	3	9	10	14	9
Aggravated Assault	17	16	13	15	13
Burglary/Residence	53	48	43	34	31
Burglary/Building	49	56	46	44	26
Theft/Larceny	511	456	464	412	366
Auto Theft/UUMV	7	13	5	18	9
Total	643	601	588	553	476

2019 RACIAL PROFILING REPORT

The following information on traffic stops has been reported to the Texas Commission on Law Enforcement; pursuant to Texas Code of Criminal Procedure Articles 2.121 - 2.138. Beginning in 2018, additional information on all traffic stops, including warnings, was collected and reported pursuant to Senate Bill 1849, the Sandra Bland Act.

<u>Total Stops:</u>	7,090		
Gender		Reason for search?	
Female:	3,190	Consent:	85
Male:	3,900	Contraband:	4
		Incident to arrest:	44
Race or Ethnicity:		Inventory:	21
Alaskan/American Indian:	35	No search:	6,835
Asian/Pacific Islander:	108	Probable cause:	101
Black:	988		
Hispanic/Latino:	1,344	Was contraband discovered?	
White:	4,615	No:	133
		Yes:	122
Race or Ethnicity known prior to stop?		Description of contraband	
No:	6,799	Alcohol:	17
Yes:	291	Currency:	1
Reason for stop?		Drugs:	84
Moving traffic violation:	5,535	Other:	18
Pre existing knowledge:	51	Stolen Property:	5
Vehicle traffic violation:	1,372		
Violation of law:	132	Result of stop	
Location of stop		Citation:	2,614
City street:	5,626	Citation & Arrest:	36
County Road:	31	Written Warning:	4,415
Private property or other:	53	Written Warning & Arrest:	25
State highway:	566		
US highway:	814	Arrest based on	
Was a search conducted?		Outstanding warrant:	13
No:	6,835	Violation of penal code:	23
Yes:	255	Violation of traffic law:	25
		Physical force resulting in injury	
		No:	7,090
		Yes:	0

CRIMINAL INVESTIGATIONS



PHOTO CREDIT: TEMPLE DAILY TELEGRAM

The Criminal Investigations Division is staffed with four detectives and one detective sergeant. Detectives are responsible for the solution of crimes through follow-up investigations of criminal offenses that occur in the City of Belton. The detectives also represent Belton in the multi-jurisdictional task force, the Bell County Organized Crime Unit.

Total Cases Assigned to Detectives	558
Cases Cleared (arrest, exception, unfounded)	323
Clearance Rate	58%
Value of Stolen Property	\$758,142
Recovered Stolen Property Value	\$63,093
Evidence Handled (number of items)	4,957

CODE COMPLIANCE

The Code Compliance Unit handles animal calls and code enforcement for the City of Belton. Two full-time staff members, who are cross-trained in these specialties, form the Code Compliance Unit.

Total Animal Calls	2,388
Total Code Enforcement	3,940
Animals Handled	1,050
High Grass	1,391
Trash & Open Storage	1,564
Junk Vehicles	264
Voluntary Compliance	99%



CITIZENS HELPING IN POLICE SERVICES (CHIPS)



The Belton Citizens Helping in Police Services (CHIPS) program was formed in 2011 to expand police resources through the use of volunteers. A benefit of the program is that it deters crime through visible presence. CHIPS supplement department resources by being extra eyes and ears while patrolling parks, shopping centers, and other areas where large groups gather.

In 2019, BPD participated in over 100 community outreach events. Additionally, volunteers help with administrative tasks inside the police building and at community outreach functions. CHIPS members are graduates of our Citizens Police Academy (CPA) Program. Graduates of CPA formed a non-profit 501(c)(3) organization, the Belton Police Foundation, committed to supporting BPD initiatives and staff. Class #11 began on January 23, 2020.

CHIPS MEMBERS VOLUNTEERED 7,683 HOURS IN 2019

RU OK? PROGRAM & SILVER SANTA



The "RU OK?" Program was developed in 2012 as a way to check on the welfare of senior adults living alone. Our volunteers, CHIPS (Citizens Helping in Police Services), make personal contact by telephone with registered senior citizens living alone. If the CHIPS volunteer is unable to make contact, a police officer is dispatched to the residence to conduct a welfare check. For some of these elderly citizens, this is the only personal contact they have with another person all week. The RU OK? Program is credited with saving seven lives to date.

The Silver Santa initiative brings Christmas joy to all of the RU OK? participants by providing wrapped gifts to each of them. The gifts are delivered a week before Christmas by Belton officers and CHIPS volunteers to bring joy to senior adults living alone.

115 SILVER SANTA BAGS WERE DELIVERED IN 2019

POLICE EXPLORERS & YOUTH POLICE ACADEMY



A **Law Enforcement Explorer** Post was established in Belton in 2012. The program is intended for youth who have expressed an interest in the criminal justice field as a career, age 14 (who have completed the 8th grade) to age 20. Our commitment is to improve relations between the Belton Police Department and the youth in the City of Belton. Explorers learn police work through specialized training and community service. The program allows young people to serve the community, develop leadership skills, and provides support from peers and adults during the maturing process. BPD Explorers can be seen working alongside officers at parades, community events, and Belton Tiger football games.

Belton School Resource Officers held the 10th annual **Youth Police Academy** (YPA) class in June 2019 for middle school students. The goal of YPA is to build rapport between police officers and youth in our community.

EXPLORER LIEUTENANT EZEQUIEL MORENO III RECEIVED A SCHOLARSHIP FROM THE BELTON POLICE FOUNDATION

2019 AWARDS AND RECOGNITIONS

OFFICERS OF THE QUARTER



Anthony Adame



Jason Wimbish



Dane Kantro



DeWayne Ravizee

LIFESAVING AWARD LES HALLBAUER AWARD



Garrett Weikel



Deputy Chief
Larry Berg



Sergeant
William Hamilton



Lieutenant
Daniel Aguirre

TEXAS POLICE CHIEFS ASSOCIATION PRESIDENT

Chief Gene Ellis



RETIREMENT

Deputy Chief
Jen Wesley
40 Years



VOLUNTEER OF THE YEAR



Adele Heath

CIVILIAN OF THE YEAR



Community Service Specialist
Tyler Norton

OFFICER OF THE YEAR



Sergeant
William Hamilton

BELTON POLICE

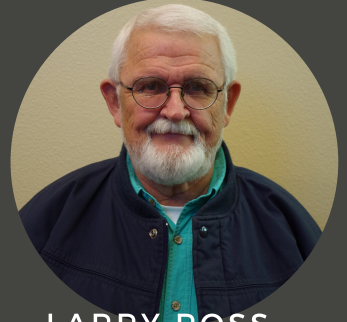
MEET THE NEWEST MEMBERS OF OUR TEAM



GISELE HOUSSEL
COMMUNICATIONS



NICHOLAS PEREZ
COMMUNICATIONS



LARRY ROSS
FACILITY MAINTENANCE



DALTON MENIX-PATROL



MEGAN ADKINS-PATROL



TRAVIS LOCK-PATROL

RECOGNIZED TEXAS AGENCY



The Belton Police Department became the first Bell County law enforcement agency to be accredited as a Recognized Law Enforcement Agency by the Texas Police Chiefs Association Law Enforcement Recognition Program. The recognition program evaluates compliance with more than 160 Best Practices for Texas Law Enforcement. These best practices were developed by Texas law enforcement professionals to assist agencies to efficiently and effectively serve the public and protect individual rights. They cover all aspects of law enforcement operations including use of force, protection of citizen rights, vehicle pursuits, property and evidence management, and patrol and investigative operations. BPD was awarded Re-Recognition status in 2014 and 2018, putting it among the elite 5% of Texas law enforcement agencies.

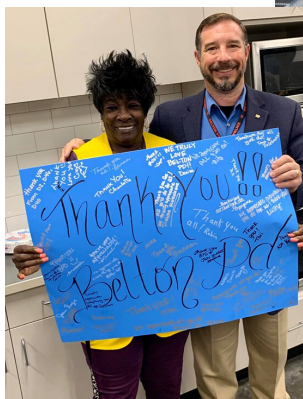
CLERGY-POLICE PARTNERSHIP



The Belton Clergy-Police Partnership (BCPP) is a team of local pastors serving as a liaison between the police department and the community. BCPP members minister to officers and victims of crime; pray for the police department and the community; communicate community concerns directly to the Chief of Police; and provide calm during a crisis. The BPD Police Chaplain, Alton McCallum, leads the BCPP team.

Belton Police Chaplain
Alton McCallum, LPC







2019 Annual Report

&
Racial Profiling Report



Guiding Principles

- ▶ Prevention
- ▶ Safety
- ▶ Partnerships
- ▶ Team
- ▶ Quality of Life





Activity

Highlights

2018

36,926

3,007

4,704

1,458

2,125

1,751

Calls for Service

Citations

Traffic Warnings

Arrests

Incident Reports

Traffic Accidents

2019

35,322

2,650

4,440

1,565

2,078

1,803



Calls for Service

(Events)

Call Volumes 2019:

Busiest Day of the Week:

Busiest Hour of the Day:

Busiest Month:

Average CFS per Day:

Friday

4:00 p.m.

January

97

Response Time

Priority 1 = 4.20 min.



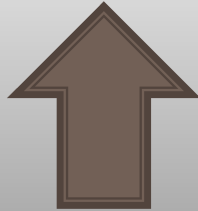
Crime

Part 1

-14%



Sexual Assault



Murder
Robbery
Agg. Assault
Burglary
Theft
Auto Theft



11%

Incidents



Burglary of Vehicle
-14%



Racial Profiling Report

Total Stops = 7,090

Race or Ethnicity:

Black	988	13.9%
Asian/Pacific Is.	108	1.5%
White	4,615	65.1%
Hispanic/Latino	1,344	18.9%
Native American	35	.4%

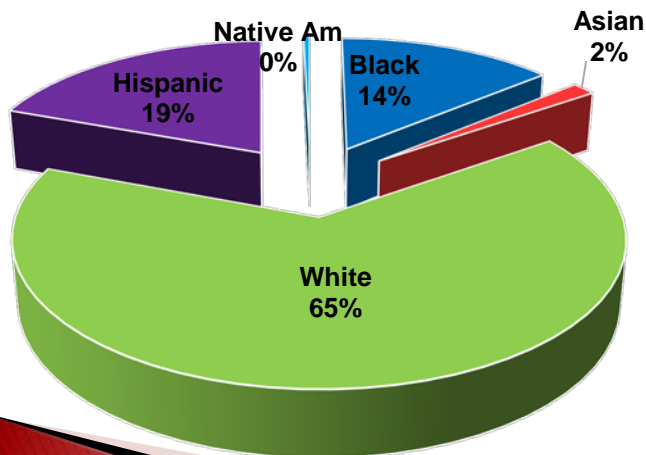
Reason for Stop:

Violation of Law	132
Pre Existing Knowledge	51
Moving Traffic Violation	5,535
Vehicle Traffic Violation	1,375

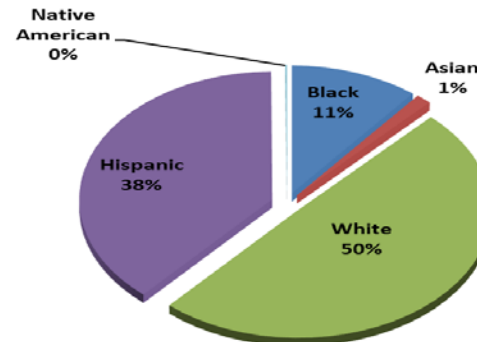
Searches:

Percentage of Stops	4%
Contraband Found	48%

Traffic Citations by Race



Belton Demographics



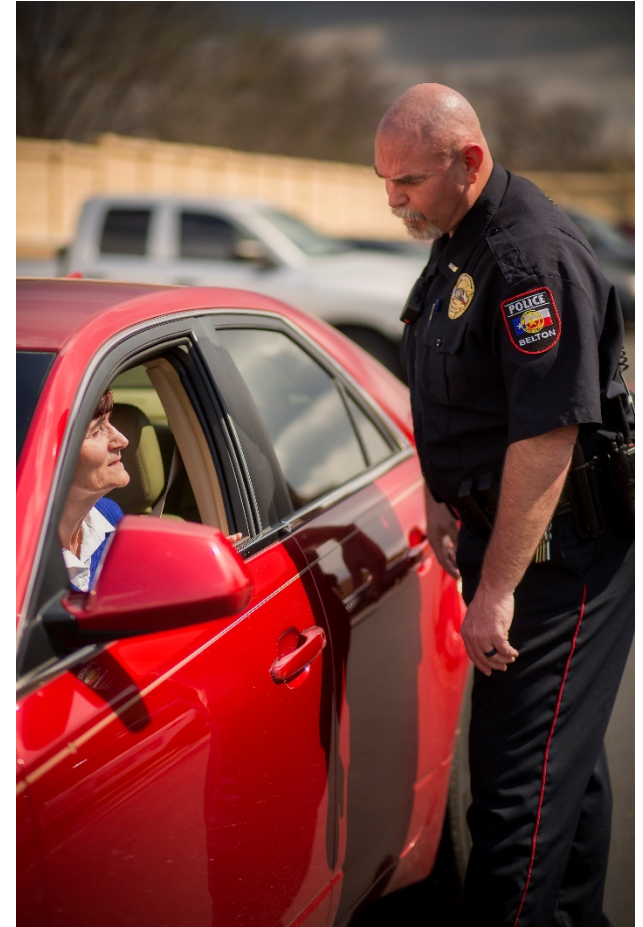


Traffic Contacts

Result of Stop:

Written Warning	4,440
Citation	2,650
Warning with Arrest	25
Citation and Arrest	36

63%
Warnings



Code Compliance

- ▶ 3,940 Violations
- ▶ 2,388 Animal Calls
- ▶ 99% (approx.)
Voluntary Compliance



Natalia Avina



Josh Soileau







Thank You

Belton City Council Meeting
January 28, 2020 – 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 Wayne Carpenter and Councilmembers David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Mike Rodgers, Charlotte Walker, Cheryl Maxwell, Matt Bates, Wes Gilbreath, Paul Romer, Chris Brown, Cynthia Hernandez, Bob van Til, Tina Moore and Kim Kroll.

The Pledge of Allegiance to the U.S. Flag was led by Mayor Pro Tem Wayne Carpenter and the Pledge of Allegiance to the Texas Flag was led by Director of Public Works Angellia Points. 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.
2. **Public Comments.** (*Audio 1:24*)

There were none.

Mayor Grayson recognized Director of Parks and Recreation, Matt Bates, for receiving the Belton Area Chamber of Commerce's Citizen of the Year award at the recent Chamber banquet.

Consent Agenda (*Audio 2:03*)

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 the January 14, 2020, City Council Meeting.**
4. **Consider authorizing the City Manager to execute a two-year renewal to the contract for professional construction materials testing services with Langerman Foster Engineering Company.**
5. **Conduct an annual review of the City's Fund Balance Policy and consider the adoption of a resolution attesting to the review and readoption thereof.**
6. **Conduct annual review of City's Debt Policy and consider a resolution attesting to review and re-adoption thereof.**

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

RESOLUTION NO. 2020-02-R

A RESOLUTION ATTESTING TO CITY COUNCIL REVIEW AND RE-ADOPTION OF THE FUND BALANCE POLICY OF THE CITY OF BELTON, TEXAS

RESOLUTION NO. 2020-03-R

A RESOLUTION ATTESTING TO CITY COUNCIL REVIEW AND RE-ADOPTION OF THE DEBT POLICY OF THE CITY OF BELTON, TEXAS

7. Hold a public hearing and consider a zoning change from Commercial Highway District with a Specific Use Permit for the Sale of Landscaping Products with Outside Storage to Commercial-Two Zoning District, on a 0.606 acre tract located at 2006 S. IH 35 Service Road (Big John's Paint and Body Shop), on the east side of IH 35, approximately 0.13 mile south of Avenue S.
(Audio 3:16)

Public Hearing: no one spoke for or against.

Upon a motion by Councilmember Holmes, and a second by Councilmember Pearson, 2006 S. IH 35 Service Road was rezoned to Commercial-Two upon a vote of 7-0.

ORDINANCE NO. 2020-10

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY DISTRICT WITH A SPECIFIC USE PERMIT FOR THE SALE OF LANDSCAPING PRODUCTS WITH OUTSIDE STORAGE TO COMMERCIAL TWO DISTRICT ON A 0.606 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREAS 2 DESIGN STANDARDS.

8. Consider a final plat of River Fair Center, comprising 1.7028 acres, located at 105 River Fair Blvd., on the southwest corner of N. Main Street (SH 317) and River Fair Blvd., north of Lake Road (FM 439). (Audio 7:39)

Councilmember Pearson made a motion for approval of the final plat of River Fair Center, subject to the conditions identified in the City's letter to the applicant dated January 27, 2020. The motion was seconded by Councilmember Leigh, and was unanimously approved upon a vote of 7-0.

FINANCE

9. **Consider approval of the FY2019 Annual Report for Belton's Tax Increment Reinvestment Zone.** *(Audio 20:36)*

Upon a motion for approval by Councilmember Leigh, and a second by Mayor Pro Tem Carpenter, the FY2019 TIRZ Annual Report was unanimously approved upon a vote of 7-0.

10. **Conduct annual review of City's Investment Policy and consider a resolution attesting to review and re-adoption thereof.** *(Audio 27:35)*

Upon a motion for approval by Councilmember Leigh, and a second by Councilmember Holmes, Item #10, including the following captioned resolution with a change to state "United States Treasury," was unanimously approved upon a vote of 7-0.

RESOLUTION NO. 2020-04-R

A RESOLUTION ATTESTING TO CITY COUNCIL REVIEW OF THE INVESTMENT POLICY OF THE CITY OF BELTON, TEXAS

Miscellaneous

11. **Consider authorizing the City Manager to enter into a professional engineering services agreement with Turley Associates, Inc. for development planning for the area of Loop 121 and Shanklin Road.** *(Audio 36:21)*

Upon a motion for approval by Mayor Pro Tem Carpenter, and a second by Councilmember Pearson, Item #11 was unanimously approved upon a vote of 7-0.

Executive Session **(The City Council will recess and reconvene in the Smith Room for the following item.)** *(Audio 46:35)*

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:

12. **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 7:40 p.m., and there being no further business, the meeting was adjourned.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



Staff Report – City Council Agenda Item

Agenda Item #6

Consider a resolution authorizing a General Election to be held on May 2, 2020.

Originating Department

Administration – Amy M. Casey, City Clerk

Summary Information

The general election will be held on May 2, 2020, to elect two persons to serve on the City Council, each for a two-year term, and one person to serve as Mayor for a two-year term. The terms of Mayor Marion Grayson, Mayor Pro Tem Wayne Carpenter and Councilmember Guy O'Banion, will expire in May this year. The filing period for a place on the ballot is January 15, 2020, through 5:00 p.m. on February 14, 2020. The period of filing for a write-in candidate ends at 5:00 p.m. on February 18, 2020. Early voting will be conducted April 20, 2020, to April 28, 2020, with two 12-hour days on April 27th and April 28th. In accordance with State law, the City and BISD share a common polling place on Election Day at the Harris Community Center, following approval of a resolution by both entities regarding joint elections in January 2007.

Fiscal Impact

Annually budgeted item.

Amount: \$7,050

Budgeted: ☒ Yes ☐ No

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed ☐ Capital Project Funds

Funding Source(s): General Fund Budget, City Council Election Expenses

Recommendation

Recommend approval of the resolution outlining the election procedures for the May 2nd election.

Attachments

Resolution (English and Spanish)

RESOLUTION NO. 2020-05-R

A RESOLUTION CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 2, 2020, AND ESTABLISHING PROCEDURES THEREOF.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

Section 1. Election Date.

In accordance with the general laws of the State of Texas, and the Charter of the City of Belton, an election shall be held in the City of Belton, Texas, on May 2, 2020, at which time there shall be elected the Mayor and two (2) persons to the City Council, who shall each serve for two (2) year terms.

Section 2. Polling Place; Early Voting Place.

(a) Voting on Election Day shall be at the Harris Community Center, 401 N. Alexander, Belton, Texas, and the entire City shall constitute one election precinct for said election.

(b) Early voting shall be conducted at Belton City Hall, 333 Water Street, Belton, Texas. Applications for early voting by mail can be obtained from the City Clerk, (254) 933-5817, 333 Water Street, Belton, Texas. The address for voting by mail at said election shall be City of Belton, Attention: Early Voting Clerk, P.O. Box 120 (333 Water Street), Belton, Texas, 76513.

Section 3. Voting Hours.

(a) On Election Day the polls shall be open from 7:00 A.M. to 7:00 P.M.

(b) The hours designated for early voting by personal appearance shall be the hours that the City Clerk's office is regularly open for business on each day (8:00 a.m.-5:00 p.m.), except Saturdays, Sundays and official State holidays, beginning Monday, April 20, 2020, and ending Tuesday, April 28, 2020. Provided, however, that on Monday, April 27, 2020 and Tuesday, April 28, 2020, the hours shall be 7:00 a.m.-7:00 p.m.

Section 4. Election Officers Appointed.

The City Clerk is hereby appointed Early Voting Clerk and may appoint Deputy Clerks in accordance with the Election Code. Officers shall be appointed to serve on Election Day for said election.

The Presiding Judge shall appoint not less than two nor more than four qualified Clerks to serve and assist in holding said elections; provided that if the Presiding Judge herein appointed actually serves, the Alternate Presiding Judge shall be one of the Clerks.

The Presiding Judge, Alternate Judge and Clerks shall be paid \$10.00 per hour for serving in such capacities, and the Election Judge shall be paid an additional \$25.00 for delivering the returns of such election to the City Clerk for proper tabulation. If workers are shared with another entity, payment shall be \$12.75 per hour and shall be split on a pro-rata basis by the participating entities.

Section 5. Official Ballots.

Optical scan ballots shall be used for early voting by mail and curbside voting, and the ES&S ExpressVote BMD Terminal shall be used for early voting by personal appearance and for voting on Election Day. The City Council hereby adopts for use in early and Election Day voting the ES&S ExpressVote BMD Terminal and Model DS200 Digital Image Scanner as approved by the Secretary of State.

The official ballots for said election shall be prepared in accordance with the Election Code, in substantially the following form:

FOR MAYOR

Vote for None or One

☐ _____

FOR COUNCILMEMBER

Vote for None, One, or Two

☐ _____

☐ _____

Section 6. Persons Qualified to Vote.

All resident qualified voters of the City shall be eligible to vote in said election.

Section 7. Bilingual Election Materials.

The election materials enumerated in Sections 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at the polling place on Election Day and for early voting.

Section 8. Notice of Election.

Notice of said election shall be given in accordance with the terms and provisions of the Election Code, and the City Clerk is hereby instructed to have said notice posted and published in accordance with state law.

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2020.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

RESOLUCIÓN NO. 2020-05-R

RESOLUCIÓN CONVOCANDO ELECCIONES GENERALES A REALIZARSE EL 2 DE MAYO DEL 2020 Y LOS PROCESOS A CUMPLIRSE.

EL CONSEJO MUNICIPAL DE LA CIUDAD DE BELTON, TEXAS, RESUELVE QUE:

Cláusula 1. Fecha de los comicios.

Como exigen las leyes del estado de Texas y los Estatutos de la ciudad de Belton, el día 2 de mayo del 2020 se elegirán las personas que desempeñarán el cargo de Alcalde y dos puestos en el Consejo municipal de la misma ciudad. Dichas personas desempeñarán estos cargos por un plazo de dos (2) años.

Cláusula 2. Urnas electorales

(a) El día de los comicios, las urnas electorales estarán disponibles en Harris Community Center, 401 N. Alexander Street en la ciudad de Belton, Texas, y para propósitos de estos comicios, la ciudad entera formará parte de un distrito electoral único.

(b) La votación por anticipado también se realizará en Edificio del Ayuntamiento (Belton City Hall) ubicado 333 Water Street en la ciudad de Belton, Texas. Las solicitudes necesarias para participar en dicha votación por anticipado por correo podrán obtenerse de parte de la Oficina de la Secretaría municipal (City Clerk) ubicada en 333 Water Street de la ciudad de Belton, Texas, o por teléfono, llamando al (254) 933-5817. El domicilio al cual deberá enviarse las papeletas electorales es: *City of Belton, Attention: Early Voting Clerk, P.O. Box 120 (333 Water Street), Belton, Texas, 76513.*

Cláusula 3. Horario.

(a) El día de los comicios, las urnas estarán abiertas desde las 7:00 de la mañana hasta las 7:00 de la tarde.

(b) Si desea votar por anticipado en persona, el horario será, a partir del día lunes, 20 de abril del 2020 hasta martes, 28 de abril del 2020 durante las horas de trabajo de las oficinas de la Secretaría municipal, o sea desde las 8:00 de la mañana hasta las 5:00 de la tarde todo día de semana, excluyendo los días sábado, domingo y los días de festejos oficial. Pero, el día lunes 27 de abril del 2020 y martes 28 de abril del 2020, las urnas estarán abiertas desde las 7:00 de la mañana hasta las 7:00 de la tarde.

Cláusula 4. Nombramiento de funcionarios electorales.

Por medio de la presente, se le asigna a la Secretaria municipal el cargo de Secretaría de votación por anticipado y ésta podrá, acatándose siempre al Código

Electoral, nombrar todo secretario suplente necesario. También se nombran los siguientes funcionarios quienes presidirán sobre los comicios a realizarse el 2 de mayo del 2020.

El Juez presidente nombrará por lo menos dos, pero no más de cuatro secretarios que se encargarán de asegurar que los comicios se lleven acabo. Debe quedar claro que si el juez presidente nombrado por medio de la presente acepta y desempeña su cargo, el juez suplente será uno de los secretarios.

Mientras estén desempeñando sus cargos, al juez presidente, el juez suplente y los secretarios se les pagará \$10.00 por hora. Adicionalmente, al Juez presidente de estas elecciones se le pagará otros \$25.00 por cumplir la responsabilidad de entregar toda papeleta a las oficinas de la Secretaría municipal para que se pueda realizar el conteo apropiado de las mismas.

Cláusula 5. Papeletas electorales oficiales.

Las boletas de escaneo óptico se utilizarán para la votación anticipada por correo y la votación en la acera, y la Terminal de BMD de ES&S ExpressVote se utilizará para la votación anticipada en persona y para votar el Día de las Elecciones. Por la presente, el Concejo Municipal adopta para su uso en la Terminal de BMD de ES&S ExpressVote y en el Escáner de imagen digital Modelo DS200 según lo aprobado por el Secretario de Estado.

La papeleta electoral autorizada para uso en estos comicios acatará a las disposiciones del Código Electoral estatal y esencialmente cumplirá con lo siguiente:

ALCADE

Sólo vote por ninguno o por uno

☐ _____

EL CONSEJO MUNICIPAL

Vote por ninguno, uno o dos

☐ _____

☐ _____

Cláusula 6. Electores calificados.

Todo residente de esta ciudad que reúna los requisitos necesarios para ser elector calificado podrá participar en estas elecciones.

Cláusula 7. Materiales electorales bilingües.

Todo material de carácter electoral enumerado a partir del artículo 272.001 del Código Electoral de Texas, vigente se publicará en inglés y español y estará disponible en las urnas tanto durante el proceso de votación por anticipado como en el día de los comicios.

Cláusula 8. Aviso de convocatoria de comicios.

Se cumplirá todo requisito en cuanto los Avisos de convocatoria de comicios que imponga el Código Electoral y por medio de la presente, se le ordena e instruye a la Secretaría municipal que haga publicar dicho aviso y que éste acate a toda disposición incluida en el derecho estatal.

APROBADO HOY EL DÍA 11 DE FEBRERO del 2020.

Marion Grayson, Alcalde

DOY FE:

Amy M. Casey, Secretaria municipal



Staff Report – City Council Agenda Item

Agenda Item #7

Receive a report on the annual review of the City's Ethics Ordinance, No. 2018-03, by the Ethics Commission.

Originating Department

Administration – Amy M. Casey, City Clerk

Summary Information

The Belton Ethics Commission met on February 3, 2020, to satisfy the Ethics Ordinance requirement for an Annual Review. Following approval of minutes, and review of the Ethics Ordinance timeline, no changes to the Ethics Ordinance were proposed.

Fiscal Impact

N/A

Recommendation

Receive Ethics Commission recommendation for no change to the ordinance.

Attachments

Annual Meeting Minutes
Current Ethics Ordinance (2018-03)
Ethics Ordinance Timeline

ETHICS COMMISSION MEETING
February 3, 2020 – 4:00 P.M.

The Belton Ethics Commission met at Belton City Hall with the following members present: Chair Larry Pointer and Commissioners Craig Hammonds, Charla Peters, Mark Fitzwater, Nick Rabroker and Bert Peeples. Commissioner Mike Miller was absent. Also present were City Manager Sam Listi, Assistant City Manager/Chief of Police Gene Ellis, City Clerk Amy Casey, and Public Information Officer Paul Romer.

1. Call to order.

Chair Larry Pointer called the meeting to order at 4:00 p.m.

2. Public Comments.

There were none.

3. Consider minutes of February 4, 2019, meeting.

Commissioner Mark Fitzwater made a motion to approve the minutes as presented. The motion was seconded by Commissioner Charla Peters which carried unanimously.

4. Conduct annual review of Ethics Ordinance.

City Manager Sam Listi discussed the history of the Ethics Commission and the Ethics Ordinance. He recommended no changes. Commissioner Charla Peters made a motion that no changes to the Ethics Ordinance be recommended to the City Council. Commissioner Craig Hammonds seconded the motion which carried unanimously.

5. Other business.

There was no other business.

6. Adjourn.

There being no other business, Chair Pointer adjourned the meeting at 4:04 p.m.

Larry Pointer, Chair

Attest:

Amy M. Casey, City Clerk

ORDINANCE NO. 2018-03

AN ORDINANCE AMENDING ORDINANCE NO. 2015-11 OF THE CITY OF BELTON, TEXAS; PROVIDING AN ETHICS ORDINANCE FOR THE CITY; PROVIDING A POLICY STATEMENT; DEFINING CERTAIN TERMS; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR DISCLOSURE OF INTEREST; PROVIDING FOR FINANCIAL DISCLOSURE; PROVIDING FOR DISPOSITION OF ALLEGED VIOLATIONS; PROVIDING FOR EFFECTIVE DATES; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the conduct of the public business should be accomplished by persons, employees and officers of the City of Belton free of any personal financial interests that are different from the interests of the general public;

WHEREAS, it is important to the employees and officers of the City that they be provided with a process and procedure to provide notice and to refrain from participation in any business of the City in which such employee or officer has a personal financial interest that is different from that of the general public; and

WHEREAS, a reasonable ethics ordinance and disclosure requirements will provide a basis for continuing public confidence in the conduct of the business and affairs of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF BELTON, TEXAS, THAT:

SECTION 1. Standards of Conduct and Financial Disclosure for City Officials.

A. Policy. It is the policy of the City that the proper operation of democratic government requires that city officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials is adopted.

This code has four purposes: (1) to encourage high ethical standards in official conduct by city officials; (2) to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City; (3) to require disclosure by such officials, candidates, and employees of private financial or other interests in matters affecting the City in accordance with state law; and (4) to serve as a basis for disciplining those who fail to abide by its terms.

The provisions of this Section shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns, or the conduct of candidates in such campaigns, except as expressly provided herein.

B. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association.

1. "Appears Before". A person appears before the City Council or commission when such person publicly states his name and address, signs a sheet provided at the podium for that purpose, and addresses the Council or commission.
2. "Business Entity". Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.
3. "Business Dealings". Any activity involving the exchange of economic benefits.
4. "Candidate". Every person who declares for or files for any office of the City to be filled by election.
5. "City Official". Employees, board and commission members and City Councilmembers of the City, to include candidates for City Council, and any other appointed person.
6. "Commission". The Ethics Commission of the City of Belton.
7. "Compensation". Any economic benefit received in return for labor, services, property, or investment.
8. "Economic Benefit". Any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.
9. "Employee". Any person employed by the City whether under civil service regulations or not, including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.
10. "Family Member". A person related to another person within the first degree by consanguinity or affinity, as defined by Texas State law.
11. "Gift". A favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or

testamentary trust established by a spouse or ancestor.

12. "Identification". For a natural person, the person's name, street address, city and state; for any entity other than a natural person, the name, address, city and state of the entity's principal location or place of business, the type or nature of the entity, the date on which it came into existence, the state of incorporation, if any, the names of the partners or trustees, if any.
13. "Income". Economic benefit received.
14. "Intentionally". A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
15. "Knowingly". A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.
16. "Source of Income". Any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a city official, candidate or family member or which would be taxable to said city official, candidate or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.
17. "Substantial Interest". A person has a substantial interest in real property or a business entity if he and/or a family member owns a ten percent (10%) or more interest in the aggregate of said real property or business entity.

C. Standards of Conduct.

1. Gifts.

No city official shall intentionally or knowingly solicit or accept any contribution, gift, or economic benefit with actual or constructive knowledge that same is:

- a. offered or given with intent to influence the judgment or discretion of such employee or official; or
- b. given in consideration of the favorable exercise of such employee or official's judgment or discretion in the past.

2. General Provisions.

- a. No city official shall intentionally or knowingly disclose any confidential

information gained by reason of said official or employee's position concerning the property, operations, policies or affairs of the City, or use such confidential information for the pecuniary gain of said official, employee, or others.

- b. No city official shall intentionally or knowingly use one's official position or City owned facilities, equipment, or supplies for the pecuniary gain or advantage of said official, employee, or others for personal reasons, for pecuniary gain or advantage, or in any political campaign.
- c. No city official shall intentionally or knowingly appear before the body of which the official is a member while representing himself, or any other person, group, association, interest, or business entity.
- d. No city official shall intentionally or knowingly represent directly or indirectly any private person, group, or interest other than himself or a family member before any department, agency, commission or board of the City for pay or profit.
- e. No city official shall vote on or participate in any decision making process if the official has a direct financial interest in the outcome of the matter under consideration. No city official shall vote on or participate in any decision making process on any matter concerning real property or a business entity if the official has a substantial interest in the business entity or real property. No city official shall vote on or participate in any decision making process on any matter concerning a business entity with which he or a business entity in which he has a substantial interest has had business dealings involving one or more transactions of five hundred dollars (\$500.00) or more each, for a total of twenty-five hundred dollars (\$2,500) or more, within the immediately preceding twelve (12) month period.
- f. No city official shall intentionally or knowingly accept other employment or engage in outside activities incompatible with the full and proper discharge of official duties and responsibilities, or which would tend to impair independent judgment in the performance of said official duties.
- g. None of the foregoing shall be construed to prohibit a city official from representing his interest in his owner-occupied homestead before the council, board, commission or any department except for the body of which the official is a member, or the department by which the employee is employed.
- h. In any action or proceeding in the municipal court of the City which was instituted by a city official in the course of official duties, no city official shall knowingly represent anyone other than himself or a family member. If a council member elects to have a trial in municipal court, the City Council, without the participation of the affected council member, shall appoint a special judge to preside over the trial.

D. Disclosure of Interest.

1. If any city official has a substantial interest in any real property or business entity involved in any decision pending before the body of which the official is a member, the official shall not vote or otherwise participate in the consideration of the matter.
2. If any employee has a substantial interest in any real property or business entity involved in any decision pending before the department by which the employee is employed, the employee shall not participate in the consideration of the matter.
3. In the case of a city official, the official shall publicly disclose in writing, the nature and extent of such interest to the body on which the official serves prior to any discussion or determination of the matter to be considered or immediately upon discovery of the conflict of interest.
4. In the case of an employee, the employee shall disclose such information in writing to the employee's supervisor and to the City Clerk prior to any consideration of the matter. The City Clerk shall keep a file of employee statements of disclosure and said file shall be a public record of the City.

E. Conflict of Interest/Disclosure of Relationships.

All city officials subject to Chapters 171 and 176 of the Texas Local Government Code, as amended from time to time, (the "statutes") shall fully comply with said statutes and other applicable state regulations.

F. Disposition of Alleged Violations.

1. A sworn complaint based on personal knowledge alleging a violation(s) of this ordinance shall specify the provision(s) of this ordinance alleged to have been violated, and shall name the city official being charged. The complaint shall be made in the following form:

[see next page]

THE STATE OF TEXAS

COUNTY OF BELL

TO: THE ETHICS COMMISSION OF THE CITY OF BELTON, TEXAS:

COMES NOW _____ (Complainant), and makes this complaint, UPON HIS/HER PERSONAL KNOWLEDGE AND UNDER OATH against _____ (name of person complained against), and would show the Commission that: On or about the _____ day of _____, _____ (name of person complained against), a/an _____ (title, i.e. City Councilmember, employee, board member, etc.) of the City of Belton, violated the following provision(s) of the Ethics Ordinance, of the City of Belton, Texas, to wit: _____

(Specify by Section, Subsection and Paragraph number the provision(s) alleged violated)

by committing the following act, or omission, to-wit: _____

_____.

(Describe above, the action, or omission, alleged to violate each Code provision cited. You may attach additional pages if more space is required.)

SIGNED this the _____ day of _____, _____.

(Signature of Complainant)

SWORN TO AND SUBSCRIBED BEFORE ME, by
_____ this the _____ day of _____,
_____.

SEAL

Notary Public - State of Texas

Upon the aforesaid sworn complaint of any person being filed with the City Clerk's office, or on its own initiative, the Commission shall consider possible violations of this ordinance by city officials. A complaint shall not be deemed to be filed on the initiative of the Commission, save and except the complaint be signed and sworn to by two members of the Commission, after consultation with the legal counsel for the Commission. A complaint filed by an individual member of the Commission shall be deemed to have been filed in the Commission member's capacity as a private citizen, and in such event, the member of the Commission filing the complaint shall not thereafter participate in a Commission meeting at which such complaint is considered, save and except that the Commissioner filing the complaint may participate as a complainant at such meeting(s).

2. A complaint alleging a violation of this Ordinance must be filed with the City Clerk within two (2) years from the commission of the action alleged as a violation, and not afterward.
3. Not later than three (3) working days after the City Clerk receives a sworn complaint, the City Clerk shall acknowledge the receipt of the complaint to the complainant, and provide a copy of the complaint to the City Attorney, the independent counsel, the Commission and the person complained against. Not later than ten (10) working days after receipt of a complaint, the Commission shall notify in writing the person who made the complaint and the person complained against of a date for a preliminary hearing. If the Commission does not hold a preliminary hearing within twenty (20) working days of receipt of the complaint, it shall notify the person who made the complaint of the reasons for the delay and shall subsequently give him the appropriate notification.
4. After a complaint has been filed and during the pendency of a complaint before the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission; provided that the Chair, or as applicable the Vice-Chair, may consult with the attorney for the Commission as to process, procedure and legal issues.
5. As soon as reasonably possible, but in no event more than forty-five (45) days after receiving a complaint, the Commission shall conduct a preliminary hearing.
 - a. The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this Ordinance has occurred. The person filing a complaint, or the independent counsel in cases considered upon the Commission's own initiative, shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint. Statements at a preliminary hearing shall be under oath, but there shall be no cross-examination or requests for persons or evidence issued for the hearing. Members of the Commission may question the complainant, the independent

counsel for the Commission, or the city official named in the complaint.

- b. The city official named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The official or employee may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation. If the official or employee agrees that a violation has occurred, he may so state and the Commission may consider the appropriate sanction.
 - c. The complainant and the city official named in the complaint shall have the right of representation by counsel.
 - d. At the conclusion of the preliminary hearing, the Commission shall decide whether a final hearing should be held. If the Commission determines that there are reasonable grounds to believe that a violation of this Ordinance has occurred, it shall schedule a final hearing. If the Commission does not determine that there are reasonable grounds to believe that a violation of this Ordinance has occurred, the complaint shall be automatically dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred.
 - e. The Commission, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of this Ordinance. Before a complaint is dismissed for failure to allege a violation, the complainant shall be permitted one opportunity, within ten (10) days of such preliminary hearing, to revise and resubmit the complaint.
 - f. The complainant, the independent counsel, and the city official named in the complaint may ask the Commission at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.
6. Final Hearing.
- a. The final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this Ordinance has occurred, but in no event shall it be held more than thirty (30) days after said determination. The Commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the city official named in the complaint.
 - b. The issue at a final hearing shall be whether a violation of this Ordinance has occurred. The Commission shall make its determination based on clear and convincing evidence in the record. All witnesses shall make their statements under oath. If the Commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular provision(s) of this Ordinance which have been violated, and within five (5) working days shall

deliver a copy of the findings to the complainant, if any, the person named in the complaint and the City Clerk.

- c. If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its duties and powers of investigation.
7. Sanctions. If the Commission determines that a violation of this Ordinance has occurred, it shall proceed directly to determination of the appropriate sanction(s). A violation of this Ordinance shall not be subject to criminal penalties under city ordinances. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so. If the city official named in the complaint acted in reliance upon a written opinion of the City Attorney, the Commission shall consider that fact. If the Commission determines that a violation has occurred, it may impose or recommend the following sanctions:
- a. A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the official or employee's conduct complained of was made in reliance on a written opinion of the City Attorney. A letter of notification shall advise the official or employee to whom it is directed of any steps to be taken to avoid future violations. The Commission may direct a letter of notification to any official or employee covered by this Ordinance.
 - b. A letter of admonition shall be the appropriate sanction in those cases in which the Commission finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification. The Commission may admonish any official or employee covered by this Ordinance.
 - c. A reprimand shall be the appropriate sanction when the Commission finds that a violation has been committed intentionally or through disregard of this Ordinance. The Commission may reprimand any official covered by this Ordinance. A reprimand directed to a city official shall also be sent to the City Council. A reprimand directed to an employee shall be sent to the City Manager and included in said employee's personnel file; subject to state law (civil service). A letter of reprimand directed to an elected city official shall be transmitted to the City Clerk and published in the official newspaper of the City, and shall be sent to the City Council.
 - d. A recommendation of removal from employment or a recommendation of suspension from employment, as well as a recommendation for length of suspension, shall be the appropriate sanction when the Commission finds that a serious or repeated violation(s) of this Ordinance has been committed intentionally or through culpable disregard of this Ordinance by city employees.

A recommendation of suspension of a city employee shall be directed from the Commission to the City Manager. In such cases the final authority to carry out such recommendations to suspend from employment and the length of suspension shall be with the City Manager. A recommendation dealing with the City Manager shall be forwarded to the City Council for final disposition.

- e. A letter of censure shall be the appropriate sanction when the Commission finds that a serious or repeated violation(s) of this Ordinance has been committed intentionally or through culpable disregard of this Ordinance by an elected city official. A letter of censure directed to an elected city official shall be transmitted to the City Clerk, published in the official newspaper of the City and shall be sent to the City Council.

SECTION 2. Reservations and Exceptions. Notwithstanding any other term or provision of this Ordinance, this Ordinance: (a) is not applicable to the performance and behavior of officers, employees and public servants that does not violate a standard or provision set forth in this Ordinance; (b) does not waive the authority and discretion of the City Council to enforce higher standards for, or to supervise, provide oversight, appoint and remove, any officer, employee or public servant that is appointed by the City Council; and (c) does not transfer or limit the authority of the City Manager to act in his or her discretion to enforce higher standards for, or to supervise, provide oversight, appoint and remove, all officers, employees and public servants of the City that are not appointed and removed by the Council.

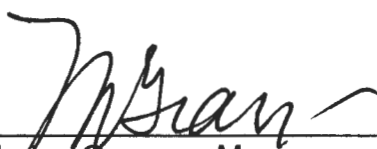
SECTION 3. Amendment of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code, and it is accordingly so ordained.

SECTION 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 13th day of February, 2018.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

ETHICS ORDINANCE TIMELINE

2004 – Charter Review Committee recommended an Ethics Commission as part of a new Charter

May 7, 2005 – Voters approved new Charter containing Ethics Commission

June 29, 2005 – Charter received approval by Department of Justice

Date	Ordinance #	Amending	Content
9/27/2005	2005-47	N/A	Structure and Purpose of Commission
4/25/2006	2006-14	2005-47	<ul style="list-style-type: none"> ▪ Number of Commissioners ▪ Quorum; takes 4 affirmative votes to make recommendation to Council ▪ Consent form for criminal background check ▪ Voting and abstention ▪ Vacancy in Chair or Vice Chair ▪ Annual review of Ethics Ordinance
4/25/2006	2006-15	N/A	Ethics Ordinance; providing standards of conduct; disclosure of interest; financial disclosure; disposition of alleged violations
3/27/2012	2012-12	2006-15	<ul style="list-style-type: none"> ▪ Changed the definition of Family Member to match the definition in the Texas Local Government Code; and ▪ Deleted the option to “verbally” provide for disclosure of interest, since a written disclosure statement is required by state law
2/10/2015	2015-11	2012-12	Corrected typographical error on page 7, F.3.; had “compliant” instead of “complaint”
2/8/2016	2015-11		Administratively corrected page 7, F.3. changing “complaintto” to “complaint to”
2/2/2017	2015-11		No changes recommended
2/1/2018	2018-03	2015-11	Corrected typographical error on page 3, B.14., removing the duplicated phrase “or to a result of his conduct” leaving only one.
2/4/2019	2018-03		No changes recommended [verify changes were made from prior year]
2/3/2020	2018-03		No changes recommended

CITY MANAGER AGREEMENT

City of Belton, Texas
City Manager Agreement

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BELL §

This Agreement, superseding the Agreement entered into on February 26, 2019, by the following parties, is made and entered into on this 11th day of February, 2020, by and between the City of Belton, Texas, a municipal corporation, (hereinafter called "City") and Sam Anthony Listi, (hereinafter called "Manager").

WITNESSETH:

WHEREAS, the City Council of the City of Belton (the "Council") and the Manager believe that an employment agreement negotiated between the Council, on behalf of the City, and the Manager can be mutually beneficial to the City, the Manager, and the community they serve;

WHEREAS, when appropriately structured, the Council and the Manager believe an employment agreement can strengthen the Council-Manager relationship by enhancing the excellence and continuity of the management of the City for the benefit of its citizens;

WHEREAS, the Council, on behalf of the City, desires to employ the services of the Manager, as the City Manager of the City ("City Manager"), pursuant to the terms, conditions and provisions of this Agreement;

WHEREAS, the Manager has agreed to accept employment as the City Manager, and to serve at the pleasure of the City Council, subject to the terms, conditions and provisions of this Agreement.

NOW, THEREFORE, the City and the Manager, for and in consideration of the terms, conditions and provisions hereinafter established have agreed, and do hereby agree as follows:

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Section 1: Term

This Agreement shall be indefinite and remain in full force in effect from the Effective Date, until terminated by the City or the Manager as provided in Section 9, 10 or 11 of this agreement.

Section 2: Duties and Authority

City agrees to employ Sam Anthony Listi as City Manager to perform the functions and duties specified in the Charter and Ordinances of the City of Belton, and to perform such other legally permissible and proper duties and functions as authorized and directed by the Council.

Section 3: Compensation

A. Base Salary: City agrees to pay Manager an annual base salary of \$167,092, payable in installments in accordance with the City's usual payroll schedule.

B. Consideration shall be given on an annual basis to an increase in compensation, and increases in compensation shall be dependent upon the results of a performance evaluation conducted pursuant to the provisions of Section 12 of this Agreement. Increased compensation may take the form of a salary increase and/or an increase in fringe benefits.

C. This Agreement shall be automatically amended to reflect any salary adjustments that are authorized by the Council.

Section 4: Health, Disability and Life Insurance Benefits

A. The City agrees to provide for medical insurance benefits for the Manager equal to that which is provided to all other employees of the City.

B. The City agrees to provide for life insurance benefits for the Manager equal to that which is provided to all other employees of the City.

C. The Manager may elect to submit once per calendar year to a complete physical examination, including a cardiovascular examination, by a qualified physician selected by the Manager, the cost of which shall be paid by the City.

D. The Manager is automatically entitled to any other standard benefits available to employees of the City as may now exist or be made available during the term of this Agreement.

Section 5: Vacation and Sick Leave

A. The Manager shall accrue vacation and sick leave in accordance with other non-civil service employees.

B. The Manager shall accrue five days of vacation leave per year in addition to the vacation leave provided by section 5A.

C. The Manager is entitled to accrue unused sick and vacation leave up to the maximum accruals set forth in the City's personnel policy.

D. Manager is automatically entitled to any other standard leave available to non-civil service employees of the City as may now exist or be made available during the term of this contract.

Section 6: Vehicle Allowance

The City agrees to pay to the Manager, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of \$7,500 per year as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a personal vehicle. The vehicle allowance shall be paid in equal payments on a monthly basis. The Manager shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for gas, oil and all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. The City shall reimburse the Manager at the established mileage rate for any business use of the vehicle beyond 140 round-trip miles.

Section 7: Retirement

A. The City agrees to maintain the Manager's enrollment in the Texas Municipal Retirement System (TMRS), and to make all the appropriate City contributions on the Manager's behalf.

B. In addition to the City's payment to the state retirement system referenced above, City agrees to execute all necessary agreements provided by the ICMA Retirement Corporation (ICMA-RC) deferred compensation plan for Manager's continued participation in said supplementary retirement plan and, in addition to the base salary paid by the City to Manager, City agrees to pay an amount equal to eight percent (8%) of Manager's base annual salary, in equal proportionate amounts each pay period.

C. Manager is automatically entitled to any other standard retirement benefits available to employees of the City as may now exist or be made available during the term of this contract.

Section 8: General Business Expenses

A. City agrees to pay for professional dues and subscriptions of the Manager necessary for full participation in national, regional, state and local associations and organizations necessary for the Manager's continued professional growth and advancement, and for the good of the City.

B. City agrees to pay for travel and subsistence expenses of Manager for professional and official travel, meetings, and occasions to adequately continue the professional development of Manager and to pursue necessary official functions for City, including but not limited to conferences hosted by ICMA, American Planning Association, and such other national, regional, state, and local governmental groups and committees in which Manager serves as a member.

C. City agrees to pay for tuition, registration fees, and travel and subsistence expenses of Manager for short courses, institutes, and seminars that are necessary for the Manager's professional development and for the good of the City.

D. City acknowledges the value of having Manager participate and be directly involved in local civic clubs and organizations. Accordingly, City agrees to pay for the reasonable membership fees and/or dues to enable the Manager to become an active member in local/regional civic clubs and organizations.

E. Technology: The City shall provide Manager with the use of a computer and a cell phone required for the Manager to perform the job and to maintain communication with the Council and City staff.

Section 9: Termination

For the purpose of this agreement, termination shall occur if:

A. A majority of the governing body votes to terminate the Manager at a duly authorized public meeting.

B. The Manager resigns following a request to resign made by representatives of the majority of the Council.

C. The City, citizens or state legislature acts to amend any provisions of the Charter of the City of Belton or Belton Codified Ordinances pertaining to the role, powers, duties, authority, or responsibilities of the Manager's position that substantially changes the form of government.

D. The City reduces the base salary, compensation or any other financial benefit of the Manager, unless it is applied in no greater percentage than the average reduction of all department heads.

E. Breach of contract is declared by either party with a 30-day cure period for either Manager or City. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 19.

Section 10: Severance

Severance shall be paid to the Manager when employment is terminated as defined in Section 9.

If the Manager is terminated, the City shall provide a minimum severance payment equal to twelve months' salary at the current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by the City and the Manager.

The Manager shall also be compensated for accrued earned vacation time and all paid holidays.

For a period of three months following the date of termination, the City shall pay the costs to continue the following benefits:

1. Health insurance for the Manager as provided in Section 4A;
2. Life insurance as provided in Section 4B;
3. Car allowance as provided in Section 6;
4. Any other standard benefits available to employees of the City as provided in Section 4D.

If the Manager is terminated because of a conviction of a misdemeanor involving moral turpitude or personal gain or a felony, then the City is not obligated to pay severance under this section.

Section 11: Resignation

In the event that the Manager voluntarily resigns his position with the City, the Manager shall provide the City with not less than 30 days' advance written notice of his resignation, unless the parties agree otherwise.

Section 12: Performance Evaluation

City shall annually review the performance of the Manager following the conclusion of the City's fiscal year. The evaluation process, at a minimum, shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, (3) present a written summary of the evaluation results, and (4) conduct a goal setting session. The final written evaluation should be completed and delivered to the Manager within 30 days of the evaluation meeting.

Adjustments to the Manager's compensation package based on the results of the performance evaluation shall be effective on the first day of the fiscal year following the review period. Illustrated: Manager is reviewed by the Council on February 15, 20X2 for the fiscal year ended September 30, 20X1. Therefore, any adjustments to the Manager's compensation will be effective as of October 1, 20X1.

Section 13: Hours of Work

It is expected that the Manager will typically work during normal City Hall office hours. However, it is recognized that the Manager must devote a great deal of time outside those normal office hours on business for the City. Accordingly, and to that end,

Manager may establish his own work schedule, subject to reasonable direction by City. Manager is not eligible for overtime nor will be paid compensatory hours.

Section 14: Outside Activities

The employment provided for by this Agreement shall be the Manager's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the City and the community, the Manager may elect to accept limited teaching, consulting or other business opportunities as long as such arrangements do not interfere with, or cause a conflict of interest with, Manager's responsibilities pursuant to this Agreement.

Section 15: Residency

Manager agrees to maintain his residence within the corporate boundaries of the City during his employment with the City.

Section 16: Indemnification

City shall defend, save harmless and indemnify Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of and arising out of the course and scope of Manager's duties as City Manager, or resulting from the exercise of judgment or discretion in connection with the performance of the duties or responsibilities of the City Manager, unless the act or omission involved willful or wanton conduct. Legal representation, provided by City for Manager, shall extend until a final determination of the legal action including any appeals brought by either party. The City shall indemnify Manager against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys fees, and any other liabilities incurred by, imposed upon, or suffered by such Manager in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his duties and occurring within the course and scope of his employment. Any settlement of any claim must be made with prior approval of the City in order for indemnification, as provided in this Section, to be available.

City agrees to pay Manager's reasonable litigation expenses, including travel expense, throughout the pendency of any litigation to which the Manager is a party or witness. Such expense payments shall continue beyond Manager's service to the City as long as the litigation is pending.

Section 17: Bonding

City shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance, and professional liability insurance.

Section 18: Other Terms and Conditions of Employment

The City, upon agreement with Manager, may provide for such other terms and conditions of employment as it may determine from time to time relating to the performance and duties of the Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter of the City of Belton, or applicable law.

Section 19: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

CITY:
City of Belton
PO Box 120, 333 Water Street
Belton, TX 76513

MANAGER:
Sam Anthony Listi
311 Oak Street
Belton, TX 76513

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 20: General Provisions

A. Integration. This Agreement sets forth and establishes the entire understanding between the City and the Manager relating to the employment of the Manager by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

B. Binding Effect. This Agreement shall be binding on the City and the Manager as well as his heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on October 1, 2018.

D. Severability. The invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Adopted and approved by the Belton City Council on this 11th day of February, 2020.

CITY OF BELTON, TEXAS

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk

APPROVED AS TO FORM:

John Messer, City Attorney

AGREED AND ACCEPTED this 11th day of February, 2020

Sam Anthony Listi, City Manager

**Addendum to
CITY MANAGER AGREEMENT
between
The City of Belton, Texas
and
Sam Anthony Listi**

The City of Belton (hereinafter called "City") wishes to resolve the balance of vacation hours duly earned and accrued by Sam Anthony Listi (hereinafter called "Manager") which are in excess of the allowable carryover amount set forth in Section 322 of the City's Personnel Policy.

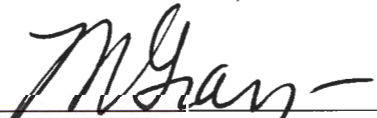
The Manager agrees to forgo all leave in excess of the allowable carryover amount by the Manager as of March 1, 2018. Further, the Manager agrees that carryover leave in excess of the amount set forth in the City's Personnel Policy will be allowable only with the consent of the City Council.

In exchange for the forgoing of the aforementioned leave, the City will compensate the Manager for the value of excess leave. The calculation of the compensation shall be based on the Manager's hourly rate as of March 1, 2018 multiplied by the vacation accrued in excess of the allowable carryover amount on that date. The City will deposit the calculated compensation into the Manager's ICMA Retirement Corporation account in equal amounts over seventy-two, biweekly payrolls, beginning with the first payroll following March 1, 2018.

Should the Employment Agreement between the City and the Manager end as a result of Termination or Resignation as defined by Sections 9 or 11 of the Manager's Employment Agreement executed February 27, 2018 or any successor employment agreement, prior to the payment of all compensation owed under this Addendum, any unpaid balance under this Addendum will be paid to the Manager within 30 days of the Manager's final date of employment with the City. Should the Manager become deceased prior to the payment of all compensation owed under this Addendum, any unpaid balance under this Addendum will be paid to the Manager's estate.

Adopted and approved by the Belton City Council on this 27th day of February, 2018.

CITY OF BELTON, TEXAS



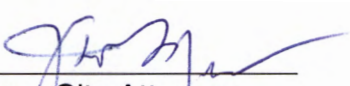
Marion Grayson, Mayor

ATTEST:



Amy Casey, City Clerk

APPROVED AS TO FORM:



John Messer, City Attorney

AGREED AND ACCEPTED this 27th day of February 2018



Sam Anthony Listi, City Manager



Staff Report – City Council Agenda Item

Agenda Item #9

Consider resolutions authorizing the submittal of grant applications for the Police Department as follows:

- A. Justice Assistance Grant for the purchase of Ballistic Shields;
- B. Homeland Security Grant for the purchase of Ballistic Shields;
- C. Justice Assistance Grant for the purchase of a Tactical Robot; and
- D. Victims of Crime Act (VOCA) Grant for an Investigative Assistant to assist victims of Crime.

Originating Department

Police Department – Gene Ellis, Assistant City Manager/Chief of Police
Administration – Bob van Til, Grants and Special Projects Coordinator

Summary Information

The Office of the Governor administers numerous public safety grants. These grant programs include the Justice Assistance Grants (JAG), Victims of Crimes Act (VOCA) Grants, and Homeland Security Program Grants. These are federal funds, originating from the U.S. Department of Justice.

The JAG and Homeland Security Program grants do not require a local match. The VOCA grant requires a 20% local match.

This year, the City proposes to apply for funding for the purchase 22 ballistic shields, a tactical robot, and to add an Investigative Assistant position to the Police Department through the VOCA grant program. Each is discussed below.

Shields and Robot (JAG / Homeland Security Program grants)

These grant will provide lifesaving ballistic shields to a joint tactical team made up of officers from the Belton and Harker Heights Police Departments. The shields will provide the team and individual officers with advanced levels of protection for areas of the body not protected by wearable body armor.

The tactical robot protects officers from entering places with armed and often barricaded subjects before being able to see what they will be facing. The robot allows them to assess a dangerous situation before determining a human response. The joint SWAT team recently handled a situation with a barricaded subject who was threatening to engage in an armed

confrontation with law enforcement. A period of time went by where the subject stopped communicating with negotiators. As a result, a “throw bot” camera was deployed inside the residence to determine where the subject was. Since the subject moved upstairs, the “throw bot” was not able to clearly ascertain the complete situation the officers would face as the “throw bot” is not capable of climbing stairs. A tactical robot is capable of climbing stairs and moving over obstacles in order to give tactical team members eyes inside a dangerous situation with its onboard cameras.

Investigative Assistant (VOCA Grant)

This grant will provide assistance to crime victims by creating a full-time investigative assistant for the Criminal Investigations Division. This position will serve as a resource to crime victims, witnesses, and detectives. This position will also coordinate and communicate resources available to victims of crime with an emphasis on crimes involving women, children, sexual assaults, and human trafficking. The investigative assistant will serve as a liaison between crime victims and the criminal justice system. This will include assisting in obtaining written statements from victims and witnesses for case preparation to be presented to prosecutors and coordinating crime victim assistance resources.

The Local Grants Coordinator at the CTCOG recommended that the City also submit a grant application for a Homeland Security Program grant for the Ballistic Shields, due to the limited number of funds in the JAG category. If the City receives both grants, the City can reject one. Alternately, both grant programs may fund a portion of the shields.

- The Ballistic Shields JAG grant request is for \$14,585. No local match.
- The Ballistic Shields, Homeland Security Grant request is for \$14,585. No local match.
- The Tactical Robot JAG grant request is for \$31,000, no local match.
- The VOCA grant request will be for \$88,000, for a total estimated annual project cost of \$110,000. A 20 percent local match is required (\$22,000).

Fiscal Impact

Funding Source(s): General Fund.

Local Match for Grant: \$22,000

Budgeted: ☐ Yes ☒ No ☐ Capital Project Funds

If not budgeted: ☐ Budget Transfer ☒ Contingency ☐ Amendment Needed

Recommendation

Recommend approval of the resolutions.

Attachments

Resolution 2020-06-R for Justice Assistance Grant for a grant for Ballistic Shields;
Resolution 2020-07-R for Homeland Security Grant for a grant for Ballistic Shields;
Resolution 2020-08-R for Justice Assistance Grant for a grant for a Tactical Robot; and
Resolution 2020-09-R for Victims of Crime Act (VOCA) Grant for a grant for an Investigative Assistant to assist victims of crime.

Pictures: Ballistic Shields, Tactical Robot



Example of a full-sized ballistic shield



Example of Tactical Robot

RESOLUTION 2020-06-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, AND DESIGNATING AN AUTHORIZED OFFICIAL.

WHEREAS, the City Council of the City of Belton, Texas, finds it in the best interest of the citizens of Belton, Texas, that the Belton Ballistic Shields Justice Assistance Grant be operated for the 2021 year; and

WHEREAS, the City Council of the City of Belton, Texas, agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant program application; and

WHEREAS, the City Council of the City of Belton, Texas, agrees that in the event of loss or misuse of the Office of the Governor funds, the funds will be returned to the Office of the Governor in full.

WHEREAS, the City Council of the City of Belton, Texas, hereby designates the Belton City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belton, Texas, hereby approves submission of a grant application for the Belton Ballistic Shields Justice Assistance Grant to the Office of the Governor.

PASSED AND APPROVED this the 11th day of February, 2020.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST

Amy M. Casey, City Clerk

Grant Number: 3989001

RESOLUTION 2020-07-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE HOMELAND SECURITY GRANT PROGRAM, AND DESIGNATING AN AUTHORIZED OFFICIAL.

WHEREAS, the City Council of the City of Belton, Texas, finds it in the best interest of the citizens of Belton, Texas, that the Belton Ballistic Shields Homeland Security Program Grant be operated for the 2021 year; and

WHEREAS, the City Council of the City of Belton, Texas, agrees to provide applicable matching funds for the said project as required by the grant program application; and

WHEREAS, the City Council of the City of Belton, Texas, agrees that in the event of loss or misuse of the funds, the funds will be returned to Homeland Security in full.

WHEREAS, the City Council of the City of Belton, Texas, hereby designates the Belton City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belton, Texas, hereby approves submission of a grant application for the Belton Ballistic Shields Homeland Security Grant Program.

PASSED AND APPROVED this the 11th day of February, 2020.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST

Amy M. Casey, City Clerk

Grant Number: 3995201

RESOLUTION 2020-08-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, AND DESIGNATING AN AUTHORIZED OFFICIAL.

WHEREAS, the City Council of the City of Belton, Texas, finds it in the best interest of the citizens of Belton, Texas, that the Belton Tactical Robotic Justice Assistance Grant be operated for the 2021 year; and

WHEREAS, the City Council of the City of Belton, Texas, agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant program application; and

WHEREAS, the City Council of the City of Belton, Texas, agrees that in the event of loss or misuse of the Office of the Governor funds, the funds will be returned to the Office of the Governor in full.

WHEREAS, the City Council of the City of Belton, Texas, hereby designates the Belton City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belton, Texas, hereby approves submission of a grant application for the Belton Tactical Robotic Justice Assistance Grant to the Office of the Governor.

PASSED AND APPROVED this the 11th day of February, 2020.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST

Amy M. Casey, City Clerk

Grant Number: 3995001

RESOLUTION 2020-09-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE GENERAL VICTIMS ASSISTANCE GRANT PROGRAM, AND DESIGNATING AN AUTHORIZED OFFICIAL.

WHEREAS, the City Council of the City of Belton, Texas, finds it in the best interest of the citizens of Belton, Texas, that the Belton Victims Assistance Grant be operated for the 2021 year; and

WHEREAS, the City Council of the City of Belton, Texas, agrees to provide applicable matching funds for the project as required by the General Victims Assistance Grant Program Application; and

WHEREAS, the City Council of the City of Belton, Texas agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council of the City of Belton, Texas, assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City Council of the City of Belton, Texas designates the Belton City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belton, Texas approves submission of the grant application for the Belton Victims Assistance Grant to the Office of the Governor.

PASSED AND APPROVED this the 11th day of February, 2020.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST

Amy M. Casey, City Clerk

Grant Number: 3988901



Staff Report – City Council Agenda Item

Agenda Item #10

Authorize the City Manager to enter into an agreement with the Texas Department of Public Safety for the Failure to Appear Program

Originating Department

Finance Department – Mike Rodgers, Director of Finance

Summary Information

The City of Belton participates in the Failure to Appear Program that has been established by the Texas Department of Public Safety. Under the FTA Program, the Department of Public Safety may deny the renewal of a driver license for a violator who has failed to appear for a citation or failed to satisfy a judgement ordering the payment of a fine. The Department of Public Safety has asked the City to execute the revised Interlocal Cooperation Contract. The last contract revision was signed in September 2012.

Fiscal Impact

None

Recommendation

Staff recommends approval.

Attachments

Interlocal Cooperation Contract

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
A. CYNTHIA LEON

January 10, 2020

Dear Court Administrator:

Enclosed please find the revised contract offered by the Texas Department of Public Safety to accommodate Chapter 706 of the Texas Transportation Code. Please complete all of the appropriate entries on the contract and arrange for the approval and signature of the presiding official authorized to sign contractual documents in your jurisdiction (mayor, city manager, county judge, etc.).

Only one (1) original signed contract should be submitted for each political subdivision; if you require a final copy for the court, please indicate so when you return the document. Signed contracts should be returned to:

Texas Department of Public Safety
Attn: Enforcement and Compliance Service
5805 North Lamar Blvd.
Austin, Texas 78752-0001

After the contract has been returned to the Department it will be processed for the appropriate signatures.

Any questions regarding the contract should be forwarded to Enforcement and Compliance Service; Tijuana Pendergrass at (512) 424-5431.

Sincerely yours,

Frances Gomez, Manager
Enforcement and Compliance Service

**Interlocal Cooperation Contract
Failure to Appear (FTA) Program**

State of Texas

County of _____

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the _____ Court of the [City or County] of _____ (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated FTA system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

Court will supply information to DPS, through its Vendor, that is necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court in a matter involving any offense that Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and will automatically renew on the anniversary date of execution for up to three additional years unless terminated earlier.

V. COURT RESPONSIBILITIES

A. Written warnings

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied

renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

B. FTA Report

An FTA Report is a notice sent by Court requesting a person be denied renewal in accordance with this Contract. The Court may submit an FTA Report to Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

C. Clearance Reports

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days, from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or

5. other suitable arrangement to pay the fine and cost within the Court's discretion.

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

D. Quarterly Reports and Audits

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract.

E. Accounting Procedures

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

F. Non-Waiver of Fees

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless the person is deemed to be indigent, or the person is acquitted of the charges for which the person failed to appear.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

G. Litigation Notice

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

VI. PAYMENTS TO VENDOR

Court must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the person has been acquitted of the underlying charge or is indigent, no payment will be made to the Vendor or required of the Court.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees collected by Court.

VII. GENERAL TERMS AND CONDITIONS

- A. Compliance with Law.** The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. Contract Amendment.** DPS and Court may amend this Contract through a written amendment signed by an authorized signatory on behalf of the respective party.
- C. Notice.** The respective party will send the other party notice as noted in this section.

Court	Department of Public Safety
Attn.:	Enforcement & Compliance Service
Address:	5805 North Lamar Blvd.
Address:	Austin, Texas 78752-0001
Fax:	(512) 424-5311 [fax]
Email:	Driver.Improvement@dps.texas.gov
Phone:	(512) 424-7172

- D. Termination.** Either party may terminate this Contract with 30 days' written notice. DPS may also terminate this Contract for cause if Court doesn't comply with Section V.F., *Non-Waiver of Fees*. After termination, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all

outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

VIII. CERTIFICATIONS

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

Court*

Department of Public Safety

Authorized Signature

Driver License Division Chief or Designee

Title

Date

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person's title and date.



Staff Report – City Council Agenda Item

Agenda Item #11

Consider an application from Killeen Express Shuttle for an Operating Authority Permit to operate a shuttle service between Belton and Austin-Bergstrom International Airport.

Originating Department

Administration – Amy M. Casey, City Clerk

Summary Information

In January 2020, Council approved an amendment to the Code of Ordinances related to Vehicles for Hire. The process to operate a ground transportation service in Belton begins with an application for an Operating Authority Permit. Killeen Express Shuttle has submitted an application for such permit. They have also paid the \$300 fee that is required by the permitting process.

Staff has reviewed the application submitted, and finds Killeen Express Shuttle to be in compliance with the requirements to operate a shuttle service between Belton and the Austin-Bergstrom International Airport. The shuttle service will run six times per day (each way). Persons who desire to ride the shuttle will make a reservation online, and then meet the shuttle at Whataburger. Passenger vehicles will not be allowed to be left at Whataburger, so passengers will be dropped off at/or picked up from the Whataburger location.

There currently are no ground transportation services available in Belton. The last request to provide a service was made in 1991, and that service hasn't been in operation in many years.

Fiscal Impact

Amount: \$300 permit revenue (not budgeted)

Recommendation

Recommend approval of the application. If approved, the permit is valid for five years.

Attachments

Application for Operating Authority Permit from Killeen Express Shuttle
Chapter 24 of the Code of Ordinances
Step by Step Summary of the Process



**APPLICATION FOR
OPERATING AUTHORITY FOR VEHICLES FOR HIRE
GROUND TRANSPORTATION SERVICES**

Chapter 24 of the City of Belton Code of Ordinances

An operating authority is valid for five (5) years from date of approval. Vehicle permits and driver's permits are renewed annually.

1. Business/Trade Name: Killeen Express Shuttle, LLC
Business Address: 308 Brookway Dr, Killeen, Tx 76542
Mailing Address: PO Box 10175, Killeen, TX 76547
Business Phone #: (254) 338-7788 E-mail: info@killeenexpressshuttle.com

2. Please check the type(s) of Operating Authority requested:

☐ Limousine Service ☒ Shuttle Service ☐ Charter Service ☐ Taxi Cab ☐ Other

3. Business Owner(s) Information:

Name: Felecia Fogle Driver's License #: GA 054637377
Name: _____ Driver's License #: _____
Name: _____ Driver's License #: _____

4. Number of vehicle permits requested for each service:

Limousine _____ Shuttle 2 Charter _____ Taxi Cab _____ Other _____

5. Provide the following information for each vehicle to be used to provide the service(s) (if additional space is needed include on a separate page):

	Year	Make	Model	Body Style	Seating Capacity*	Service Type**	License Plate Number	Vehicle Identification #
1	2016	Chevy	Express	3500 van	15	S	KJF4506	1GAZGPFGXG1185316
2	2019	Chevy	Express	3500 van	15	S	MZH0031	1GAZGPFP9K1303574
3								
4								
5								
6								
7								
8								
9								
10								

*Manufacturer's rated seating capacity

**Limousine (L) Shuttle (S) Charter (C) Taxi Cab (T) Other (O)

6. Name of Insurance Company: National Liability & Fire Ins Co

Name of Agent: Program Insurance Group-Gene Lawhon

Agent Phone Number: 512-930-3239 Agent Insurance License #: _____

7. The applicant must provide the following information and attach as part of the application:

- Current State of Texas registration on each service vehicle;
- The proposed rate of fare; and
- A certificate of insurance as proof of insurance coverage listing the City of Belton as additional insured.

For Taxi Cab Services Only

Color scheme of vehicles: _____

Attach a description of the taximeter proposed to be used and a current rate card.

8. A \$300.00 non-refundable operating authority application fee must be submitted with this application.

8. A \$300.00 non-refundable operating authority application fee must be submitted with this application.

Fees submitted upon approval of operating authority:

Vehicle Permit \$50.00
Driver Permit \$10.00/driver (this fee is collected by the Belton Police Department)

All drivers must go to the Belton Police Department, Records Department, located at 711 E. 2nd Avenue in Belton, Texas, to obtain a Driver's Permit. The Police Department will require a Letter of Sponsorship from the company, a valid and current Texas Driver's License, a certified copy of your State of Texas driving record, and a \$10.00 fee (cash only).

See Section 24-21, Driver Qualifications, for regulations/requirements on service vehicle drivers.

I, Felecia Fong, applicant, do swear or affirm that all of the information included within this application is accurate, and I understand that any omitted information or information found to be inaccurate will result in the denial of this application for operating authority or the revocation of an operating authority that is granted based on the information provided in this application. I also swear or affirm that I have read and understand Chapter 24 of the City of Belton, Texas, Code of Ordinances to Vehicles for Hire, and I agree to comply with the terms as written and as may be amended.

Felecia Fong
Signature of Applicant

Owner
Title

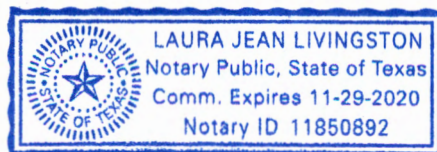
5 Feb 2020
Date

THE STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned authority, on this day appeared _____, known to me to be the person whose name is signed to the foregoing application and duly sworn by me states under oath that he/she has read the said application and that all of the facts therein set forth are true and correct.

Sworn before me, this, 05th day of February, 2020.



Laura Jean Livingston
Notary Public for the State of Texas

Application must go to the City Council for approval after City Manager approval.



February 5, 2020

P.O. Box 10175
Killeen, TX 76547

To Whom It May Concern:

As requested, below you will find the daily/nightly schedule for Belton pick up along with our pricing.

Departing Belton	Departing Austin
7:00am	9:00am
11:00am	1:00pm
3:00pm	5:00pm
7:00pm	9:00pm
11:00pm	1:00am
3:00am	5:00am

Pricing – One Way Per Person

Ages 8-64: \$39
Ages 65+: \$35
Ages 3-7: \$18
Under 3 Free

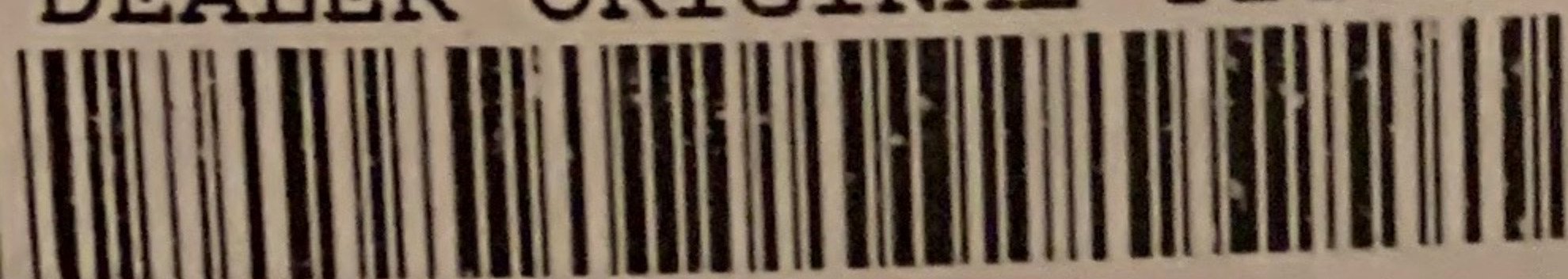
Designated pick up/drop off: Whataburger 307 N I35; Belton, TX

Thank you in advance.

Sincerely,

Felecia Fogle
Owner
(254) 338-7788
www.killeenexpressshuttle.com

DEALER ORIGINAL TITLE



GAZGPFP9K1303574

COUNTY: JOHNSON

PLATE NO: MZH0031

DOCUMENT NO: 12630743835250062

OWNER NAME AND ADDRESS
FELECIA MARIA JEWS-FOGLE
SFC USA, 308 BROOKWAY DR
KILLEEN, TX 76542

TAC NAME: SCOTT PORTER
DATE: 01/03/2020
TIME: 09:28AM
USER: 126-THOWARD

EFFECTIVE DATE: 01/03/2020
EXPIRATION DATE: 12/2020
WEB TITLE ID: 8195217

**DO NOT THROW AWAY
REGISTRATION STICKER
ATTACHED**

REGISTRATION CLASS: TRUCK-LESS/EQL. 1 TON
PLATE TYPE: PASSENGER-TRUCK PLT
ORGANIZATION:
STICKER TYPE: WS

VEHICLE IDENTIFICATION NO: 1GAZGPFP9K1303574
YR/MAKE: 2019/CHEV MODEL: EXP BODY STYLE: VN UNIT NO:
EMPTY WT: 6300 CARRYING CAPACITY: 1000 GROSS WT: 7300 TRAILER TYPE:
BODY VEHICLE IDENTIFICATION NO: TVL TRLR L/W/SQFT: 0'0"
PREV OWNER NAME: FAMILY TOYOTA OF BURLESO PREV CITY/STATE: BURLESON, TX

INVENTORY ITEM(S) YR
PASSENGER-TRUCK PLT 2020
WINDSHIELD STICKER

VEHICLE RECORD NOTATIONS
ACTUAL MILEAGE
E-TITLE
MAJOR COLOR: WHITE

FEE'S ASSESSED	\$	13.00
TITLE APPLICATION FEE	\$	20.00
TEXAS MOBILITY FUND FEE	\$	1,480.75
SALES TAX FEE	\$	5.00
BUYERS TAG	\$	54.00
WINDSHIELD STICKER	\$	1.00
REG FEE-DPS	\$	10.00
CNTY ROAD BRIDGE ADD-ON FEE	\$	1.50
CHILD SAFETY FUND	\$	7.50
INSPECTION FEE-1YR	\$	4.75
PROCESSING AND HANDLING FEE	\$	1,597.50
TOTAL	\$	

ODCMETER READING: 9170 BRAND: A
OWNERSHIP EVIDENCE: OUT-OF-STATE TITLE
1ST LIEN DATE: 12/28/2019
USAA FEDERAL SAVINGS BANK
PO BOX 25145
LEHIGH VALLEY, PA 18002-5145

SALES TAX CATEGORY: SALES/USE

2ND LIEN

3RD LIEN

Date of Assignment/Sales Tax Date: 12/28/2019

Sales Price	\$	23,691.94
Less Trade In Allowance	\$	0.00
Taxable Amount	\$	23,691.94
Sales Tax Paid	\$	1,430.75
Less Cther State Tax Paid	\$	0.00
Tax Penalty	\$	0.00
TOTAL TAX PAID	\$	1,430.75

TITLE WILL BE ELECTRONICALLY FILED WITH THE LIENHOLDER.

THIS RECEIPT IS YOUR PROOF OF APPLICATION FOR CERTIFICATE OF TITLE AND REGISTRATION.

REGISTRATION RENEWAL RECEIPT

COUNTY: BELL
 PLATE NO: KJF4506
 DOCUMENT NO: 22731443120250201

TAC NAME: SHAY LUEDEKE
 DATE: 01/08/2020
 TIME: 02:55PM
 EMPLOYEE ID: KILN010

EFFECTIVE DATE: 01/08/2020
 EXPIRATION DATE: 12/2020
 TRANSACTION ID: 01420243836145514

RENEWAL RECIPIENT NAME AND ADDRESS
 FELECIA MARIA FOGLE
 308 BROOKWAY DR
 KILLEEN, TX 76542-1901

OWNER NAME AND ADDRESS
 FELECIA MARIA JEWS-FOGLE
 308 BROOKWAY DR
 KILLEEN, TX 76542

REGISTRATION CLASS: TRUCK-LESS/EQL. 1 TON
 PLATE TYPE: PASSENGER-TRUCK PLT
 ORGANIZATION:
 STICKER TYPE: WS

PREVIOUS PLATE NO: KJF4506
 VEHICLE IDENTIFICATION NO: 1GAZGPFGXG1185316
 YR/MAKE: 2016/CHEV MODEL: EXP BODY STYLE: VN UNIT NO:
 EMPTY WT: 6500 CARRYING CAPACITY: 3100 GROSS WT: 9600
 BODY VEHICLE IDENTIFICATION NO: TRAVEL TRLR LENGTH: 0

INVENTORY ITEM(S)
 WINDSHIELD STICKER

YR
 2020

FEES ASSESSED		
WINDSHIELD STICKER	\$	54.
REG FEE-DPS	\$	1.
CNTY ROAD BRIDGE ADD-ON FEE	\$	10.
CHILD SAFETY FUND	\$	1.
INSPECTION FEE-1YR	\$	7.
PROCESSING AND HANDLING FEE	\$	4.

VEHICLE RECORD NOTATIONS
 ACTUAL MILEAGE
 E-TITLE
 MAJOR COLOR: WHITE

TOTAL	\$	78.
METHOD OF PAYMENT AND PAYMENT AMOUNT:		
CHARGE	\$	78.

TOTAL AMOUNT PAID \$ 78.

Has a citation been issued
 for expired registration on
 this vehicle? Y N
 I am aware that a penalty
 cannot be collected after
 this date.

Signature Owner/Agent Date

IMPORTANT DOCUMENT: Please retain for your records.
 THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.
 Purchased registration remains with this vehicle and
 will not be refunded if the vehicle is sold.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/29/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Program Insurance Group / 4D Ins 3609 Williams Dr Suite 101 Georgetown TX 78628-	CONTACT NAME: Amy Young	
	PHONE (A/C, No, Ext): (512)930-3239 FAX (A/C, No): (512)869-2418	
	E-MAIL ADDRESS: amy@pigbcs.com	
INSURED Killeen Express Shuttle, LLC P O Box 10175 Killeen TX 76547-	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: National Liability & Fire Ins Co.	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			73APS091706	01/22/2020	01/22/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

AI 037565

City of Belton PO Box 120 Belton TX 76513-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Chapter 24 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Secs. 24-1. – Purpose and applicability of chapter.

It is the City's policy to promote adequate and efficient ground transportation in the City. To this end, this chapter provides for the regulation of ground transportation services to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Secs. 24-2.—24-3. - Reserved.

ARTICLE II. – TAXICABS

Sec. 24-4. - Definitions.

Ground transportation service means providing chauffeured vehicle(s) for hire for the transportation of passengers within the City, including but not limited to taxicabs, limousines and shuttles.

Holder means a person who is authorized to operate a ground transportation service, and includes the agents and employees of a holder.

Operating Authority means the written authority granted by the City Council to provide a ground transportation service.

Taxicab means a chauffeured motor vehicle equipped with a taximeter with a rated passenger capacity of eight (8) or less used to transport persons, and which typically operates on irregular routes, on irregular schedules, and on a call and demand basis.

Taximeter means a device used in a taxicab to compute a fare.

Transportation network company means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a passenger to prearrange with a driver, exclusively through the entity's digital network, a digitally prearranged ride, and that is permitted to operate by the Texas Department of Licensing and Regulation.

Sec. 24-5. – Penalties.

- (a) An offense under this chapter is a Class C misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500).
- (b) Prosecution of an offense under this chapter does not preclude other enforcement remedies under this chapter, and the enforcement of other remedies under this chapter does not prevent prosecution for a violation of this chapter.

Sec. 24-6. – Exceptions.

This chapter does not apply to:

- (1) A vehicle owned, operated, or subcontracted by the Federal Government, the State, or a political subdivision when providing service exclusively to the governmental entity.
- (2) A courtesy vehicle that routinely provides transportation to and from the principal place of business of a courtesy vehicle provider and a public transportation terminal or is operated by a corporation that qualifies for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- (3) An ambulance or other vehicle providing nonemergency medical transports.
- (4) Ground transportation services originating outside of the City.
- (5) Transportation provided by a transportation network company permitted by the Texas Department of Licensing and Regulation.

Secs. 24-7.—24-9. – Reserved.

ARTICLE III. – OPERATING AUTHORITY

Sec. 24-10. – Operating authority required.

A person may not operate a ground transportation service within the City of Belton for the pickup of passengers inside the City of Belton without first having obtained an operating authority from the City issued under the terms and provisions of this chapter.

Sec. 24-11. – Permit application.

- (a) To obtain an operating authority for a ground transportation service, a person must make written application to the City Council on a form prescribed by the City Manager or his designee. The application must be sworn or affirmed.
- (b) A person may apply for multiple operating authorities on a single application form, provided that the application describes each service applied for and complies with this chapter.

Sec. 24-12. – Permit terms and conditions.

- (a) An operating authority issued under this article is valid for five (5) years.
- (b) To amend an operating authority, a holder must submit a written request to the City Clerk describing in detail the proposed amendment. Any amendment must be

approved by the City Council, except for increasing or reducing the number of vehicles or substituting vehicles.

(c) A holder of an operating authority may not transfer or assign an operating authority.

Sec. 24-13. – Window permits.

(a) Upon City Council approval of an operating authority, the City Clerk shall provide a vehicle permit to the holder for each vehicle approved in the operating authority and that meets the requirements of Section 24-14. Before a vehicle is placed in service, the holder must affix the permit to the vehicle on the passenger side of the windshield in the lower right corner inside the glass.

(b) Vehicle permits expire December 31st of each year. A renewal application, along with the required fee, shall be submitted to the City Clerk to renew a vehicle permit.

(c) A person commits an offense if he:

- (1) Operates a vehicle with an expired permit; or
- (2) Attaches a permit to a vehicle not authorized to operate.

Sec. 24-14. – Vehicle requirements.

Before a vehicle permit may be issued to a ground transportation service vehicle, the holder must present written proof to the City Clerk showing that each vehicle has a current State of Texas registration and inspection, and pay the fee required in Section 24-31.

Sec. 24-15. – Insurance.

(a) It shall be unlawful to operate a ground transportation service in the City unless the holder maintains in force during the authorized period of its operating authority, the amount and character of insurance coverage for all vehicles used in such service as follows:

- (1) Bodily injury of fifty thousand dollars (\$50,000) per person and one hundred thousand dollars (\$100,000) per accident;
- (2) Property damage of twenty-five thousand dollars (\$25,000) per accident;
- (3) All vehicles are to be properly insured six (6) months in advance;
- (4) Carried with an insurance company authorized to do business in the State of Texas; and
- (5) The City is named as an additional insured.

(b) Each policy must contain a cancellation provision or coverage change endorsement that provides thirty (30) days' notice to the City before the policy is cancelled or materially changed to reduce or restrict the coverage. The notice must be mailed to the City Clerk.

- (c) Instead of obtaining the insurance policy required by subsection (a) of this section, a holder may furnish proof of compliance with V.T.C.A., Transportation Code Chapter 601, Subchapter E.

Sec. 24-16.—24-19. – Reserved.

ARTICLE IV. – DRIVER’S PERMITS

Sec. 24-20. Driver’s permits required; exception.

- (a) A person may not drive a ground transportation service vehicle for trips originating in the City unless that person has a driver’s permit issued by the City.
- (b) A holder may not employ or contract with a driver or otherwise allow a person to drive a ground transportation service vehicle owned, controlled or operated by the holder unless the person has a valid driver’s permit issued under this article, except as provided in (c) below.
- (c) A driver of a ground transportation service vehicle with an occupancy capacity of sixteen (16) persons or greater, including the driver, is exempt from the permit requirement of this section if the individual possesses a valid class “B” or “C” commercial driver’s license with a passenger endorsement issued to the driver by the State of Texas.

Sec. 24-21. – Driver qualifications.

To qualify for a driver’s permit, a person must:

- (1) Be at least eighteen (18) years old;
- (2) Possess a valid driver’s license;
- (3) Have a valid contract with, or currently be employed by, a holder;
- (4) Provide authorization to work in the United States if the person is not a U.S. citizen;
- (5) Not have been convicted in a 3-year period preceding the application date of:
 - a. More than three (3) moving violations; or
 - b. Fleeing or attempting to elude a police officer, reckless driving, driving without a valid driver’s license or driving with an invalid driver’s license;
- (6) Not have been convicted in the preceding 7-year period of driving while intoxicated, use of a motor vehicle to commit a felony, any felony involving property damage, fraud, theft, an act of violence or an act of terrorism; and
- (7) Not be registered as a sex offender.

Sec. 24-22. – Application and investigation.

- (a) To obtain a driver's permit, a person must provide a certified copy of their State of Texas driving record and pay the fee required by this chapter.
- (b) The Police Department shall conduct such investigation as it considers necessary to determine whether a person is qualified for a driver's permit. The Police Department shall review criminal history information using the criteria established by the V.T.C.A., Occupations Code Chapter 53.

Sec. 24-23. – Issuance and denial.

- (a) If the Police Department determines an applicant is qualified, a driver's permit shall be issued.
- (b) An application for a driver's permit may be denied if:
 - (1) The person is not qualified under this article; or
 - (2) The person falsifies, materially alters or omits information in the application.

Sec. 24-24. – Suspension or revocation.

- (a) A driver's permit may be suspended by the Chief of Police or designee for up to sixty (60) days if the holder rescinds sponsorship of a driver in writing to the Police Department.
- (b) A driver's permit may be revoked by the Chief of Police or designee at any time the permittee no longer meets the qualifications to possess a permit.

Sec. 24-25. – Appeal.

- (a) An individual whose driver's permit is suspended or revoked may appeal the revocation or suspension to the City Manager or his designee not later than the tenth day after receipt of the notice of suspension. The City Manager or his designee shall provide a written response no later than thirty (30) days after receiving an appeal.
- (b) An individual whose driver's permit is suspended or revoked shall not drive a ground transportation service vehicle during the pendency of an appeal.

Sec. 24-26. – Permit term.

A driver's permit is valid for a 12-month period from the date of issuance, unless the permit is revoked or suspended before the period expires.

Sec. 24-27.—24-28. – Reserved.

ARTICLE V. – FARES AND FEES

Sec. 24-29. – Rates of fare.

- (a) The following fares shall be the maximum rate charged by taxicabs operating in the City of Belton:
- (1) For the first one-tenth mile (“drop charge”) - \$2.50
 - (2) For each additional one-tenth mile (“per mile”) - \$0.285
 - (3) For waiting time, per hour (“wait time”) - \$25.00
 - (4) For each additional passenger over one (1), per person (“extras”) - \$1.00
 - (5) For each trip, per trip (“minimum fare”) - \$5.00
 - (6) Meter – time on
- (b) A fuel surcharge as provided in this section may be added to a taxicab fare per trip and any surcharge shall be based on the retail price of regular grade unleaded gasoline. The gasoline price shall be determined by the Oil Price Information Service, as reported by the American Automobile Association for the Austin, Texas, market (www.fuelgaugereport.com). The fuel surcharge, including any increase or decrease in the surcharge, may go into effect any time the price is in a range as indicated below for a period of seven (7) consecutive days. Holders shall notify the City Manager in writing within one (1) day of implementing, increasing, decreasing or eliminating a fuel surcharge. Each taxicab shall display a sign clearly visible from the passenger area that indicates a fuel surcharge is being charged and the amount of the fuel surcharge.

Amount of Surcharge	Gas Price Per Gallon
\$0.50	\$4.00 – \$4.50
\$1.00	\$4.51 - \$5.00
\$1.50	\$5.01 - \$5.50
\$2.00	\$5.51 - \$6.00

- (c) No charge shall be made by the driver of any taxicab for waiting time of five (5) minutes or less. Hourly and daily rates for extraordinary services shall be mutually agreed upon by the driver and passenger in advance upon terms satisfactory to them.

Sec. 24-30. – Rate card.

A holder shall post a clearly visible rate card containing a schedule of rates established by the City Council.

Sec. 24-31. – Fees.

- (a) The schedule of fees is as provided in the adopted fee schedule on file in the City Clerk’s office.

- (b) A holder of multiple operating authorities shall pay to the City only one (1) operating authority permit fee for each vehicle.
- (c) Renewal fees are due and payable on or before December 31st of each year.
- (d) The holder shall pay all required fees before placing any vehicle into service.
- (e) If an operating authority is amended to increase the number of ground transportation service vehicles, the annual operating authority permit fee for each additional vehicle shall be prorated from the month the vehicle permit is approved.
- (f) Fees paid to the City under this chapter are non-refundable.

Sec. 24-32. – Taximeter required.

- (a) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter.
- (b) Except as provide by subsection (c) of this section, a person may not use a device other than a taximeter for measuring distance or time, or to determine the fare to be charged.
- (c) Taximeter rates of fare do not apply to a trip to a destination outside the corporate City limits of Belton or a trip under contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service.

Sec. 24-33.—24-34. – Reserved.

ARTICLE VI – OPERATIONS

Sec. 24-35. – Limitations on solicitations.

- (a) A driver may not solicit business for a taxicab except from the driver compartment of the vehicle or the curb immediately adjacent to the vehicle.
- (b) A driver may not solicit business in a loud or annoying tone of voice, or obstruct the movement of any person. A driver may not solicit business at the terminal of another common carrier or at points of loading and unloading along any established route of another common carrier.

Sec. 24-36.—24-40. – Reserved.

The step by step process for a company to operate ground transportation services in Belton is as follows:

1. Company fills out an application for an operating authority permit for ground transportation services and submits it to the City Clerk along with a permit fee of \$300 and the identified supporting documents required by the application. The City Clerk reviews the application to make sure it is complete.
2. The City Clerk then prepares an agenda item for City Council's consideration for approval of the operating authority permit. Operating Authority Permits are good for five years. Once the five years has expired, the process starts all over again.
3. After City Council approves the operating authority, the City Clerk collects fees and issue permits for each vehicle. (City Clerk will provide window stickers to place inside the windshield.) Each year, the operating authority's vehicle window stickers expire December 31st. By the end of October, the City Clerk sends each of the ground operating authorities a vehicle permit renewal application and asks for them to be returned by November 30th. The City Clerk checks to ensure that the company has a certificate of insurance that identifies the City of Belton as additional insured and that each vehicle's registration is current.
4. Drivers for the Operating Authority submit an application for a Driver's Permit, along with a \$10 permit fee per driver and a certified copy of each driver's State of Texas Type 3 driving record to the Belton Police Department. The Police Department reviews the information and approves or denies the driver permits. The Police Department provides the City Clerk with an updated list of Driver's Permits as permits are issued. The City Clerk will notify drivers when it is time to apply for a new Driver's Permit.



APPLICATION FOR OPERATING AUTHORITY PERMIT

City Council Meeting – February 11, 2020

BACKGROUND

- Council amended Chapter 24 of the Code of Ordinances
- Killeen Express Shuttle application
- Shuttle between Belton and Austin-Bergstrom International Airport
- Application meets requirements

RECOMMENDATION

- Approve the application.
- Next steps:
 - City Clerk issues Operating Authority Permit
 - Killeen Express Shuttle applies for:
 - Vehicle permits
 - Driver permits
 - Operations begin



Staff Report – City Council Agenda Item

Agenda Item #12

Hold a public hearing and consider an ordinance amending the City's Tax Abatement Guidelines and Criteria.

Originating Department

Finance Department – Mike Rodgers, Director of Finance

Summary Information

The City has established criteria and guidelines governing the abatement of ad valorem taxes within the City. In accordance with Chapter 312 of the Texas Tax Code, the tax abatement guidelines must be reviewed and readopted at least every two years. City Council last approved the guidelines on January 23, 2018.

Generally, abatements between 70% and 100% of new value can be awarded for up to five years, provided the applicant meets the minimum standards for tax abatement that are outlined in Section E of the Tax Abatement Policy. The percentage of the new value abated is set by the investment's tier. Tiers are determined by the value of the investment or the number of jobs created. To be eligible for any tax abatement, the minimum monetary investment required is \$250,000 for real property or \$1,000,000 for business personal property. The minimum tier may also be achieved by creating at least twenty-five full-time job equivalents that pay at least \$16 per hour. The tiers and rates are shown in greater detail on page eight of the Tax Abatement Policy.

If the investment is being made within the Downtown Development District, the threshold for abatement is significantly less. Eligible investments of \$25,000 or more in real property or \$100,000 or more in business personal property are eligible for 100% abatement for five years. This threshold may also be achieved if at least five jobs are created.

Detailed below are the significant changes proposed for 2020:

Definitions on Page 1) A definition of Business Personal Property has been added. The definition matches the language in the County's recently adopted policy. The new term "Business Personal Property" replaces "personal property" throughout the document.

Abatement Authorized on Page 3) The new policy adds certain hotel accommodations to the list of eligible facilities in an attempt to attract quality hotels to the City.

Abatement Barred on Page 10) An abatement shall be denied if the application is filed after construction has commenced or improvements have been made. This language has been moved from other parts of the document to become more prominent in this section.

Public Hearing on Page 11) Language has been added to reflect changes from the last legislative session. A thirty-day notice is now required before a public meeting at which a tax abatement agreement will be considered.

Recapture on Page 12) The City reserves the right to reduce or cancel an abatement agreement if the applicant fails to perform. A critical component of any abatement agreement, recapture provisions have been added to the guidelines and criteria as well.

Administration on Page 14) Language has been added to require any company or individual that receives an abatement to report annually on its compliance with the terms and conditions of the agreement.

Fiscal Impact

None

Recommendation

Staff recommends approval of the ordinance reaffirming the City's Tax Abatement Guidelines and Criteria with changes stated herein.

Attachments

Ordinance

2020 Tax Abatement Guidelines and Criteria (Final Version)

2020 Tax Abatement Guidelines and Criteria (Markup Version)

Presentation

ORDINANCE NO. 2020-11

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, READOPTING THE TAX ABATEMENT POLICY FOR THE CITY OF BELTON; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City of Belton is committed to establishing long-term economic vitality, an essential key to a city's growth, by responding to and preparing for, challenges in an environment characterized by competition for continuous economic development, investment, and community identity;

WHEREAS, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, which requires a review at least every two years, the last time being January 2018;

WHEREAS, the City has by ordinance created a Tax Increment Reinvestment Zone (TIRZ) pursuant to Chapter 311 of the Tax Code, with the intention of using the tax increments accrued in said zone to construct public improvements intended to spur economic development of the Zone;

WHEREAS, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

WHEREAS, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing or selling the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

WHEREAS, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; and

WHEREAS, the guidelines have been presented to and reviewed by the City Council of the City of Belton at its regular meeting held this date.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

PART 1: That the City of Belton's Tax Abatement Guidelines and Criteria is hereby readopted by the City of Belton, Texas, as shown in the attached Exhibit "A".

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 11th day of February, 2020.

THE CITY OF BELTON, TEXAS

Marion Grayson, Mayor

ATTEST:

APPROVED AS TO FORM:

Amy M. Casey, City Clerk

John Messer, City Attorney

Exhibit "A"

CITY OF BELTON, TEXAS TAX ABATEMENT GUIDELINES AND CRITERIA Amended February 11, 2020

SECTION A - DEFINITIONS

- (a) **"Abatement"** means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by an affected jurisdiction for economic development purposes.
- (b) **"Affected Jurisdiction"** means City of Belton and any governmental entity, the majority of which is located in Belton, that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone designated by the City of Belton.
- (c) **"Agreement"** means written contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.
- (d) **"Base Year Value"** means the assessed value of eligible property January 1 preceding the execution of the agreement plus (if applicable) the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
- (e) **"Business Personal Property"** means any tangible personal property other than inventory and supplies that (i) is subject to ad valorem taxation by the taxing entity; (ii) is located on the property subject to Abatement; (iii) is owned or leased by the party to the Tax Abatement Agreement; (iv) was not located in the abatement zone prior to the effective date of the Tax Abatement Agreement; and (v) has an economic life of greater than ten years.
- (f) **"Deferred Maintenance"** means improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (g) **"Distribution Center Facility"** means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least 25 miles from its location in Belton.
- (h) **"Downtown Development District"** means an area of Downtown Belton as shown by the map (attached).
- (i) **"Expansion"** means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.
- (j) **"Facility"** means property improvements completed or in the process of construction which together compromise an integral whole.

- (k) **“Manufacturing Facility”** means buildings and structures, including fixed in place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
- (l) **“Initiating Governing Body”** shall be either the Belton City Council or the Bell County Commissioner’s Court depending on whether applicant’s project is located in the City of Belton or within the City’s extraterritorial jurisdiction in Bell County.
- (m) **“Modernization”** means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed in place machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing except in the Downtown Development District, where modernization includes painting of exterior wall, restoring or installing a façade and related interior and/or exterior improvements designed to improve, visually and aesthetically, the exterior of a building or block.
- (n) **“New Facility”** means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
- (o) **“Other Basic Industry”** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which serve a market primarily outside the Belton area and result in the creation of new permanent jobs and create new tax base in the City of Belton.
- (p) **“Productive Life”** means the number of years a property improvement is expected to be in service.
- (q) **“Research Facility”** means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.
- (r) **“Regional Service Facility”** means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced are domiciled at least 25 miles from the facility’s location in Belton.
- (s) **“Reinvestment Zone”** is a specific parcel of property designated by the City or the County (as applicable) within which a tax abatement can be granted.
- (t) **“Residential Medical Services Facility”** is a 24-hour residential care facility, providing assisted living services for those in need, to include one or more of the following specialized services: occupational living, medical rehabilitation, or Alzheimer’s care.

SECTION B – STATEMENT OF PURPOSE

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis, granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

SECTION C – DESIGNATION OF TAX ABATEMENT REINVESTMENT ZONES

The City will consider designating areas within the City limits as tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone or within the City's Tax Increment Financing Reinvestment Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

SECTION D – ABATEMENT AUTHORIZED

- (a) **Authorized Facility.** A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Distribution Center Facility, Regional Service Facility, Residential Medical Services Facility, Other Basic Industry, or hotel accommodations that meet certain standards established by the Belton City Council.

For the Downtown Development District, the following facilities are eligible to be considered for tax abatement:

- Antique shop;
- Art gallery/studio;
- Bookstore;
- Candy or cake shop, coffee shop or diner;
- Drapery shop;
- Dry cleaning establishment;
- Florist;
- Generally recognized retail businesses which supply commodities on the premises, such as groceries, meats, dairy products, baked goods, clothing, and notions, or hardware and similar uses;
- Health fitness facility;

- Hotels, motels, and bed and breakfast facilities, multi-family dwellings, loft housing;
- Mixed use facilities, including but not limited to residential, retail or restaurant combinations;
- Personal service establishments which perform services on the premises such as repair shops; tailor shops; beauty parlor or barber shop; photo studio or similar uses;
- Printing and newspaper printing shops;
- Restaurants, cafes and private clubs;
- Specialty retail such as home décor, gifts, specialty foods etc;
- Theatres, auditoriums and similar facilities; and
- Other similar uses, not specifically listed, determined appropriate for the Downtown Development District.

Ineligible Facilities in the Downtown Development District –A facility is ineligible for tax abatement if it is a:

- Bail bond service;
- Bus station or terminal;
- Gasoline services station;
- Pawn shop; and
- Other uses, not specifically listed, which are determined inappropriate for the Downtown Development District

- (b) **Creation of New Value.** Abatement may only be granted for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the affected jurisdiction and the property owner or lessee, subject to such limitations as governing body may require.
- (c) **New and Existing Facilities.** Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.
- (d) **Eligible Property.** Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. In the Downtown Development District, abatement will be extended to include Business Personal Property.
- (e) **Partially Eligible.** Partially eligible for abatements are modernization projects and manufacturing facilities which are intended to replace existing equipment or facilities when the existing equipment and facilities will be removed, thus eliminating existing value from the tax rolls. In this event, the value of the existing facility and equipment shall be frozen at the time of the abatement agreement and shall remain frozen throughout the abatement period. The eligible abatable value of the new project shall be

the difference between the total new investment amount and the existing tax value of the equipment and/or facility to be removed.

- (f) **Ineligible Property.** The following types of property shall be fully taxable and ineligible for abatement: land, inventories, supplies, tools, furnishings, and other forms of movable personal property, vehicles, vessels, aircraft, housing, retail facilities, deferred maintenance investments, property to be rented or leased to third parties except as provided in section D(g); or property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas except in the Downtown Development District.

In the Downtown Development District, the following types of property shall remain fully taxable and ineligible for tax abatement: supplies; inventory; deferred maintenance; property to be rented or leased to third parties except as provided for in section D(g); and other property which has a productive life of less than ten (10) years.

- (g) **Leased Facilities.** If a new facility is to be constructed by a third-party owner for lease to an applicant otherwise eligible for abatement, then the building owner may also be eligible for abatements. To calculate the applicable category for abatement, the investment of both entities will be added, and each shall be eligible to receive abatement at the same rate as would have been available if the entire project were being accomplished by one owner.
- (h) **Term of Abatement.** Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement. The term shall be no longer than as set out in the schedule shown in Section E for each stated range of investment.
- (i) **Economic Qualifications.** In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement must be reasonably expected to increase the value of the property.
- (j) **Taxability.** From the execution of the abatement contract to the end of the agreement period, taxes shall be payable as follows: (1) the value of ineligible property as provided in section D(f) shall be fully taxable; (2) the base year value of existing eligible property as determined each year shall be fully taxable; and (3) the additional value of new eligible and partially eligible property shall be taxable subject to the tax abatement as described in sections D(d) and D(e).
- (k) **Non-Transferability.** In the event property is sold which is under a tax abatement agreement, said agreement shall terminate and the abated property shall become fully taxable for the year in which the sale is consummated and all subsequent years. This provision does not apply to transfers of title between corporate entities that have common ownership.

- (l) **Standards for Consideration of Tax Abatement in Downtown Development District.** The City will consider tax abatement on projects which improve the aesthetic appearance of the District; bring new jobs to the District; stimulate desired commercial or residential activity; and/or contribute to preservation efforts, special area plans or strategic economic development plans and investment in the District.

SECTION E – STANDARDS FOR TAX ABATEMENT

- (a) **Minimum Standards.** The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.
- (1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility; or fifty percent (50%) increase in value for expansion of an existing facility; or an overall new investment leading to increased real property improvements of at least \$250,000 in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development District, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility; or twenty-five percent (25%) for expansion of an existing facility; or an overall new investment leading to increased real property improvements of at least \$25,000 in taxable assets.
 - (2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.
 - (3) The project has high visibility, image impact, or is of a significantly higher level of development quality.
 - (4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.
 - (5) The project can serve as a prototype and catalyst for other development of a higher standard.
 - (6) The project stimulates desired concentrations of employment or commercial activity.
 - (7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.
 - (8) For eligible facilities in any reinvestment zone within the Downtown Development District, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

- (b) **Minimum Required Investment.** An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Minimum Required Property Investment or Job Creation				-----YEAR-----				
Eligible Real Property Improvements	Eligible Business Personal Property	Job Creation	Abatement Alternative	1	2	3	4	5
				Percentage of Increased Value to be Abated				
\$250,000 - \$2,500,000	\$1,000,000 - \$10,000,000	25-75 jobs	Flat Rate	70%	70%	70%	70%	70%
			Declining	100%	80%	70%	60%	40%
\$2,500,001 - \$3,500,000	\$10,000,001 - \$14,000,000	76-85 jobs	Flat Rate	75%	75%	75%	75%	75%
			Declining	100%	85%	75%	65%	50%
\$3,500,001 - \$4,500,000	\$14,000,001 - \$18,000,000	86-95 jobs	Flat Rate	80%	80%	80%	80%	80%
			Declining	100%	90%	80%	70%	60%
\$4,500,001 - \$5,500,000	\$18,000,001 - \$22,000,000	96-105 jobs	Flat Rate	85%	85%	85%	85%	85%
			Declining	100%	95%	85%	75%	70%
\$5,500,001 - \$6,500,000	\$22,000,001 - \$26,000,000	106-115 jobs	Flat Rate	90%	90%	90%	90%	90%
			Declining	100%	95%	90%	85%	80%
\$6,500,001 - \$7,500,000	\$26,000,001 - \$30,000,000	116-125 jobs	Flat Rate	95%	95%	95%	95%	95%
			Declining	100%	100%	95%	90%	90%
\$7,500,001 - \$10,000,000	\$30,000,001 - \$40,000,000	126-175 jobs	Flat Rate	100%	100%	100%	100%	100%
			Declining	100%	100%	100%	100%	100%

Inside the Downtown Development District Minimum Required Property Investment or Job Creation				-----YEAR-----				
Eligible Real Property Improvements	Eligible Business Personal Property	Job Creation	Abatement Method	1	2	3	4	5
				Percentage of Increased Value to be Abated				
\$25,000 or more	\$100,000 or more	5-25 jobs	Flat Rate	100%	100%	100%	100%	100%

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development District), or eligible Business Personal Property of more than \$40,000,000 (\$1,000,000 in the Downtown Development District), or the creation of more than 175 (25 in the Downtown Development District) new full-time jobs, or requests for tax abatement for more than five (5) years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible Business Personal Property or on the creation of jobs, the applicant must agree to maintain the Business Personal Property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible Business Personal Property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the Business Personal Property on the property tax roll for not less than ten years.

As used herein, the creation of jobs refers to the creation of a job paying not less than \$16 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$33,280 (our calculated annual salary for a \$16/hour employee); and (3) round this figure to the nearest whole integer.

(c) **Additional or Enhancement Factors.** In addition to the minimum investment or job creation criteria listed in E(b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the abatement period considering the existing values, the percentage of new value abated, the abatement period, and the projected property value after expiration of the abatement period;
- (11) population growth that occurs directly as a result of new improvements;

- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

- (d) **Abatement barred in certain circumstances.** Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:
 - 1) the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility;
 - 2) there would be a substantial adverse effect on the provision of government service or tax base;
 - 3) the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
 - 4) planned or potential use of the property would constitute a hazard to public safety, health, or morals;
 - 5) approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
 - 6) there exists any other valid reason for denial deemed appropriate by the City.

SECTION F – APPLICATION

- (a) Any present or potential owner of taxable property in an affected jurisdiction may request the creation of a reinvestment zone and tax abatement by filing a written request with the affected jurisdictions and attaching a plat and metes and bounds description effectively describing said reinvestment zone.
- (b) The application (form attached) shall consist of a completed application form accompanied by: a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken; a descriptive list of the improvements which will be a party of the facility; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of modernizing, a statement of the assessed value of the facility, separately stated for real and Business Personal Property, shall be given for the tax year immediately preceding the application. The application form shall also include

such financial and other information necessary for the governing body to evaluate the financial capacity and other factors of the applicant.

- (c) The initial application for the creation of a reinvestment zone and tax abatement shall be made to the Mayor of Belton, through the City Manager's office, if the project is to locate within the incorporated territory of the City of Belton. If the project is to be located within Bell County but inside the extraterritorial jurisdiction of the City of Belton, then the initial application shall be made to the Bell County Judge. Upon receipt of a completed application, the Mayor or County Judge, as applicable, shall notify in writing the presiding officer of the legislative body of each affected jurisdiction and provide each presiding officer with a copy of the application. The Mayor or County Judge shall then set a public hearing before the initiating governing body to afford the applicant an opportunity to describe his project and request the abatement. All interested parties will have the opportunity to publicly state why the abatement should or should not be granted at this hearing. Notice of the public hearing shall be clearly identified on a governing body agenda and be timely posted as provided by law. After the initiating governing body creates the reinvestment zone, the other affected jurisdictions may set their public meetings in the same manner as described above to grant or not grant the applied for abatement.
- (d) After receipt of an application for creation of a reinvestment zone and application for abatement, the City of Belton/Belton Economic Development Corporation shall provide the affected jurisdictions a feasibility study setting out the impact of the proposed reinvestment zone and tax abatement. The feasibility study shall include, but not be limited to, an estimate of the economic impact on each jurisdiction of the creation of the zone and the abatement of taxes on the property to be included in the zone.

SECTION G – PUBLIC HEARING

- (a) The City Council shall review the application during a regular or closed session. The City Council acknowledges the necessity for a level of confidentiality regarding potential business prospects and when appropriate will deliberate matters regarding commercial or financial information in a closed meeting in accordance with Texas Government Code Section 551.087 Open Meetings.
- (b) Public notice of the meeting at which a tax abatement agreement will be considered shall be made at least thirty days before the scheduled time of the meeting and contain the information required by Texas Tax Code Section 312 Property Redevelopment and Tax Abatement Act.
- (c) Should any affected jurisdiction be able to show cause in its public hearing why the granting of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of service, that showing shall be the reason for the governing body to deny any designation of the reinvestment zone, the granting of abatement, or both.

SECTION H – AGREEMENT

After approval, the governing body shall formally pass a resolution and execute an agreement with the applicant, and if applicable the owner of the facility, which shall include: (1) estimated value to be abated and the base year value; (2) percent of value to be abated each year; (3) the commencement date and the termination date of abatement; (4) the proposed use of the facility; nature of construction, time schedule, map, property description and improvement list; (5) applicant's requirement to report verification of investment (upon completion of construction or improvements) and/or job creation (quarterly or annually as specified in the agreement); contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment.

Such agreement shall be executed within 60 days after the applicant has forwarded all necessary information and documentation to the governing body, or at such later date as may be agreed between applicant and the governing body.

SECTION I – RECAPTURE

City Council reserves the right to review compliance for full or partial recapture in the event that the applicant fails to perform in "good faith." If a project is not completed as specified in the tax abatement agreement, the City has the right to cancel the abatement agreement and abated taxes shall become due to the City and other affected taxing units as provided by law. If any provisions contained in the tax abatement agreement are not met, the City shall have the right to reduce or cancel the abatement agreement. If a project granted a tax abatement ceases to operate or is no longer in conformance with the tax abatement agreement, the agreement shall not be in effect for the period of time during which the project is not operating or is not in conformance.

A provision(s) for recapture shall be included in each tax abatement agreement that is proposed. The recapture provision may include, but are not limited to, the following:

- (a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period, then the abatement agreement shall terminate and so shall the abatement of the taxes for the current and any future calendar year during which the facility no longer produces. The taxes which were to be abated for that calendar year shall be paid to the affected jurisdictions within 60 days from the date of termination.
- (b) Should the governing body determine that the company or individual is in default according to the terms and conditions of its agreement, the governing body shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within 60 days from the date of such notice ("cure period"), then the agreement may be terminated.

- (c) In the event that the company or individual (1) allows its unabated ad valorem taxes owed any of the affected jurisdictions to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) fails to continue to operate beyond the term of abatement for a period half as long as their abatement; or (3) violates any of the terms and conditions of the abatement agreement with any of the affected jurisdictions and fails to cure during the curing period, the agreement then may be terminated by every affected jurisdiction and all taxes previously abated by virtue of every agreement will be recaptured by each affected jurisdiction and shall be paid by applicant to each affected jurisdiction within 60 days of the termination.
- (d) If, after receiving an incentive or a “public subsidy” as defined in Government Code §2264.001(3), the business or a branch, division, or department of the business, is convicted of a violation of knowingly employing an undocumented worker under 8 U.S.C. §1324a (f), the business shall repay the amount of the incentive or the public subsidy with interest, at the rate of 10% per annum and according to the other terms provided by an agreement required under Government Code §2264.053, not later than the 120th day after the date the City notifies the business of the violation.

SECTION J – ADMINISTRATION

- (a) The Chief Appraiser of the County shall annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the assessor with such information as may be necessary for abatement. Once value has been established, the Chief Appraiser shall notify the affected jurisdictions which levies taxes on the amount of the assessment.
- (b) The agreement shall stipulate that employees and/or designated representatives of the affected jurisdictions will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.
- (c) Upon completion of construction, the affected jurisdictions shall annually evaluate each facility and report possible violations to the contract and agreement to the governing body and its attorney.
- (d) On or before April 30th of every year during the life of the abatement agreement, the company or individual receiving the abatement shall complete and file a Tax Abatement Evaluation Report with the City detailing and certifying the abatement recipient's compliance with the terms of the abatement agreement. The Tax Abatement Evaluation Report shall include information necessary to evaluate compliance such as the number of employees, their average salaries, dollar amount of investment, property tax

appraisals, annual sales, documentation that non-abated taxes have been paid, and/or other data upon which the abatement agreement is based.

SECTION K – SUNSET PROVISION

- (a) These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years, at which time all reinvestment zones and tax abatement contracts created pursuant to its provisions will be reviewed by the governing body to determine whether the goals have been achieved. Based on that review, the guidelines and criteria will be modified, renewed or eliminated providing that such actions shall not affect existing contracts.
- (b) This policy is mutually exclusive of existing industrial district contracts and owners of real property in areas deserving of special attention as agreed by the affected jurisdictions.

[see next page]

APPLICATION FOR TAX ABATEMENT IN BELTON, TEXAS

FILING INSTRUCTIONS

This application should be filed prior to the beginning of construction or the installation of equipment. This filing acknowledges familiarity and assumed conformance with "CITY OF BELTON, TEXAS TAX ABATEMENT GUIDELINES AND CRITERIA". This application will become a part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract. Applications will become part of the public record and will be subject to open records requests.

ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE SUBMITTED EITHER TO:

MAYOR
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513

OR

COUNTY JUDGE
BELL COUNTY COURTHOUSE
P. O. BOX 768
BELTON, TEXAS 76513

Applications for projects to be located within the municipality of Belton should be made to the Mayor of Belton.

Applications for projects to be located in Bell County and inside of the extraterritorial jurisdiction of the City of Belton should be made to the Bell County Judge.

SECTION 1 - APPLICANT INFORMATION

Submittal Date: ____/____/____

Company Name: _____

Address (City/State): _____

Phone: _____ Fax: _____

Name of company contact on this project: _____

Contact Address (City/State): _____

Phone: _____ Fax: _____

Type of Structure: Corporation () Partnership () Proprietorship ()

Total Number New Employees to Start: _____

Corporate Annual Sales Per Year: _____

Estimated Local Sales Per Year: _____

Annual Report Submitted? Yes _____ No _____ (See Instructions)

Other Job Information

SECTION 2 - PROJECT INFORMATION

Check type of facility to be abated:

Manufacturing	()	Regional Distribution	()	Research	()
Regional Service	()	Other Basic Industry	()	Hotel	()
Residential Medical Services Facility			()		

DOWNTOWN DEVELOPMENT DISTRICT

Retail	()	Personal Service	()	Restaurant	()
Entertainment	()	Hotel/Housing	()	Mixed Use	()
Printing	()	Health/ Fitness	()	Gallery	()
Other	()				

Proposed facility address and legal description. **(Attach information and map.)**

The proposed facility is located within the following taxing district:

City of Belton ()

Bell County ()

Belton I.S.D. ()

Describe product or service to be provided: _____

This application is for a:

New ()

Expansion ()

Modernization ()

Downtown Development District Project

New ()

Expansion ()

Modernization ()

SECTION 3 - PROJECT DESCRIPTION

Please attach a statement on company letterhead and signed by an officer of the company (1) fully explaining the nature and scope of the project; (2) describing the proposed site and existing improvements, if any; (3) describing all proposed improvements; and (4) providing a list of eligible improvements and fixed equipment for which abatement is requested.

SECTION 4 - ECONOMIC IMPACT INFORMATION

Part A - Original Investment in Improvements

\$ _____

Downtown Development District Project:

Improvements to Real Property (buildings, structures, fixed machinery, etc). \$ _____

Improvements to Business Personal Property (excluding supplies, inventory and property which has a productive life of less than 10 years) \$ _____

Part B - Permanent Employment Estimates

If existing facility, what is the current plant employment? _____ employees

Estimated number of plant jobs? Retained _____ Created at start-up _____

List expected new permanent employment to be created at the end of first two years after start-up:

_____ Year One _____ Year Two

Estimated start-up date: _____

Part C - Construction and Employment Estimates

Construction start: Month _____ Year _____

Construction completion: Month _____ Year _____

Number of construction jobs: At start-up _____ Peak _____

At completion _____ Number of man-years _____

Part D - School District Impact Estimates

Give number of:

Families transferred to area _____

Estimated number of children to be added to BISD _____

Part E - City Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land			
Improvements			
Personal Property			
Total Value			

Expected productive life of abated improvements:

Building _____ Years Equipment _____ Years

Requested Abatement Percentage Flat Rate _____ Declining Rate _____

Requested Abatement Term _____ Years

Downtown Development District Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land			
Improvements			
Personal Property			
Total Value			

Expected productive life of abated improvements:

Building _____ Years Equipment _____ Years Personal _____ Years

What taxable sales will be generated at this location \$_____ per year.

SECTION 5 - OTHER AGREEMENT APPLICATIONS

Has the company made application for abatement of this project to other taxing jurisdictions?

Yes _____ No _____

If "Yes", please provide (1) dates of application; (2) hearing dates; (3) name of jurisdiction(s) and contact(s); and (4) any letter of intent to abate.

SECTION 6 - DECLARATION

To the best of my knowledge, the above information is an accurate description of project details. I am authorized to sign this application for incentives and to certify through my signature below that the business for whom I am authorized to sign, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. If, after receiving an incentive or a "public subsidy" as defined in Government Code § 2264.001(3), the business or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. § 1324a(f), the business shall repay the amount of the incentive or the public subsidy with interest, at the rate of 10% per annum and according to the other terms provided by an agreement required under Government Code § 2264.053, not later than the 120th day after the date the City notifies the business of the violation.

Printed name and title of company official

Company official's signature



DOWNTOWN BELTON DEVELOPMENT DISTRICT



City of Belton
Planning Department
August 2012

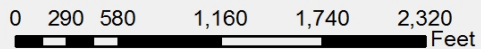


Exhibit "A"

CITY OF BELTON, TEXAS TAX ABATEMENT GUIDELINES AND CRITERIA Amended February 11, 2020

SECTION A - DEFINITIONS

- (a) **"Abatement"** means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by an affected jurisdiction for economic development purposes.
- (b) **"Affected Jurisdiction"** means City of Belton and any governmental entity, the majority of which is located in Belton, that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone designated by the City of Belton.
- (c) **"Agreement"** means written contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.
- (d) **"Base Year Value"** means the assessed value of eligible property January 1 preceding the execution of the agreement plus (if applicable) the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
- (e) **"Business Personal Property" means any tangible personal property other than inventory and supplies that (i) is subject to ad valorem taxation by the taxing entity; (ii) is located on the property subject to Abatement; (iii) is owned or leased by the party to the Tax Abatement Agreement; (iv) was not located in the abatement zone prior to the effective date of the Tax Abatement Agreement; and (v) has an economic life of greater than ten years.**
- (f) **"Deferred Maintenance"** means improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (g) **"Distribution Center Facility"** means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least 25 miles from its location in Belton.
- (h) **"Downtown Development District"** means an area of Downtown Belton as shown by the map (attached).
- (i) **"Expansion"** means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.
- (j) **"Facility"** means property improvements completed or in the process of construction which together compromise an integral whole.

- (j*k*) **“Manufacturing Facility”** means buildings and structures, including fixed in place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
- (k*l*) **“Initiating Governing Body”** shall be either the Belton City Council or the Bell County Commissioner’s Court depending on whether applicant’s project is located in the City of Belton or within the City’s extraterritorial jurisdiction in Bell County.
- (l*m*) **“Modernization”** means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed in place machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing except in the Downtown Development District, where modernization includes painting of exterior wall, restoring or installing a façade and related interior and/or exterior improvements designed to improve, visually and aesthetically, the exterior of a building or block.
- (m*n*) **“New Facility”** means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
- (n*o*) **“Other Basic Industry”** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which serve a market primarily outside the Belton area and result in the creation of new permanent jobs and create new tax base in the City of Belton.
- (o*p*) **“Productive Life”** means the number of years a property improvement is expected to be in service.
- (p*q*) **“Research Facility”** means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.
- (q*r*) **“Regional Service Facility”** means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced are domiciled at least 25 miles from the facility’s location in Belton.
- (r*s*) **“Reinvestment Zone”** is a specific parcel of property designated by the City or the County (as applicable) within which a tax abatement can be granted.
- (s*t*) **“Residential Medical Services Facility”** is a 24-hour residential care facility, providing assisted living services for those in need, to include one or more of the following specialized services: occupational living, medical rehabilitation, or Alzheimer’s care.

SECTION B – STATEMENT OF PURPOSE

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis, granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

SECTION C – DESIGNATION OF TAX ABATEMENT REINVESTMENT ZONES

The City will consider designating areas within the City limits as tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone or within the City's Tax Increment Financing Reinvestment Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

SECTION D – ABATEMENT AUTHORIZED

- (a) **Authorized Facility.** A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Distribution Center Facility, or Regional Service Facility, Residential Medical Services Facility, or—Other Basic Industry, or hotel accommodations that meet certain standards established by the Belton City Council.

For the Downtown Development District, the following facilities are eligible to be considered for tax abatement:

- Antique shop;
- Art Gallery/Studio;
- Bookstore;
- Candy or Cake Sshop, Coffee Sshop or Diner;
- Drapery Sshop;
- Dry Cleaning Establishment;
- Florist;
- Generally recognized retail businesses which supply commodities on the premises, such as groceries, meats, dairy products, baked goods, clothing, and notions, or hardware and similar uses;
- Health Fitness Facility;

- Hotels, ~~M~~motels, and bed and breakfast facilities, multi-family dwellings, loft housing;
- Mixed use facilities, including but not limited to residential, retail or restaurant combinations;
- Personal service establishments which perform services on the premises such as repair shops; tailor shops; beauty parlor or barber shop; photo studio or similar uses;
- Printing and newspaper printing shops;
- Restaurants, ~~C~~cafes and ~~P~~private ~~C~~clubs;
- Specialty ~~R~~retail such as home décor, gifts, specialty foods etc;
- Theatres, auditoriums and similar facilities; and
- Other similar uses, not specifically listed, determined appropriate for the Downtown Development District.

Ineligible Facilities in the Downtown Development District –A facility is ineligible for tax abatement if it is a:

- Bail ~~B~~bond service;
- Bus ~~S~~station or terminal;
- Gasoline ~~S~~services ~~S~~station;
- Pawn shop; and
- Other uses, not specifically listed, which are determined inappropriate for the Downtown Development District

- (b) **Creation of New Value.** Abatement may only be granted for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the affected jurisdiction and the property owner or lessee, subject to such limitations as governing body may require.
- (c) **New and Existing Facilities.** Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.
- (d) **Eligible Property.** Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. In the Downtown Development District, abatement will be extended to include ~~personal property (excluding inventory and supplies) with a productive life of ten years or more~~ Business Personal Property.
- (e) **Partially Eligible.** Partially eligible for abatements are modernization projects and manufacturing facilities which are intended to replace existing equipment or facilities when the existing equipment and facilities will be removed, thus eliminating existing value from the tax rolls. In this event, the value of the existing facility and equipment shall be frozen at the time of the abatement agreement and shall remain frozen

throughout the abatement period. The eligible abatable value of the new project shall be the difference between the total new investment amount and the existing tax value of the equipment and/or facility to be removed.

- (f) **Ineligible Property.** The following types of property shall be fully taxable and ineligible for abatement: land, inventories, supplies, tools, furnishings, and other forms of movable personal property, vehicles, vessels, aircraft, housing, ~~hotel accommodations~~, retail facilities, deferred maintenance investments, property to be rented or leased to third parties except as provided in section 2D(g); or property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas except in the Downtown Development District ~~where~~.

In the Downtown Development District, the following types of property shall remain fully taxable and ineligible for tax abatement: supplies; inventory; deferred maintenance; property to be rented or leased to third parties except as provided for in section D(g); and other property which has a productive life of less than ten (10) years.

- (g) **Leased Facilities.** If a new facility is to be constructed by a third party owner for lease to an applicant otherwise eligible for abatement, then the building owner may also be eligible for abatements. To calculate the applicable category for abatement, the investment of both entities will be added, and each shall be eligible to receive abatement at the same rate as would have been available if the entire project were being accomplished by one owner.
- (h) **Term of Abatement.** Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement. The term shall be no longer than as set out in the schedule shown in Section E for each stated range of investment.
- (i) **Economic Qualifications.** In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement must be reasonably expected to increase the value of the property.
- (j) **Taxability.** From the execution of the abatement contract to the end of the agreement period, taxes shall be payable as follows: (1) the value of ineligible property as provided in section D(f) shall be fully taxable; (2) the base year value of existing eligible property as determined each year shall be fully taxable; and (3) the additional value of new eligible and partially eligible property shall be taxable ~~in the manner described above~~ subject to the tax abatement as described in sections D(d) and D(e).
- (k) **Non-Transferability.** In the event property is sold which is under a tax abatement agreement, said agreement shall terminate and the abated property shall become fully taxable for the year in which the sale is consummated and all subsequent years. This provision does not apply to transfers of title between corporate entities that have

common ownership.

- (l) **Standards for Consideration of Tax Abatement in Downtown Development District.** The City will consider tax abatement on projects which improve the aesthetic appearance of the District; bring new jobs to the District; stimulate desired commercial or residential activity; and/or contribute to preservation efforts, special area plans or strategic economic development plans and investment in the District.

SECTION E – STANDARDS FOR TAX ABATEMENT

- (a) **Minimum Standards.** The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.
- (1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility; or fifty percent (50%) increase in value for expansion of an existing facility; or an overall new investment leading to increased real property improvements of at least \$250,000 in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development District, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility; or twenty-five percent (25%) for expansion of an existing facility; or an overall new investment leading to increased real property improvements of at least \$25,000 in taxable assets.
 - (2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.
 - (3) The project has high visibility, image impact, or is of a significantly higher level of development quality.
 - (4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.
 - (5) The project can serve as a prototype and catalyst for other development of a higher standard.
 - (6) The project stimulates desired concentrations of employment or commercial activity.
 - (7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.
 - (8) For eligible facilities in any reinvestment zone within the Downtown Development District, the project improves the aesthetic appearance of the neighborhood, brings

new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

- (b) **Minimum Required Investment.** An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Minimum Required Real or Personal Property Investment or Job Creation					-----YEAR-----				
Eligible Real Property Improvements	Eligible <u>Business</u> Personal Property	Job Creation	Abatement Alternative		1	2	3	4	5
					Percentage of Increased Value to be Abated				
\$250,000 - \$2,500,000	\$1,000,000 - \$10,000,000	25-75 jobs	Flat Rate		70%	70%	70%	70%	70%
			Declining		100%	80%	70%	60%	40%
\$2,500,001 - \$3,500,000	\$10,000,001 - \$14,000,000	76-85 jobs	Flat Rate		75%	75%	75%	75%	75%
			Declining		100%	85%	75%	65%	50%
\$3,500,001 - \$4,500,000	\$14,000,001 - \$18,000,000	86-95 jobs	Flat Rate		80%	80%	80%	80%	80%
			Declining		100%	90%	80%	70%	60%
\$4,500,001 - \$5,500,000	\$18,000,001 - \$22,000,000	96-105 jobs	Flat Rate		85%	85%	85%	85%	85%
			Declining		100%	95%	85%	75%	70%
\$5,500,001 - \$6,500,000	\$22,000,001 - \$26,000,000	106-115 jobs	Flat Rate		90%	90%	90%	90%	90%
			Declining		100%	95%	90%	85%	80%
\$6,500,001 - \$7,500,000	\$26,000,001 - \$30,000,000	116-125 jobs	Flat Rate		95%	95%	95%	95%	95%
			Declining		100%	100%	95%	90%	90%
\$7,500,001 - \$10,000,000	\$30,000,001 - \$40,000,000	126-175 jobs	Flat Rate		100%	100%	100%	100%	100%
			Declining		100%	100%	100%	100%	100%

Inside the Downtown Development District Minimum Required Real or Personal Property Investment or Job Creation					-----YEAR-----				
Eligible Real Property Improvements	Eligible <u>Business</u> Personal Property	Job Creation	Abatement Method		1	2	3	4	5
					Percentage of Increased Value to be Abated				
\$25,000 or more	\$100,000 or more	5-25 jobs	Flat Rate		100%	100%	100%	100%	100%

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development District), in or eligible Business ~~p~~Personal ~~p~~Property of more than \$40,000,000 (\$1,000,000 in the Downtown Development District), or the creation of more than 175 (25 in the Downtown Development District) new full-time jobs, or requests for tax abatement for more than five (5) years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible Business ~~p~~Personal ~~p~~Property or on the creation of jobs, the applicant must agree to maintain the Business ~~p~~Personal ~~p~~Property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible Business ~~p~~Personal ~~p~~Property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the Business ~~p~~Personal ~~p~~Property on the property tax roll for not less than ten years.

~~*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.~~

†As used herein, the creation of jobs refers to the creation of a job paying not less than \$16 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$33,280 (our calculated annual salary for a \$16/hr employee); and (3) round this figure to the nearest whole integer.

(c) **Additional or Enhancement Factors.** In addition to the minimum investment or job creation criteria listed in (2) E(b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;

- (10) the amount of ad valorem taxes to be paid the City during the abatement period considering the existing values, the percentage of new value abated, the abatement period, and the projected property value after expiration of the abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

- (d) **Abatement barred in certain circumstances.** Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:
 - 1) the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility;
 - 2) there would be a substantial adverse effect on the provision of government service or tax base;
 - 3) the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
 - 4) planned or potential use of the property would constitute a hazard to public safety, health, or morals;
 - 5) approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
 - 6) there exists any other valid reason for denial deemed appropriate by the City.

SECTION F – APPLICATION

- (a) Any present or potential owner of taxable property in an affected jurisdiction may request the creation of a reinvestment zone and tax abatement by filing a written request with the affected jurisdictions and attaching a plat and metes and bounds description effectively describing said reinvestment zone.
- (b) The application (form attached) shall consist of a completed application form accompanied by: a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken; a descriptive list of the improvements which will be a party of the facility; a map and

property description; and a time schedule for undertaking and completing the planned improvements. In the case of modernizing, a statement of the assessed value of the facility, separately stated for real and Business ~~Personal~~ ~~Property~~, shall be given for the tax year immediately preceding the application. The application form shall also include such financial and other information necessary for the governing body to evaluate the financial capacity and other factors of the applicant.

- (c) The initial application for the creation of a reinvestment zone and tax abatement shall be made to the Mayor of Belton, through the City Manager's office, if the project is to locate within the incorporated territory of the City of Belton. If the project is to be located within Bell County but inside the extraterritorial jurisdiction of the City of Belton, then the initial application shall be made to the Bell County Judge. Upon receipt of a completed application, the Mayor or County Judge, as applicable, shall notify in writing the presiding officer of the legislative body of each affected jurisdiction and provide each presiding officer with a copy of the application. The Mayor or County Judge shall then set a public hearing before the initiating governing body to afford the applicant an opportunity to describe his project and request the abatement. All interested parties will have the opportunity to publicly state why the abatement should or should not be granted at this hearing. Notice of the public hearing shall be clearly identified on a governing body agenda and be timely posted as provided by law. After the initiating governing body creates the reinvestment zone, the other affected jurisdictions may set their public meetings in the same manner as described above to grant or not grant the applied for abatement.
- (d) After receipt of an application for creation of a reinvestment zone and application for abatement, the City of Belton/Belton Economic Development Corporation shall provide the affected jurisdictions a feasibility study setting out the impact of the proposed reinvestment zone and tax abatement. The feasibility study shall include, but not be limited to, an estimate of the economic impact on each jurisdiction of the creation of the zone and the abatement of taxes on the property to be included in the zone.
- (e) ~~The governing body shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility.~~

SECTION G – PUBLIC HEARING

- (a) The City Council shall review the application during a regular or closed session. The City Council acknowledges the necessity for a level of confidentiality regarding potential business prospects and when appropriate will deliberate matters regarding commercial or financial information in a closed meeting in accordance with Texas Government Code Section 551.087 Open Meetings.
- (b) Public notice of the meeting at which a tax abatement agreement will be considered

shall be made at least thirty days before the scheduled time of the meeting and contain the information required by Texas Tax Code Section 312 Property Redevelopment and Tax Abatement Act.

- (b) Should any affected jurisdiction be able to show cause in its public hearing why the granting of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of service, that showing shall be the reason for the governing body to deny any designation of the reinvestment zone, the granting of abatement, or both.
- (b) ~~Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that: (1) there would be a substantial adverse effect on the provision of government service or tax base; (2) the applicant has insufficient financial capacity; (3) planned or potential use of property would constitute a hazard to public safety, health or morals; or (4) violation of other codes or laws.~~

SECTION H – AGREEMENT

After approval, the governing body shall formally pass a resolution and execute an agreement with the applicant, and if applicable the owner of the facility, which shall include: (1) estimated value to be abated and the base year value; (2) percent of value to be abated each year; (3) the commencement date and the termination date of abatement; (4) the proposed use of the facility; nature of construction, time schedule, map, property description and improvement list; (5) applicant's requirement to report verification of investment (upon completion of construction or improvements) and/or job creation (quarterly or annually as specified in the agreement); contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment.

Such agreement shall be executed within 60 days after the applicant has forwarded all necessary information and documentation to the governing body, or at such later date as may be agreed between applicant and the governing body.

SECTION I – RECAPTURE

City Council reserves the right to review compliance for full or partial recapture in the event that the applicant fails to perform in "good faith." If a project is not completed as specified in the tax abatement agreement, the City has the right to cancel the abatement agreement and abated taxes shall become due to the City and other affected taxing units as provided by law. If any provisions contained in the tax abatement agreement are not met, the City shall have the right to reduce or cancel the abatement agreement. If a project granted a tax abatement ceases to operate or is no longer in conformance with the tax abatement agreement, the agreement shall not be in effect for the period of time during which the project is not operating or is not in conformance.

A provision(s) for recapture shall be included in each tax abatement agreement that is proposed. The recapture provision may include, but are not limited to, the following:

- (a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period, then the abatement agreement shall terminate and so shall the abatement of the taxes for the current and any future calendar year during which the facility no longer produces. The taxes which were to be abated for that calendar year shall be paid to the affected jurisdictions within 60 days from the date of termination.
- (b) Should the governing body determine that the company or individual is in default according to the terms and conditions of its agreement, the governing body shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within 60 days from the date of such notice ("cure period"), then the agreement may be terminated.
- (c) In the event that the company or individual (1) allows its unabated ad valorem taxes owed any of the affected jurisdictions to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) fails to continue to operate beyond the term of abatement for a period half as long as their abatement; or (3) violates any of the terms and conditions of the abatement agreement with any of the affected jurisdictions and fails to cure during the curing period, the agreement then may be terminated by every affected jurisdiction and all taxes previously abated by virtue of every agreement will be recaptured by each affected jurisdiction and shall be paid by applicant to each affected jurisdiction within 60 days of the termination.
- (d) If, after receiving an incentive or a "public subsidy" as defined in Government Code §2264.001(3), the business or a branch, division, or department of the business, is convicted of a violation of knowingly employing an undocumented worker under 8 U.S.C. §1324a (f), the business shall repay the amount of the incentive or the public subsidy with interest, at the rate of 10% per annum and according to the other terms provided by an agreement required under Government Code §2264.053, not later than the 120th day after the date the City notifies the business of the violation.

SECTION J – ADMINISTRATION

- (a) The Chief Appraiser of the County shall annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the assessor with such information as may be necessary for abatement. Once value has been established, the Chief Appraiser shall notify the affected jurisdictions which levies taxes on the amount of the assessment.
- (b) The agreement shall stipulate that employees and/or designated representatives of the affected jurisdictions will have access to the reinvestment zone during the term of the

abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

- (c) Upon completion of construction, the affected jurisdictions shall annually evaluate each facility and report possible violations to the contract and agreement to the governing body and its attorney.
- (d) On or before April 30th of every year during the life of the abatement agreement, the company or individual receiving the abatement shall complete and file a Tax Abatement Evaluation Report with the City detailing and certifying the abatement recipient's compliance with the terms of the abatement agreement. The Tax Abatement Evaluation Report shall include information necessary to evaluate compliance such as the number of employees, their average salaries, dollar amount of investment, property tax appraisals, annual sales, documentation that non-abated taxes have been paid, and/or other data upon which the abatement agreement is based.

SECTION K – SUNSET PROVISION

- (a) These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years, at which time all reinvestment zones and tax abatement contracts created pursuant to its provisions will be reviewed by the governing body to determine whether the goals have been achieved. Based on that review, the guidelines and criteria will be modified, renewed or eliminated providing that such actions shall not affect existing contracts.
- (b) This policy is mutually exclusive of existing industrial district contracts and owners of real property in areas deserving of special attention as agreed by the affected jurisdictions.

[see next page]

APPLICATION FOR TAX ABATEMENT IN BELTON, TEXAS

FILING INSTRUCTIONS

This application should be filed prior to the beginning of construction or the installation of equipment. This filing acknowledges familiarity and assumed conformance with "CITY OF BELTON, TEXAS TAX ABATEMENT GUIDELINES AND CRITERIA". This application will become a part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract. Applications will become part of the public record and will be subject to open records requests.

ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE SUBMITTED EITHER TO:

MAYOR
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513

OR

COUNTY JUDGE
BELL COUNTY COURTHOUSE
P. O. BOX 768
BELTON, TEXAS 76513

Applications for projects to be located within the municipality of Belton should be made to the Mayor of Belton.

Applications for projects to be located in Bell County and inside of the extraterritorial jurisdiction of the City of Belton should be made to the Bell County Judge.

SECTION 1 - APPLICANT INFORMATION

Submittal Date: ____/____/____

Company Name: _____

Address (City/State): _____

Phone: _____ Fax: _____

Name of company contact on this project: _____

Contact Address (City/State): _____

Phone: _____ Fax: _____

Type of Structure: Corporation () Partnership () Proprietorship ()

Total Number New Employees to Start: _____

Corporate Annual Sales Per Year: _____

Estimated Local Sales Per Year: _____

Annual Report Submitted? Yes _____ No _____ (See Instructions)

Other Job Information

SECTION 2 - PROJECT INFORMATION

Check type of facility to be abated:

Manufacturing	()	Regional Distribution	()	Research	()
Regional Service	()	Other Basic Industry	()	<u>Hotel</u>	()
Residential Medical Services Facility			()		

DOWNTOWN DEVELOPMENT DISTRICT

Retail	()	Personal Service	()	Restaurant	()
Entertainment	()	Hotel/Housing	()	Mixed Use	()
Printing	()	Health/ Fitness	()	Gallery	()
Other	()				

Proposed facility address and legal description. **(Attach information and map.)**

The proposed facility is located within the following taxing district:

City of Belton ()

Bell County ()

Belton I.S.D. ()

Describe product or service to be provided: _____

This application is for a:

New ()

Expansion ()

Modernization ()

Downtown Development District Project

New ()

Expansion ()

Modernization ()

SECTION 3 - PROJECT DESCRIPTION

Please attach a statement on company letterhead and signed by an officer of the company (1) fully explaining the nature and scope of the project; (2) describing the proposed site and existing improvements, if any; (3)

describing all proposed improvements; and (4) providing a list of eligible improvements and fixed equipment for which abatement is requested.

SECTION 4 - ECONOMIC IMPACT INFORMATION

Part A - Original Investment in Improvements

\$ _____

Downtown Development District Project:

Improvements to Real Property (buildings, structures, fixed machinery, etc). \$ _____

Improvements to Business Personal Property (excluding supplies, inventory and property which has a productive life of less than 10 years) \$ _____

Part B - Permanent Employment Estimates

If existing facility, what is the current plant employment? _____ employees

Estimated number of plant jobs? Retained _____ Created at start-up _____

List expected new permanent employment to be created at the end of first two years after start-up:

_____ Year One _____ Year Two

Estimated start-up date: _____

Part C - Construction and Employment Estimates

Construction start: Month _____ Year _____

Construction completion: Month _____ Year _____

Number of construction jobs: At start-up _____ Peak _____

At completion _____ Number of man-years _____

Part D - School District Impact Estimates

Give number of:

Families transferred to area _____

Estimated number of children to be added to BISD _____

Part E - City Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land			

Improvements			
Personal Property			
Total Value			

Expected productive life of abated improvements:

Building _____ Years Equipment _____ Years

Requested Abatement Percentage Flat Rate _____ Declining Rate _____

Requested Abatement Term _____ Years

Downtown Development District Impact Estimates

	Value Jan 1 Preceding Abatement	Value of Proposed Improvements	Estimated Value Upon Project Completion
Land			
Improvements			
Personal Property			
Total Value			

Expected productive life of abated improvements:

Building _____ Years Equipment _____ Years Personal _____ Years

What taxable sales will be generated at this location \$_____ per year.

SECTION 5 - OTHER AGREEMENT APPLICATIONS

Has the company made application for abatement of this project to other taxing jurisdictions?

Yes _____ No _____

If "Yes", please provide (1) dates of application; (2) hearing dates; (3) name of jurisdiction(s) and contact(s); and (4) any letter of intent to abate.

SECTION 6 - DECLARATION

To the best of my knowledge, the above information is an accurate description of project details. I am authorized to sign this application for incentives and to certify through my signature below that the business for whom I am authorized to sign, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. If, after receiving an incentive or a "public subsidy" as defined in Government Code § 2264.001(3), the business or a branch, division, or department of the business, is convicted of a violation under

8 U.S.C. § 1324a(f), the business shall repay the amount of the incentive or the public subsidy with interest, at the rate of 10% per annum and according to the other terms provided by an agreement required under Government Code § 2264.053, not later than the 120th day after the date the City notifies the business of the violation.

Printed name and title of company official

Company official's signature



DOWNTOWN BELTON DEVELOPMENT DISTRICT



City of Belton
Planning Department
August 2012

0 290 580 1,160 1,740 2,320 Feet



TAX ABATEMENT GUIDELINES AND CRITERIA

FEBRUARY 11, 2020



PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT



- Per Texas Tax Code Chapter 312, a taxing unit may not enter into a tax abatement agreement unless it has established guidelines and criteria governing abatement agreements.
- The guidelines and criteria are effective for a period of two years.
- City Council last approved the guidelines on January 28, 2018.

SIGNIFICANT CHANGES FOR 2020



■ Section A – Definitions – Added:

“Business Personal Property” means any tangible personal property other than inventory and supplies that (i) is subject to ad valorem taxation by the taxing entity; (ii) is located on the property subject to Abatement; (iii) is owned or leased by the party to the Tax Abatement Agreement; (iv) was not located in the abatement zone prior to the effective date of the Tax Abatement Agreement; and (v) has an economic life of greater than ten years.

SIGNIFICANT CHANGES FOR 2020



- Section D - Abatement Authorized – Added:

Authorized Facility. A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Distribution Center Facility, ~~or~~ Regional Service Facility, Residential Medical Services Facility, ~~or~~ Other Basic Industry, or hotel accommodations that meet certain standards established by the Belton City Council.

SIGNIFICANT CHANGES FOR 2020



■ Section E – Abatement Barred – Added:

Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- 1) the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility;

Other existing provisions remain unchanged.

SIGNIFICANT CHANGES FOR 2020



■ Section G – Public Hearing – Added:

The City Council shall review the application during a regular or closed session. The City Council acknowledges the necessity for a level of confidentiality regarding potential business prospects and when appropriate will deliberate matters regarding commercial or financial information in a closed meeting in accordance with Texas Government Code Section 551.087 Open Meetings.

Public notice of the meeting at which a tax abatement agreement will be considered shall be made at least thirty days before the scheduled time of the meeting and contain the information required by Texas Tax Code Section 312 Property Redevelopment and Tax Abatement Act.

SIGNIFICANT CHANGES FOR 2020



■ Section I – Recapture – Added:

City Council reserves the right to review compliance for full or partial recapture in the event that the applicant fails to perform in “good faith.” If a project is not completed as specified in the tax abatement agreement, the City has the right to cancel the abatement agreement and abated taxes shall become due to the City and other affected taxing units as provided by law. If any provisions contained in the tax abatement agreement are not met, the City shall have the right to reduce or cancel the abatement agreement. If a project granted a tax abatement ceases to operate or is no longer in conformance with the tax abatement agreement, the agreement shall not be in effect for the period of time during which the project is not operating or is not in conformance.

A provision(s) for recapture shall be included in each tax abatement agreement that is proposed.

SIGNIFICANT CHANGES FOR 2020



■ Section J – Administration – Added:

On or before April 30th of every year during the life of the abatement agreement, the company or individual receiving the abatement shall complete and file a Tax Abatement Evaluation Report with the City detailing and certifying the abatement recipient's compliance with the terms of the abatement agreement. The Tax Abatement Evaluation Report shall include information necessary to evaluate compliance such as the number of employees, their average salaries, dollar amount of investment, property tax appraisals, annual sales, documentation that non-abated taxes have been paid, and/or other data upon which the abatement agreement is based.

MINIMUM REQUIRED INVESTMENT



Minimum Required Real or Personal Property Investment or Job Creation								
Eligible Real Property Improvements	Eligible <u>Business</u> Personal Property	Job Creation	Abatement Alternative	-----YEAR-----				
				1	2	3	4	5
				Percentage of Increased Value to be Abated				
\$250,000 - \$2,500,000	\$1,000,000 - \$10,000,000	25-75 jobs	Flat Rate	70%	70%	70%	70%	70%
			Declining	100%	80%	70%	60%	40%
\$2,500,001 - \$3,500,000	\$10,000,001 - \$14,000,000	76-85 jobs	Flat Rate	75%	75%	75%	75%	75%
			Declining	100%	85%	75%	65%	50%
\$3,500,001 - \$4,500,000	\$14,000,001 - \$18,000,000	86-95 jobs	Flat Rate	80%	80%	80%	80%	80%
			Declining	100%	90%	80%	70%	60%
\$4,500,001 - \$5,500,000	\$18,000,001 - \$22,000,000	96-105 jobs	Flat Rate	85%	85%	85%	85%	85%
			Declining	100%	95%	85%	75%	70%
\$5,500,001 - \$6,500,000	\$22,000,001 - \$26,000,000	106-115 jobs	Flat Rate	90%	90%	90%	90%	90%
			Declining	100%	95%	90%	85%	80%
\$6,500,001 - \$7,500,000	\$26,000,001 - \$30,000,000	116-125 jobs	Flat Rate	95%	95%	95%	95%	95%
			Declining	100%	100%	95%	90%	90%
\$7,500,001 - \$10,000,000	\$30,000,001 - \$40,000,000	126-175 jobs	Flat Rate	100%	100%	100%	100%	100%
			Declining	100%	100%	100%	100%	100%

MINIMUM REQUIRED INVESTMENT



Inside the Downtown Development District Minimum Required Real or Personal Property Investment or Job Creation				-----YEAR-----				
Eligible Real Property Improvements	Eligible <u>Business</u> Personal Property	Job Creation	Abatement Method	1	2	3	4	5
				Percentage of Increased Value to be Abated				
\$25,000 or more	\$100,000 or more	5-25 jobs	Flat Rate	100%	100%	100%	100%	100%

DOWNTOWN DEVELOPMENT DISTRICT

