

**BELTON CITY COUNCIL MEETING
AUGUST 23, 2011**

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

The Pledge of Allegiance to the U.S. Flag was led by Recreation/Events Director Sandy Slade, the Pledge of Allegiance to the Texas Flag was led by Councilmember John Agan, and the Invocation was given by Dr. Bill Muske, Director of Church Relations for the University of Mary Hardin-Baylor.

The Mayor called the meeting to order at 5:33 p.m.

Public comments. There were no public comments.

Consent Agenda

Councilmember Carpenter asked that the Scott & White item be removed from the consent agenda. Councilmember Leigh made a motion to approve the remaining items, which was seconded by Councilmember Peters. The following items were unanimously approved:

Minutes of previous meetings: Approved as presented.

- A. July 26, 2011 Workshop
- B. July 26, 2011 Regular Meeting

Consider a resolution approving a settlement between Atmos Energy Corporation's Mid-Tex Division and Atmos Texas Municipalities resulting in no change in base rates and approving tariffs which reflect costs related to the steel pipe replacement program.

Adopted the following captioned resolution approving the settlement as indicated:

RESOLUTION NO. 2011-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ("CITY") APPROVING A SETTLEMENT BETWEEN ATMOS ENERGY CORP'S MID-TEX DIVISION ("ATMOS") AND ATMOS TEXAS MUNICIPALITIES ("ATM") RESULTING IN NO CHANGE IN BASE RATES AND APPROVING TARIFFS WHICH REFLECT COSTS RELATED TO THE STEEL PIPE REPLACEMENT PROGRAM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Consider amendment of Resolution No. 2011-12 regarding Civil Rights Policies with regard to all federally funded grant projects.

Approved the resolution captioned below amending Resolution No. 2011-12 to add language required by the Texas Department of Transportation:

RESOLUTION NO. 2011-14

A RESOLUTION AMENDING RESOLUTION NO. 2011-12 ADOPTING CIVIL RIGHTS POLICIES FOR THE CITY OF BELTON WITH REGARD TO ALL FEDERALLY FUNDED GRANT PROJECTS, TO INCLUDE PROVISIONS PROHIBITING THE USE OF EXCESSIVE FORCE DURING DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; ADOPTION OF A SECTION 504 GRIEVANCE COMPLAINT PROCEDURE; AND DESIGNATION OF A SECTION 504 EQUAL OPPORTUNITY/FAIR HOUSING OFFICER.

Consider amendment of Interlocal Agreement between the City of Belton and the Belton Independent School District for School Resource Officer Program.

Approved the amended agreement originally authorized in 2009. The changes are designed to improve information sharing and strengthen this partnership that is designed to keep Belton's schools safe. The SRO program has gone from being a reactive only initiative, to a very proactive and effective program. BISD will continue to pay 10/12ths of the salary of two BPD officers assigned as SROs.

Consider authorizing a façade easement grant to Sheila and Larry Gaines, Quick Release Bail Bonds, 108 E. Central Avenue.

Approved a \$10,000 façade improvement grant for Sheila and Larry Gaines, 108 E. Central Avenue, for the following renovations: build balcony, install garden door and windows, replace all store front glass, build canopy, and patch stucco around windows. Funding for the grant comes from the TIRZ Fund.

Miscellaneous

Consider extension of Scott & White (S&W) Healthcare's land use approval request to occupy a modular building at 255 Sparta Road.

The City Manager explained the City received a request from Rob Marshall, representing S&W, asking for another 12-month extension in the occupancy of the modular building on Sparta Road as a health care facility. A zone change was approved for Hillcrest in 2004 that stipulated performance benchmarks that have not been satisfied, to include progress toward construction of a permanent building and removal of the modular building by December 2006. Mr. Listi stated several one-year extensions in this land use approval have been granted, and though the health care industry remains somewhat uncertain at this time, S&W indicates their plans may become more apparent within 12 months. The City Manager's recommendation included the following conditions:

1. S&W is allowed continuation of current use of modular building and property as a health care facility until November 30, 2012.
2. On or before August 31, 2012, S&W will provide a status report to the City Manager on potential development plans on the site governed by Ordinance No. 2004-51, providing time for re-evaluation of conditions before this authority ceases.
3. At the conclusion of this period, the Certificate of Occupancy will be terminated, unless alternate arrangements are approved in advance by the City Manager.
4. S&W shall be responsible for ensuring site conditions comply with all minimum code standards and, in addition, the following shall occur:
 - Building condition, maintenance, and signage shall be maintained in an acceptable manner;
 - Perimeter fencing shall be maintained; and
 - Parking lot shall be maintained.

Councilmember Carpenter stated it seems as though this has dragged on far too long. Councilmember Leigh suggested S&W be informed this is the last extension to make a decision, not just be given another year to take a look at it. The Mayor stated if this is a needed facility in Belton, he didn't want to draw a line in the sand to force a decision. Mr. Leigh stated he doesn't believe the issue is whether Belton wants or needs this type of business, the issue is having a temporary facility at this location for seven years. Mayor Pro Tem Grayson agreed stating in a year's time, S&W could pull building permits and the construction process could take another year or two. Councilmember Agan stated he also prefers not issuing a "drop-dead" time frame at this point. He would like the City to convey to S&W that it is reluctant to extend the temporary use and is looking for definite plans in a year's time, and will not continue extensions without that. Councilmember Peters stated it's his understanding this facility is for low income individuals/children, and he believes the service is needed here. Councilmember Pearson agreed this type of low income care is needed in Belton, but not with a "free pass" for the temporary facility. Councilmember Carpenter also agreed the facility is needed, but expressed concern with a modular building sited here indefinitely. The Mayor expressed preference to get S&W to build an appropriate permanent facility.

The City Manager summarized the Council consensus is to relay to S&W the need for them to define their plans before another extension. The City Attorney suggested the City seek an earlier status report from S&W, before the extension deadline.

Councilmember Leigh made a motion to authorize the City Manager to work with S&W to define a timeline for the Council's consideration. The motion was seconded by Councilmember Carpenter and carried unanimously. The City Attorney clarified the Council wants the City Manager to present the information prior to the November 16, 2012 deadline.

Presentation of Fire Operations and Data Analysis Report for the Belton Fire Department by ICMA's Center for Public Safety Management and consider approval.

The City Manager explained coincident with the retirement of former Fire Chief Roy Harmon in January 2011, the Council approved a two-step process to meet the future needs of the Fire Department. This included a fire department and emergency services assessment and a search for a new Fire Chief. The International City-County Management Association (ICMA), and its Center for Public Safety Management, was selected to perform these tasks. He introduced Leonard Matarese, Director of ICMA's Center for Public Safety Management for Research and Project Development, who gave a brief summary of the report development process.

Mr. Matarese introduced Donald James, Senior Manager for Fire Operations, who gave an overview of their charge. Mr. James presented findings and recommendations of the report, which analyzed operations, administration, planning, goal setting, performance measurement, education and training programs, and opportunities for partnerships. A video was shown regarding the use of a compressed air foam system in firefighting, along with information on fire interruption technology tools, both recommended as response strategies in the report. Lastly, Mr. Matarese reviewed the hiring process for the new Fire Chief, which will include a written exercise, interviews, an assessment center for finalists, and a meeting of finalists with the City Council, prior to selection of a Chief by the City Manager.

Mayor Pro Tem Grayson asked about the City's Medical Director, and the City Manager stated Dr. Robert Greenberg serves in this capacity. He meets monthly with the Fire Department to review EMS calls and incidents/responses to discuss any direction/guidance for improvement. Dr. Greenberg was at the meeting and stated EMS is a delegated medical practice and he writes or modifies the department's protocol to meet the City's needs.

Based on the recommendation to adopt the International Fire Code requiring fire sprinklers in all new one and two family dwellings, Councilmember Agan asked about the number of new homes in Belton that voluntarily do this now, and Building Official Rex Robertson indicated there have been none. Mr. Listi stated the Texas Legislature attempted to adopt this requirement, but homebuilders strongly opposed and it didn't go further. While a compelling argument can be made for it, the City Manager stated it becomes a cost issue with estimates ranging between \$2,000-3,000 additional for home construction expense. Mr. Matarese commented there's an increasingly greater ability to retrofit, though it costs more than during new construction. He believes once a community starts requiring it, costs will go down, but encouraged the City to contact the City of Addison regarding its program if interested.

Councilmember Peters asked about the 14% of EMS and fire calls outside the city limits. Mr. Listi stated the City recently eliminated fire calls outside the city limits, but continues to respond to EMS calls. Assistant City Manager Cristy Daniell indicated the County pays 100% on EMS calls made outside the city limits. While it's a service issue, it also becomes a financial issue, as that revenue stream amounts to over \$500,000 annually.

Councilmember Pearson asked if acquisition of compressed air foam system and other improvements recommended would impact insurance rates for Belton citizens. Mr. Matarese replied they would not impact the City's ISO rating, as most major home insurance carriers no longer use the ISO rating since the bulk of insurance costs pertain to exposure to liability, not fire.

The Mayor and City Manager thanked Mr. Matarese and Mr. James for their excellent report. Mr. Listi recommended the City Council approve the Fire Department Operations and Data Analysis Report. Upon motion by Councilmember Leigh, seconded by Councilmember Peters, the Council unanimously approved the report.

Mr. Matarese praised the City's Fire Department and all for their participation, and thanked the City for allowing ICMA to conduct this important analysis which will serve as a framework for the Fire Chief selection process.

Clean-up Budget Workshop.

Assistant City Manager Cristy Daniell reviewed changes to the proposed FY 2012 budget, which included:

- The General fund increased \$5,000 for additional jail costs.
- The most notable change in the Water & Sewer fund was a reduction of \$50,000 for revised TBRSS plant expansion costs.
- Drainage fund modified slightly for employee insurance costs and GIS budget allocation.
- The amount allotted to the City for purchase of flags and downtown visitor signage has been reduced from \$10,000 to \$1,250 to balance the Hotel/Motel fund budget.
- The Economic Development and Debt Service funds did not change from the version presented at previous workshops.
- The revenue projection for the TIRZ fund was changed due to Bell County's increased tax rate.

Ms. Daniell indicated the FY 2012 budget is built on the proposed tax rate of \$.6540, a decrease from \$.6550, and each \$0.01 of tax at 97% collection produces \$74,492. In closing, the calendars for adoption of the budget, tax rate, and fee schedule were reviewed. There were no other comments, and no action was required.

Call for a public hearing to be held on Tuesday, September 6, 2011, at 5:30 p.m., at the Harris Community Center, 401 N. Alexander, for the City of Belton Budget for Fiscal Year beginning October 1, 2011, and ending September 30, 2012.

Upon motion by Councilmember Peters, seconded by Mayor Pro Tem Grayson, the Council set Tuesday, September 6, 2011 at 5:30 p.m., for the required public hearing on the budget for FY 2012.

Consider authorizing the City Manager to execute a contract with Kasberg, Patrick & Associates, for Belton's share of costs for preliminary design services for expansion of the Temple-Belton Regional Sewerage System (TBRSS) Wastewater Treatment Plant (WWTP).

The City Manager explained the Temple-Belton Wastewater Treatment Plant located in Belton on FM 93, was constructed in 1975. The plant was expanded in 1990, and currently provides all wastewater treatment services for Belton and approximately 70% for Temple. The plant's current design capacity of 10 million gallons per day (MGD) per day and peak capacity of 30 MGD no longer meets all needs of both cities, and requires further expansion to meet anticipated growth.

Mr. Listi explained TCEQ establishes certain triggers for design and expansion of wastewater treatment facilities. A facility planning study was completed in 2007 as the plant approached two critical TCEQ thresholds: planning for plant expansion must begin when flows reach 75% of design capacity for three consecutive months, which occurred in April and May 2007; and construction must begin when flows reach 90% of design capacity for three consecutive months, which has only occurred for two consecutive months so far.

The City Manager stated as a result, ongoing negotiations with an engineering consultant were concluded, resulting in this recommendation to begin preliminary design work to expand the plant to 16 MGD. KPA Engineers was selected as the design firm for expansion of the facility through a Brazos River Authority (BRA) Request for Qualifications (RFQ) process. The scope of services is comprehensive, and will address design considerations to meet needs for up to 20 years, to include evaluation of anticipated growth, new technologies, energy efficiency, odor control, and others.

Mr. Listi indicated the total cost for preliminary engineering services will be \$1,194,265, with Belton's share at \$339,559.50 and Temple's at \$854,665.50. Design will


take about 12 months and once preliminary engineering is completed, the two cities will make a decision on funding, final engineering, and a construction schedule (estimated to be 18 months after notice to proceed).

The City Manager recommended the Council authorize the City Manager to execute a contract with KPA Engineers in substantially the form presented, for preliminary design services for the TBRSS plant expansion in the amount of \$339,600, with funding from the Water and Sewer Fund fund balance. Mr. Listi recognized Rick Kasberg and Tommy Valle from KPA Engineers who were present to address any questions.

The City Attorney praised the work done on the contract by City staff from the Cities of Belton and Temple, as it differs greatly from what BRA proposed, to the tune of hundreds of thousands of dollars. Councilmember Carpenter made a motion to authorize the contract and funding for Belton's share of the cost as recommended. The motion was seconded by Councilmember Pearson and carried unanimously.

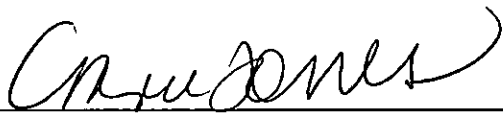
Consider an ordinance amending the City's Tax Abatement Guidelines and Criteria.

The Mayor indicated no action was needed on this item, and there being no further business, he adjourned the meeting at 7:12 p.m.



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk