

**BELTON CITY COUNCIL MEETING  
JANUARY 8, 2013**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers David K. Leigh, Craig Pearson, and John Agan. Councilmember Wayne Carpenter was absent. Staff present were John Messer, Sam Listi, Connie Torres, Karen Evans, Les Hallbauer, Gene Ellis, Francisco Corona, Erin Newcomer, Kim Kroll, Sandy Slade, Byron Sinclair, Charlotte Walker, Denny Lassetter, and Aaron Harris

The Pledge of Allegiance to the U.S. Flag was led by City Manager Sam A. Listi, the Pledge of Allegiance to the Texas Flag was led by City Councilmember John Agan, and the Invocation was given by Pastor Andy Davis of the First Baptist Church.

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

Presentation of Honorary Resolution to Clifton Peters.

The Mayor read and presented **RESOLUTION NO. 2013-10** to Councilmember Clifton Peters in honor of his years of service to the City of Belton, from 2000-2012.

Consider declaring a vacancy on the Belton City Council due to the resignation of Clifton Peters.

The City Manager stated in accordance with Section 3.03 of the City Charter, the City Council may declare a vacancy following the death, resignation, or removal of a Councilmember from office. He recommended the Council declare a vacancy following the resignation of Clifton Peters, with the intent of appointing a person to fill the vacancy within 30 days, anticipated for action at the January 22nd City Council meeting.

Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the Council unanimously approved the motion declaring the vacancy.

Public comments. There were no public comments.

Consent Agenda

The Mayor asked that the item regarding the forgiveness of outstanding liens against 207 Smith Street be removed for separate consideration. Councilmember Agan made a motion to approve the remaining items, pulling the Smith Street item. The motion was seconded by Mayor Pro Tem Grayson, and the following items were unanimously approved:

Minutes of previous meetings: Both sets of minutes approved as presented.

- A. December 11, 2012 Workshop
- B. December 11, 2012 Regular Meeting

Consider appointment to the following boards and commissions:

- A. Hill Country Transit Board of Directors – Reappointed Mayor Covington to another four-year term.
- B. Zoning Board of Adjustments – Appointed David Fuller to an Alternate position on this board, to fill Nicholas Rabroker's unexpired term due to his appointment to the Planning & Zoning Commission.
- C. Central Texas Housing Consortium – Reappointed Griff Lord and Dr. Susan Kincannon to an additional two year term.

Consider a resolution declaring that the updated January 1, 2013 population of the City of Belton is 18,981.

Approved the following captioned resolution declaring an updated population for the City of Belton to be 18,981 (up from 18,665 in 2012):

**RESOLUTION NO. 2013-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, FINDING THAT THERE ARE 18,981 RESIDENTS WITHIN THE CORPORATE LIMITS OF THE CITY OF BELTON AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Consider an ordinance prescribing the classifications for police officer and firefighter positions and the number of positions in each classification, creating the rank of Lieutenant and eliminating the rank of Corporal in the Police Department, and related changes to the Police pay scales.

Approved the revised Police pay scales, and the ordinance captioned below creating the rank of Lieutenant and eliminating the rank of Corporal:

**ORDINANCE NO. 2013-01**

**AN ORDINANCE PRESCRIBING THE CLASSIFICATIONS FOR POLICE OFFICER AND FIRE-FIGHTER POSITIONS AND THE MAXIMUM NUMBER OF POSITIONS IN EACH CLASSIFICATION.**

Consider approval of an agreement with Intelligent Solutions for the acquisition of the CAPERS public safety records management software, in substantially the form presented, and authorizing the City Manager to sign the agreement.

Approved the agreement with Intelligent Solutions for the CAPERS software program and authorized the City Manager to sign the agreement. (The Police Department was approached by CAPERS, a public safety software company, to be a showcase agency for its product, in exchange for all modules of their records management software suite at no initial acquisition cost, other than a small fee to interface with the Bell County Communications Center (BCCC) Computer-Aided Dispatch (CAD) system. The PD's current records management software (I-Leads) used by all law enforcement agencies in Bell County through the BCCC, is being phased out by the vendor, and BCCC will be required to fund replacement software. The PD and City IT staff believe it is in the City's best interest for Belton to maintain its own records management system, and this creates an opportunity to move in that direction. Data will still be shared with other agencies in Bell County and remain a part of the BCCC consortium for CAD.

Terms of the agreement include the following:

- No acquisition cost for all software modules including police records management; fleet maintenance; fire records management; mobile software to the cars; property and evidence; two computer servers; and evidence processing hardware;
- Requires a \$5,000 fee to develop an interface to the Integraph CAD at BCCC.
- Provides for one week training for all staff using the software and refresher training six months after initial installment; and
- Five year term with an escalating annual maintenance beginning in year two at \$18,000 and ending in year five at \$31,104 (annual maintenance includes 24-hour support and upgrades).

Fiscal Impact

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
CAPERS annual maint	\$5,000	\$18,000	\$21,600	\$25,920	\$31,104	\$101,624
Existing/planned software	\$13,385	\$21,059	\$21,059	\$21,059	\$21,059	\$97,621
Projected Difference						\$997

The initial \$5,000 to be incurred in FY 2013 will be paid from funds already budgeted for other software programs that will no longer be needed. Amounts in ensuing years will be included in future budgets.

Consider an ordinance amending Ordinance No. 2005-46 regarding institutional control measures on the Rockwool Superfund Site, to delete Tract 13 located on the south side of FM 93.

Approved the ordinance deleting Tract 13 from application of institutional control measures. In conjunction with the City's efforts to secure release of liens on the former Rockwool property (now owned by the City), TCEQ required new property surveys and more formal restrictive covenants be prepared to ensure public notice of sites containing contaminated soil. In the City's opinion, the institutional control ordinance approved in 2005 was too broad in its application to Tract 13, the property located on the south side of FM 93. There was no contamination and no cleanup there, and Tract 13 was only included due to common ownership, bisected by FM 93 when it was rebuilt. The purpose of this ordinance is to delete Tract 13 from application of the institutional controls originally established in 2005. There is a 120-day notice provision in the original ordinance requiring the City to notify EPA and TCEQ of the City's intent to modify the institutional control ordinance. This was done on November 20, 2012, and TCEQ has waived the 120-day time period and EPA has given its verbal consent. The following captioned ordinance was approved:

**ORDINANCE NO. 2013-02**

**AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING ORDINANCE NO. 2005-46, ADOPTING INSTITUTIONAL CONTROL MEASURES AND STANDARDS; ESTABLISHING STANDARDS ON CERTAIN LAND, AND SHALLOW GROUND WATER USES; ESTABLISHING CRITERIA FOR THE IMPLEMENTATION, INSPECTION, REPORTING AND ENFORCEMENT OF THE INSTITUTIONAL CONTROL MEASURES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE STANDARDS; AMENDING THE EFFECTED BOUNDARY; ESTABLISHING NOTICE AND DURATION PROCEDURES; AND ESTABLISHING A SEVERABILITY PROVISION AND EFFECTIVE DATE.**

Consider authorizing the Mayor to execute restrictive covenants associated with the release of liens and redevelopment of the Rockwool Superfund Site, located between the Leon River and FM 93, in conjunction with the Texas Commission on Environmental Quality (TCEQ).

Authorized the Mayor to execute the restrictive covenants, one of the last steps associated with release of the TCEQ liens on the former Rockwool Superfund site. With the property survey of the Superfund Site complete, TCEQ drafted two sets of restrictive covenants for the tracts owned by the City to put the public on notice about the on-site environmental conditions involving soils and groundwater that could affect development. While commercial and industrial development is allowed, residential development is prohibited. The restrictive covenants will run with the land, and Tract 13 located on the south side of FM 93, has been excluded, since no contamination is present and no cleanup was done there.

Consider authorizing the City Manager to execute the following documents, in substantially the form presented, related to the Temple-Belton Wastewater Treatment Plant:

- A. Contract to transfer the Temple-Belton Regional Sewerage System from the Brazos River Authority (BRA) to the Cities of Belton and Temple;
- B. Wastewater Services Agreement between the Brazos River Authority and the Cities of Belton and Temple; and
- C. Ownership/Management Agreement between the Cities of Belton and Temple

Approved the agreements in substantially the form presented, and authorized the City Manager to execute the documents. A summary of each item appears below:

- A. Contract to transfer the Temple-Belton Regional Sewerage System from the Brazos River Authority to the Cities of Belton and Temple

This document confirms that given payment of all outstanding bonds, BRA will transfer title to all assets – real and personal property – to the Cities of Belton and Temple. Key points include:

- Transfer date will be sometime in 2013, or possibly wait until next budget year anniversary date (September 1, 2013), due to challenges of transferring insurance, disposition of equipment, etc.
- Provides for transfer of TCEQ wastewater discharge permit to the cities, which has been done.
- Transfers responsibility and liability for pre-existing environmental conditions, if any, to BRA.

B. Wastewater Services Agreement between the Brazos River Authority and the Cities of Belton and Temple

This agreement outlines provision of services by the BRA to the cities of Belton and Temple in operating the wastewater plant; indicates the cities jointly own the plant; and confirms the cities will be responsible for all required permits to operate the plant.

- BRA will develop an annual operation and maintenance budget for plant operation by June 1 of each year.
- BRA will provide monthly performance reporting.
- Payments, compensation, billing, audit and insurance are addressed.
- BRA will treat wastewater in compliance with all regulatory requirements and will be responsible for any violations within its responsibility.
- Term: September 30, 2014.
- Termination clause provided giving options to BRA and to cities.

C. Ownership/Management Agreement between the Cities of Belton and Temple; and

This agreement outlines the ownership, operation, and management responsibilities of the plant within the tract boundary for the two cities. This excludes the Belton and Temple lift stations outside the tract boundary. Temple owns an undivided 75% interest and Belton owns an undivided 25% interest in TBP.

- Plant capacity is identified, with 75% allocated to Temple and 25% to Belton presently, and in conjunction with future expansion.
- Costs of maintenance and capital are allocated to each City in these proportions. If there is no agreement on an expenditure that increases plant capacity, an effort will be made to ensure that improvement benefits the contributing party.
- A Managing Committee is created for management, upgrade, operation and maintenance of the plant, comprised of City Managers from each City, with decisions reached by consensus.
- Industrial Pretreatment Program and Industrial Wastes in each City is the responsibility of each City.
- Agreement term is five years.
- Exhibit "A" identifies the plant boundary.

(Under the revised agreement with BRA, some costs previously covered under the O&M contract will shift to the Cities. The costs include insurance on the plant, and electricity/O&M costs for the respective lift stations. This change is partly because the ownership of the plant will shift to the Cities. Additionally, the Cities have agreed that what is within the "fence" at the plant should be split, while the cost of items outside the fence should be borne directly by the respective City. This means that Belton will operate and maintain its main and lift station to the plant, and Temple will do the same.)

Miscellaneous

Consider forgiveness of outstanding liens filed against 207 Smith Street, purchased by Melverne Kelder.

The City Manager explained the City received a request from Melverne Kelder requesting forgiveness of outstanding liens on the vacant lot at 207 Smith Street, which he purchased at a tax sale on December 4, 2012 for \$5,500. Liens on the property total \$15,242.46 through January 8, 2013, and Mr. Kelder has asked that the liens be forgiven so he can construct a home valued at an estimated \$90,000 on the lot. Mr. Listi indicated he offered to negotiate with Mr. Kelder on the City's purchase of the property for use in its affordable housing program, but he decided to make this request for lien forgiveness.

The City Manager stated Liens 1 and 2 represent major expenses by the City – Lien 1 (\$4,013.88 – Waste Management charges; dump truck, backhoe, associated City personnel to clean the lot) and Lien 2 (\$4,400.00 for demolition of the house and mowing). A substantial portion of these expenses reflect hard expenses that readied

the lot for redevelopment, and accrued interest and filing fees have also been added. Mr. Listi explained though staff is interested in seeing this property back on the tax roll and contributing positively to the tax base and neighborhood revitalization, it is difficult to support forgiveness of expenses paid by the City. He stated he thinks approval of this request would set an undesirable precedent, and he recommended disapproval.

The Mayor explained he asked this item be pulled from the consent agenda since most items on consent are recommended for approval and this item was recommended for disapproval. Councilmember Leigh asked if Mr. Kelder knew the liens existed at the time of purchase, and Mr. Listi indicated the lot was apparently purchased without his knowledge, though the purchaser signs a statement at the sheriff's sale that indicates there may be liens. Mr. Leigh commented about the potential precedent, and since the City seldom has to deal with this type of request, he asked if this is the best approach. The City Manager indicated he discussed the City's affordable housing program with Mr. Kelder and the potential for negotiating the City's acquisition of the property, but concern remains with forgiveness of the liens, and the message that may send to other property owners and prospective purchasers of property.

Councilmember Agan stated he thinks it's not economically feasible for someone to buy this lot, therefore the City continues to give up revenue opportunity from development, and suggested perhaps a formula be developed to address this request and future requests. The Mayor indicated he wouldn't favor forgiving any real expenses the City incurred, but would be amenable to forgiving mowing or negotiating interest or penalties. The Mayor asked if the Council wanted to give the City Manager authorization to negotiate this request. Councilmember Leigh agreed, reaching a happy medium would be desirable with a 5-10 year return on investment, but taking 25 years to recover the City's costs doesn't make sense to him.

The City Attorney cautioned the Council about putting the City Manager in the position of negotiating cases such as this each time one arises. The Mayor stated he thinks it would be acceptable if staff wanted to develop a policy for these types of requests, but this discussion is solely regarding the lot on Smith Street. Mr. Messer stated as an example, the City could declare an area as a redevelopment area.

Councilmember Leigh made a motion to disapprove this request, and asked that staff look at developing a policy to consider requests such as this in the future. Councilmember Pearson seconded the motion which carried unanimously.

Councilmember Pearson asked if Mr. Kelder was surprised by the liens, and if the City's liens are properly tied to its properties. Mayor Pro Tem Grayson stated as a rule, typically those who go to a tax sale, perform due diligence and investigate properties, but Mr. Kelder missed these.

Mel Kelder, Vice President, K&P Rentals, stated he paid the tax liens against this property, but just missed the City liens. He indicated his limit for this property was \$6,000, and after his bid of \$5,500, he learned of the City's liens. Mr. Kelder stated though he missed the City's liens, he believes they were never going to be paid, and he thinks the City will need to forgive the liens or drastically reduce them in order for anything to be built on the property. The Mayor stated liens are filed and tied to properties for eventual collection, and he hopes he and the City Manager can work through the request.

Hold a public hearing and consider an ordinance regarding a zone change from Central Business District to Central Business District with a Specific Use Permit, for the operation of a restaurant with a private club in the existing structure at 219 East Central Avenue, located on the south side of East Central Avenue, just west of South Penelope Street.

Planning Director Erin Newcomer gave an overview of this request submitted by Film Factory Cinemas for a zoning change to allow a proposed restaurant with private club in the existing structure at 219 East Central Avenue (formerly known as The Beltonian). She reviewed area zoning and indicated the business will essentially be a

comedy club that serves food and alcohol on-premise. According to the City's historic preservation consultant, The Beltonian is an Art Deco building which is strongly associated with the motion picture age and movie palaces of the 1930's, so converting this structure into a comedy club is a great re-use of this historic building. The Beltonian Comedy Club will typically have open microphone night on Thursday and two shows on Friday and Saturday night. The applicant has indicated the building will be available for rent for private events such as birthday parties, private movie screenings, corporate meetings, and church gatherings, etc. Ms. Newcomer stated the Planning & Zoning Commission (P&ZC) recommended approval of the request by a vote of 5-0 at its meeting on December 18th, and she recommended approval of the proposed ordinance.

Councilmember Leigh stated he thought alcohol was previously sold on-premise at this location (when owned by the Riddles), and Ms. Newcomer stated it would have been a nonconforming use if so. She indicated many don't realize rezoning is necessary in addition to obtaining a permit from the Texas Alcoholic Beverage Commission, something she is trying to convey to new businesses coming to town. She explained the applicant is still in the process of obtaining their TABC permit, and cannot sell alcohol until the permit is finalized.

The Mayor opened the public hearing. There were no comments for or against the request, therefore the hearing was closed. Councilmember Agan made a motion to approve the ordinance as recommended. The motion was seconded by Mayor Pro Tem Grayson, and the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2013-03**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM CENTRAL BUSINESS DISTRICT ZONING DISTRICT TO CENTRAL BUSINESS DISTRICT ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR THE OPERATION OF A RESTAURANT WITH A PRIVATE CLUB IN THE EXISTING STRUCTURE AT 219 EAST CENTRAL AVENUE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 8 DESIGN STANDARDS.**

Consider a Final Plat for Regatta Oaks Subdivision, Phase II, Section III, a 2.412 acre tract of land, located north of Chisholm Trail Parkway, east of Breakers Cove, and west of Twin Ridge Court.

Planning Director Erin Newcomer gave an overview of this 7-lot subdivision proposed for single family residential development. A zone change to Planned Development Single Family-3 was approved on October 23, 2012, and the PD proposal allows for a 20' front yard setback (as opposed to the 25' front yard setback required in the SF-3 Zoning District). She indicated subject to Council approval, the plat can be recorded to allow for site work; however, a Memorandum of Agreement has been established for this subdivision which states no building permits may be issued until the trail requirements along the north side of Chisholm Trail Parkway are satisfied. Ms. Newcomer indicated the Commission recommended approval 5-0 at its meeting on December 18th, and she recommended approval subject to the conditions contained in the letter to the applicant's engineer dated December 13, 2012.

Councilmember Leigh confirmed the Council is approving the plat, but not allowing the issuance of building permits, and Ms. Newcomer indicated that is correct. Councilmember Pearson made a motion to approve the final plat as stated. Councilmember Leigh seconded the motion, which carried unanimously.

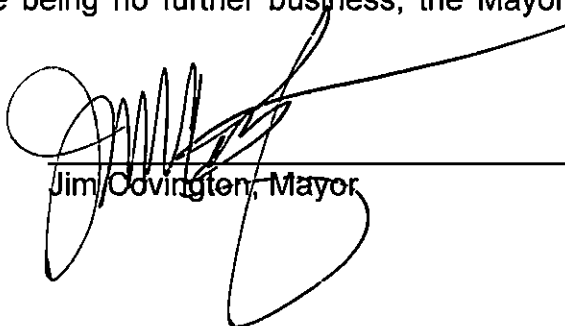
Receive report on Fire Operations and Data Analysis Study developed by ICMA.

The City Manager stated in 2011, the Center for Public Safety Management, a division of the ICMA (International City/County Management Association), conducted a Fire Operations and Data Analysis study of the Belton Fire Department. A team of public safety experts were gathered who used a standardized approach to assess critical fire department data. The objective was to conduct a full and detailed assessment of current fire department operations.

Mr. Listi introduced Chief Corona who updated the Council on the status of the 29 recommendations in various stages of implementation. He reviewed the recommendations that have already been implemented, those underway, and those that are not being recommended for implementation. Chief Corona also reviewed some new and additional initiatives that are underway.


The City Manager asked the Chief to give an update on the Volunteer Fire Department, and in response to Mayor Pro Tem Grayson's question, Chief Corona indicated he currently has seven volunteers and a few additional associate members. Mr. Listi thanked Chief Corona for his leadership, and Mayor Pro Tem Grayson congratulated the Chief for obtaining his Master's Degree. No action was needed.

Lastly, the City Manager introduced Aaron Harris, the City's new Grants & Special Projects Coordinator. There being no further business, the Mayor adjourned the meeting at 6:30 p.m.



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk