

**BELTON CITY COUNCIL MEETING
JANUARY 24, 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, and Craig Pearson. Councilmembers Wayne Carpenter and John Agan were absent. Staff present were John Messer, Sam Listi, Michelle Garcia, Cristy Daniell, Les Hallbauer, Gene Ellis, Bruce Pritchard, Byron Sinclair, Rex Robertson, Kim Kroll, Sandy Slade, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Interim Fire Chief Bruce Pritchard, the Pledge of Allegiance to the Texas Flag was led by City Manager Sam Listi, and the Invocation was given by Dr. Shawn Shannon, Director of Student Baptist Ministries at the University of Mary Hardin-Baylor.

The Mayor called the meeting to order at 5:32 p.m.

Public comments.

Rae Schmuck, 616 N. Beal Street, a member of the Bell County Historical Commission and Belton's Heritage Preservation Board (HPB), expressed disappointment in the City not including the HPB in its review process in making revisions to the Heritage Preservation Ordinance (HPO). She cited the following authority assigned to the Board in the HPO:

- Make recommendations to staff, the Planning & Zoning Commission and the City Council on designations, policies and ordinances that may encourage historic preservation;
- Provide input to staff, the Planning & Zoning Commission, and the City Council on matters concerning the overall development of the city's historic preservation program; and
- Recommend to the Planning and Zoning Commission and the City Council changes to the Code of Ordinances to reinforce the purpose of historic preservation;

Ms. Schmuck indicated the HPB has not been included in any of the review process thus far, and she is really disgusted and disappointed in the manner in which the HPB has been treated, which she believes is unprofessional and condescending. She also mentioned if the City would apply to become a Certified Local Government, it could provide additional opportunity for funding to update the City's historical survey or for other historic outreach uses.

Presentations.

A. Officers of the Quarter – 4th Quarter 2011 & Lifesaving Medal – Police Chief Gene Ellis presented the award to Sergeant Kimberley Hamilton for saving the life of a 1½ year old child whose airway was completely blocked. Sergeant Hamilton will also receive the Department's *Lifesaving Medal*.

B. Officer of the Year – 2011 – Chief Ellis presented the award to Detective Patrick Mullins for his dedication and diligence in an investigation which led to the capture of a suspect wanted in connection with a 22-year old homicide case. His perseverance was instrumental in the apprehension and will allow the Shellie Latham family to finally have some closure and justice for the horrendous act committed long ago.

C. Police Chief's Award – 2011 – Chief Ellis presented the award to Public Service Operator Sharon Lewis and CID Secretary Ann Forrest for finding homes for abandoned and lost animals after the Police Department took on the task following the closure of a private animal shelter that had been handling adoptions. Their determination and dedication resulted in the adoption of 224 dogs, with 85 reunited with owners in 2011. The Chief also commended Animal Control Officer Mike Hawks for his assistance in transporting the animals throughout.

Consent Agenda

Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the following items were unanimously approved:

Minutes of previous meetings: Both sets approved as presented.

- A. January 10, 2012 Workshop
- B. January 10, 2012 Regular Meeting

Consider award of bid for the sale of real estate described below:

- A. 123 N. Walker Street
- B. 0.459 acre lot on W. Avenue O
- C. 150' x 300' lot on S. Penelope Street

Awarded the bid for Item A to Quality Tire in the amount of \$1,250; awarded the bid for Item B to Cecil and Peggy Smith in the amount of \$1,951; and rejected the bids for Item C, which will be rebid at a later time.

P-12-01: Consider a Final Plat for Red Rock Hills-Phase V, a 14.56 acre tract of land located in the Red Rock Hills Subdivision.

Approved the final plat of the proposed 31-lot subdivision for single family residential development, subject to conditions contained in a letter to the engineer dated January 13, 2012, with the following change: rather than a temporary turnaround at the end of Twin Ridge Court, extension of Twin Ridge Court southward across the gas line easement is recommended to connect with the anticipated extension of Chisholm Trail Parkway. This item was unanimously recommended for approval by the Planning & Zoning Commission (P&ZC) at its meeting on January 17th as conditioned.

P-12-02: Consider a Final Plat for Potts Commercial Northwest, an 11.076 acre tract of land located on the northwest corner of the intersection of Sparta Road and Commerce Drive.

Approved the final plat of the proposed 3-lot retail subdivision, subject to the conditions outlined in a letter to the engineer dated January 13, 2012. The P&ZC unanimously recommended approval at its meeting, subject to the conditions.

Miscellaneous

Consider an ordinance amending the City's noise ordinance.

Police Chief Gene Ellis gave an overview of the proposed ordinance which generally accomplishes the following:

- Amends the ordinance in its entirety for clarification, and to define outdoor music venues and the noise standards under which they may be allowed;
- Provides sound restrictions for outdoor music venues as follows:

Decibel Limits	Hours	Days
85 db limit	9:00 a.m. to 10:30 p.m.	Sunday through Thursday
85 db limit	9:00 a.m. to midnight	Friday and Saturday

Outdoor music shall not be amplified between 10:30 p.m. and 9:00 a.m. Sunday through Thursday, and between 12:01 a.m. and 9:00 a.m. on Saturday and Sunday;

- Sound levels shall be measured on the opposite side of the City street adjacent or closest to the location where the sound amplification device is located; and
- Outdoor music venues are subject to administrative rules as determined by the City Manager.

Councilmember Leigh asked if this ordinance addresses noise issues other than outdoor music, and Chief Ellis replied the ordinance still contains provisions regarding other noises (animals, power equipment, machinery, etc.), but the sound levels and time restrictions (noted above) specifically apply to a new section regarding outdoor music venues. The Chief stated additional adjustments may be necessary, but he believes this is a good starting point which balances the interests of businesses that host live music events and residents concerned about noise levels. The City Manager agreed this ordinance will provide the guidance needed for effective enforcement, but leaves the opportunity for adjustment in the future if needed. He recommended approval of the ordinance.

Mayor Pro Tem Grayson expressed appreciation for what local businesses are doing for Belton with tourism and making Belton a venue for music dubbed the 'music capital of Bell County'. She made a motion to approve the ordinance. The motion was seconded by Councilmember Peters, and the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2012-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING IN ITS ENTIRETY, CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF BELTON REGARDING NOISE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Consider a budget amendment to allocate Drainage Funds for the Oakview Drainage project.

The City Manager stated in mid-2011, the Council the authorized design of the Beal Street Drainage Improvements project by Clark & Fuller (renamed Oakview Drainage Project to match the adjoining subdivision name). This project will establish channelized improvements between houses located at 2502 and 2404 Beal Street, in order to carry drainage flow to Beal. Project design is complete, the City is securing drainage easements, and the engineer is finalizing plans for bidding, with project cost estimated at \$100,600.

Mr. Listi explained the FY 2012 Drainage Fund budget includes \$50,000 for miscellaneous drainage projects. This fund will have a balance of \$34,800 following repairs to Yettie Polk Park storm drainage facilities (\$15,200) after the September 2010 flood. There is \$18,800 available for this project in 2007 Drainage CO's, which leaves \$47,000 needed. He recommended approval of a budget amendment in the amount of \$47,000 from the Storm Drainage fund to complete the project.

Upon motion by Councilmember Pearson, seconded by Councilmember Leigh, the Council unanimously approved the budget amendment as stated.

At 5:55 p.m. the Mayor announced the Council would go into executive session and closed the meeting.

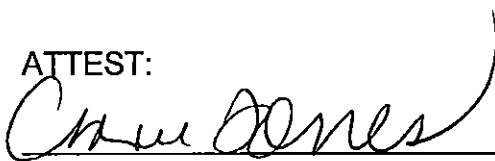
Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, to conduct an evaluation of the City Manager's performance.

At 6:53 p.m. the Mayor reopened the meeting, and there being no further business, the meeting was adjourned.



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk