

**BELTON CITY COUNCIL MEETING
DECEMBER 11, 2012**

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, Francisco Corona, Byron Sinclair, Erin Newcomer, Sarah Maddaford, Sandy Slade, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Police Chief Gene Ellis, the Pledge of Allegiance to the Texas Flag was led by City Councilmember Clifton Peters, and the Invocation was given by City Councilmember David K. Leigh.

The Mayor called the meeting to order at 5:35 p.m.

Public comments.

Police Chief Gene Ellis introduced Donna Ingrams with Central Texas AMBUCS, who gave an overview of the organization which creates mobility and independence for people with disabilities by providing therapeutic tricycles to children with disabilities, performing community service projects such as building ramps, and providing educational grants to speech, occupational, and physical therapists. Ms. Ingrams presented a tricycle to Belton Police Sergeant Kim Hamilton (and her husband Officer William Hamilton who couldn't be present) for their son William, and a tricycle to Police Officer Kelly Murphy and his wife Kathy, for their daughter Lexi. Ms. Ingrams introduced two other members of the organization/board, and expressed delight in being able to offer the tricycles to these individuals. Chief Ellis recognized the many volunteers in the audience who led the charge in making this possible.

Joe Trevino, 3502 Village Hill, commented about areas in south Belton that he believes are unsightly and unsafe, and presented photos to the City Clerk, with hopes the City can revitalize these areas with needed improvements.

Receive Child Safety Fee funding from Bell County.

Bell County Judge Jon Burrows and Tax Assessor-Collector Sharon Long presented the City with its share of Child Safety Fee funding received from October 2011-September 2012 in the amount of \$21,682.28. The Mayor thanked the County representatives, and indicated the City remits the funds to the School District for use in its school crossing guard program.

Consent Agenda

The City Manager called attention to a minor addition to the language in the Nolan Creek interlocal agreement, and requested the Development Agreement with Best Construction be pulled from the consent agenda for additional discussion. Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the following items were unanimously approved, with the amendment recommended by the City Manager:

Minutes of the previous meeting. Approved as presented.

Consider appointment to the following boards and commissions:

A. Tax Increment Reinvestment Zone (TIRZ) Board of Directors – Reappointed David K. Leigh, Blair Williams, Jon Burrows, and Richard Cortese for additional two-year terms, and appointed City Councilmember Craig Pearson to replace Clifton Peters who is not seeking reappointment.

B. TIRZ Board Chair – Reappointed David K. Leigh to serve as Chair of the TIRZ Board for a one-year term.

C. Historic Preservation Commission – Appointed Sheila Donahue to fill the vacancy created by Jack Folsom who is moving out of the City.

D. Planning & Zoning Commission – Appointed Nicholas Rabroker (currently on the Zoning Board of Adjustments) to fill Bry Ewan’s unexpired term due to his resignation.

E. Library Board – Appointed Melinda Bridges Q-Pek to fill Connie Demerson’s unexpired term due to her resignation.

F. Bell County Health District Board of Directors – Appointed Councilmember Wayne Carpenter to fill Councilmember Peters’ unexpired term as the City’s Alternate member on this Board.

Consider appointments to the 2013 Capital Improvements Plan Committee.

Appointed the following to serve on the Committee:

2013 CIP COMMITTEE	
Name	Address
Banfield, Eric	3007 River Place Drive
Bozon, Barbara	2001 River Run Drive
Brooks, Joe	3008 Summit Drive
Demerson, Connie	210 Smith Street
Elgin, Michael	3104 Sarita Cove
Emerson, Kendra	517 Armstrong Drive
Holle, Dennis	404 E. 11th Avenue
Holmes, John	402 E. 11th Avenue
Jordan, Suzanne	1009 Lindsey Circle
Kelder, Mel	1217 N. Penelope Street
Lundgren, Eloise	219 E. 21st Avenue
Meredith, Cindy	501 Hallmark Circle
Pearson, Josh	510 E. 28th Avenue
Peters, Clifton (Chair)	501 E. 24th Avenue
Preston, Rucker	2013 Hilltop Street
Ring, Diane	930 Estate Drive
Schmuck, Rae	616 N. Beal Street
Turner, Brett	921 Estate Drive
Vanshoik, Josh	128 E. 12th Avenue
Ware, Michael	3518 Village Hill Drive
Watson, Jennifer	704 E. Avenue O

Conduct review of Tax Increment Reinvestment Zone (TIRZ) Annual Report for 2012.

Approved the annual report, which was recommended for approval by the TIRZ Board following its review at a meeting on December 6th.

Consider approval of Tax Increment Reinvestment Zone (TIRZ) Fund Allocation Policies.

Approved the Fund Allocation Policies designed to provide a framework for funding recommendations to the City Council. The TIRZ Board recommended approval at its meeting on December 6th.

Consider authorizing the City Manager to enter into an interlocal agreement with the Cities of Killeen and Harker Heights for a Nolan Creek Early Flood Warning System and a related budget amendment.

Authorized the City Manager to execute the agreement with key points shown below, and approved the related budget amendment.

- Parties recognize the dangerous potential of Nolan Creek flooding.
- Parties agree to join together in an Early Flood Warning System.
- Belton agrees to host, manage, and provide routine maintenance for wireless infrastructure, server, and software.

- Each party will pay \$5,000 per additional station – one each in Killeen, Harker Heights, and Belton – for a total of four as currently envisioned.
- Funding will be provided to Belton and Belton will purchase three additional stations and install them at mutually agreed locations. The attached map indicates suggested locations.
- Each party retains ownership of the equipment, will provide liability insurance for it, and will replace batteries as needed.
- Agreement is for one year and will be automatically renewed unless terminated.

This is a win-win for Belton, located at the most vulnerable location along Nolan Creek, as well as for all citizens within the Nolan Creek watershed, and provides potential for other cities, Bell County, and Fort Hood to participate in the future. A total of \$15,000 will be needed in FY 2013, plus some IT staff costs for ordering/installing equipment, as well as providing some training to IT personnel in other cities. Belton's share (\$5,000) will come from the Drainage Fund, with Killeen and Harker Heights funding the balance (\$5,000 each).

Miscellaneous

Consider authorizing a Development Agreement with Best Construction for infrastructure improvements at the Piazza Development, an 11.23 acre tract located at the southwest corner of Auction Barn Road, Shanklin Road, and Loop 121.

Planning Director Erin Newcomer gave an overview of this development and improvements, and reviewed the proposed obligations by the Developer and City as follows:

Best Construction Commitments:

1. Design and build a 41' street from Loop 121 west approximately 150', to enable storage of eight cars and provide transition to existing Auction Barn Road.
2. Provide a transition from Loggia Drive to Shanklin Road (turning movement).
3. Install a 30' radius at the curve on Shanklin (where Loggia turns into Shanklin).
4. Complete one-half of the 31' street improvements from Loggia to the end of the lot on Shanklin to satisfy street improvement requirements in the Subdivision Ordinance.
5. Extend sewer line to the subdivision.
6. Costs associated with extending an 8" water line to the subdivision.

City Commitments:

1. Responsible for oversizing the water line from the 8" required for the subdivision, to the 12" as shown in the City's Water Master Plan.
2. Responsible for off-site drainage determined to be unassociated with the subdivision and lot development, but necessary for ultimate development.

Ms. Newcomer recommended the Council authorize the Development Agreement with Best Construction for infrastructure improvements at the Piazza Development, with funding shown below:

<u>Project Component</u>	<u>Amount</u>	<u>Funding Source</u>
Difference between 8" and 12" water line upsizing	\$43,086.10	2007 CO fund
Off-site storm drainage	<u>\$46,662.40</u>	2008 CO Fund
Total City Funds	\$89,748.50	

Councilmember Leigh asked about bike lanes and sidewalks being part of the roadway improvements, and Ms. Newcomer indicated none have been required, but the Council could require them since Loggia and Piazza will both be public roadways. The City Manager stated one reason for not requiring sidewalks on Auction Barn Road, is that it is only a 150' strip along the road from Loop 121 to Piazza Drive, where the driveway for the Memory Care Center will be located (basically a driveway accessing the site). The ultimate reconstruction of Auction Barn Road is uncertain, so building sidewalks with road alignment undetermined, seems premature since final design has not been completed. The City Manager stated the Council could require the developer to add sidewalks, and mentioned an alternative to put the funds into escrow, which would allow more opportunity for design, unless a suitable location can be reached at this time. The Mayor concurred it's a good idea to require sidewalks and bike lanes, but he would prefer the funds be escrowed instead of construction proceeding when road

alignment has not yet been determined, though he doesn't want to stop the project from moving forward.

Mr. Listi stated following coordination with TxDOT, the first 150' is set (the intersection of Auction Barn Road with Loop 121), but the uncertainty is from that point westward to the western edge of the property. Councilmember Leigh stated he thinks the south side of the road is pretty well constrained and doesn't look like it will encroach on the development, and stressed again his desire for bike lanes/sidewalks. The City Manager commented that the final plat has already been approved, and Public Works Director Les Hallbauer remarked about a drainage channel on the south side (currently a borrow ditch), and indicated sidewalk would have to be added on top of the drainage channel, which would cost more. Councilmember Carpenter stated putting the funds into an escrow account would allow more flexibility, and Mr. Listi concurred, adding though the requirement for a sidewalk is a sound one, the uncertainty is the problem. Councilmember Leigh reiterated he thinks the time to make improvements is while other infrastructure improvements are being made.

The City Attorney stated sidewalks aren't part of this development agreement, so he doesn't think it can be considered at this time. Sam Best, Best Construction, explained Lot 2 (the Memory Care Center) stops short of the right-of-way and suggested the City could require sidewalks when he comes back for building permits for Lots 1 and 3. Councilmember Pearson asked Mr. Best what impact tabling this item would have, and Mr. Best indicated construction of the Memory Care Center could still move forward, but he couldn't apply for a right-of-way permit, which prohibits moving forward with any infrastructure improvements.

Councilmember Leigh made a motion to table the agreement for further evaluation (which died for lack of a second). Councilmember Agan asked if the City's ability to work out the sidewalks/drainage issue would be limited if the agreement is approved as presented at this time. The City Manager stated there is general consensus among the staff and developer that the City will pay a certain amount for water line upsizing and drainage improvements, but the question would be costs for additional storm drainage improvements, and additional costs to the developer for sidewalks. Mr. Listi stated the plat is approved and construction can move forward, but the agreement brings assurance of the City's participation. Mr. Best suggested the water portion be separated from the drainage issue so construction of the Memory Care Center can begin, and the City Attorney agreed that is doable. Mr. Messer reiterated the plat has been approved and the developer can apply for building permits. The City Manager suggested this agreement address only upsizing the water line (Item #1 in the proposed agreement), and another agreement be presented to address drainage and sidewalks if desired. Councilmember Leigh made a motion to approve the development agreement with Best Construction, exclusively for water line oversizing in the amount of \$43,086.10 from Water & Sewer fund balance. Councilmember Carpenter seconded the motion which carried unanimously.

Consider revision and extension of a contract with Waste Management, providing for the addition of cart-based solid waste collection services and curbside recycling.

The City Manager gave an update on this program and indicated during review of Waste Management's (WM) proposal, staff discovered that the proposed rates for cart-based garbage and curbside recycling did not include the \$0.50 fee for the existing household hazardous waste (HHW) program. This results in the actual increase for garbage and recycling to be \$2.50, not the \$2.00 that has been discussed for months. WM has indicated they cannot modify the fee to provide one recycling and one trash pick-up weekly, while maintaining HHW collection, even with a five-year contract extension, based principally on capital costs for buying two 96-gallon containers per household.

Mr. Listi stated that although recycling could be started City-wide in about three months with a contract amendment with WM, other companies have emerged expressing interest in recycling in Belton, and a competitive bidding process would reveal actual opportunities in the current market, with potential for offering additional

services to citizens. The City Manager presented the following options for consideration:

1. Proceed with contract revision and implementation of cart-based garbage and curbside recycling, and maintaining the HHW service, at a total increase of \$2.50, resulting in a total rate of \$20.98 (including \$3.00 brush service by the City).
2. Proceed with contract revision, and eliminate the HHW program, making the net increase \$2.00, resulting in a total rate of \$20.48 (including \$3.00 brush service by the City).
3. Do Nothing - Decline to extend the contract, with direction to staff to re-bid all garbage services, to include carts and recycling options in Spring 2013, for implementation in January of 2014. (Doing nothing now with the WM contract will likely result in a rate increase of approximately \$0.42± cents beginning in March 2013, based on the CPI clause in the existing contract with Waste Management. (No CPI increase is anticipated in 2013 with a WM contract extension.)

Mr. Listi indicated staff's recommendation is to go out for bids in Spring 2013 for all services, with service to start in January 2014.

Mayor Pro Tem Grayson asked for clarification of the proposed rates, and Councilmember Leigh asked about the pilot project. Mr. Listi stated WM indicated they could continue the pilot program for the 275 customers. Assistant City Manager Cristy Daniell distributed a memo regarding the program and options for consideration. She indicated if the contract is not revised and extended, WM will only continue the recycling pilot program for a fee of \$2.50/per household per month. With about 275 customers in the pilot areas, this equates to \$687.50 per month (\$8,250 for the last year of the contract with WM).

Councilmember Leigh stated he thinks it's in the City's best interest to step back and proceed with the bidding process, with the City paying for the customers in the pilot program. Councilmember Carpenter expressed frustration with WM, having thought this was all negotiated in good faith. Mayor Pro Tem Grayson agreed, stating she doesn't think the City can pass on the additional cost to citizens, and agreed with the need to seek bids. The Mayor concurred and agreed the City should pick up the extra costs for the pilot program. Councilmember Pearson concurred. The City Manager indicated no action was needed since the contract wasn't extended/revised, and staff will coordinate a letter agreement with WM for continuation of the recycling pilot program, given Council consensus.

Consider award of bid and authorizing the City Manager to execute a contract for the Patriot Plaza Gateway Sign Project, allocate funds for associated work, and authorize the City Manager to execute change orders on the contract not to exceed the amount authorized under state law.

The City Manager introduced project designer, Brent Baker, Studio 16:19, who gave an overview of the bidding process and reviewed concept plans for this project. He indicated the low bidder for the base bid was Bell Contractors, which includes a welcome sign, area landscaping, and irrigation. The water feature component (Add Alternate #1) exceeds available funds and is not being recommended. The City Manager concurred and recommended award of the base bid only to Bell Contractors in the amount of \$128,686.76, and to authorize the City Manager to execute the contract and change orders thereon not to exceed the amount authorized under state law. Mr. Listi also recommended approval of use of \$40,000 from the General Fund Capital Projects Fund for City-provided items and contingency.

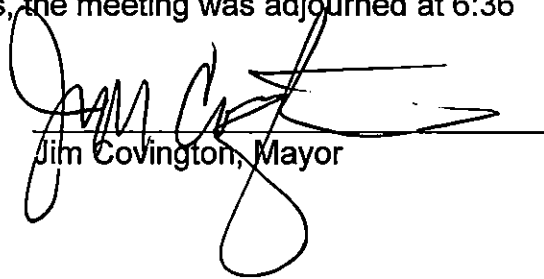
The Mayor asked how much extra the water feature added to the project, and Mr. Baker indicated about an extra \$85,000. Given the public nature of this project and the high visibility, the pumps, mechanisms, etc. would have to be placed underground. Councilmember Peters made a motion to approve the contract with Bell Contractors as recommended. Mayor Pro Tem Grayson thanked all the partners along the way in this project, and seconded the motion. The motion carried unanimously.

Consider accepting resignation of City Councilmember Clifton Peters.

The Mayor indicated Councilmember Peters submitted a resignation letter in September to become effective December 11th, and recommended acceptance of Mr.

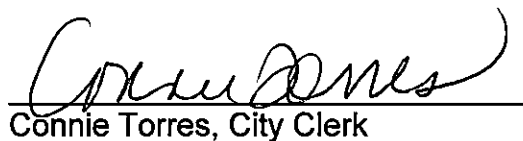
Peters' resignation with deep regret. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Pearson, the Council accepted Mr. Peters' resignation by a vote of 7-0. The City Attorney expressed words of kindness about Mr. Peters, and indicated the City of Belton is a better place because of his service. Councilmember Leigh echoed Mr. Messer's remarks, and commended Mr. Peters for his thoughtfulness and energy throughout his service. The Mayor concurred as did the other members, during this emotional event.

There being no further business, the meeting was adjourned at 6:36



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk