

**BELTON CITY COUNCIL MEETING  
MARCH 9, 2010**

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, Fred Morris, Les Hallbauer, Gene Ellis, Roy Harmon, Byron Sinclair, and Jerri Gauntt.

The Pledge of Allegiance to the U.S. Flag was led by Public Works Director Les Hallbauer, the Pledge of Allegiance to the Texas Flag was led by Councilmember Craig Pearson, and the Invocation was given by Pastor Mike Dunson of the First Christian Church of Belton.

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

Public comments. There were no public comments.

Consent Agenda

The Mayor pulled the item regarding the agreement with Lee Engineering would be from the consent agenda. Upon motion by Councilmember Agan, seconded by Councilmember Pearson, the Council unanimously approved the following items:

Minutes of the February 9, 2010 meeting. Approved as presented.

Consider authorizing extension of a contract for the City's Seal Coating Program to Blacktopper Technology, Inc.

Authorized extension of the contract with Blacktopper Technology with no change in price – single course seal coat at \$1.65 per square yard and double course at \$3.10 per square yard. This is the final extension on the contract awarded in March 2009. The City's FY 10 Budget includes \$100,000 for seal coating local streets in 2010.

Consider approval of compensation for Police Department's Field Training Officer (FTO).

Approved assignment pay at \$.50 per hour while FTO's are actively engaged in training new officers, not to exceed 80 hours per pay period. (Each new officer requires approximately 16 weeks of training, which equates to \$382 in FTO assignment pay including benefits. For this fiscal year, the estimated impact is \$2,675, to be funded from the existing PD personnel budget.)

Consider authorizing the Belton Economic Development Corporation's sale of 2.11 acres in the Belton Business Park to Clearwater Underground Water Conservation District.

Following the BEDC Board's approval at its March 2, 2010 meeting, the Council authorized the sale of Lots 2 and 3, Block 1, Phase I, Belton Business Park, to the Clearwater Underground Water Conservation District for a total sales price of \$55,147.

Consider award of proposals for bank depository services.

Awarded proposal for bank depository services to First State Bank, Belton branch, following receipt of proposals on March 3, 2010. The proposal provides for no fees for banking services, with the contract period beginning April 1, 2010, and ending March 31, 2013. The agreement also provides an option to extend for two additional years provided both parties agree.

Consider voiding an agreement with Kasberg, Patrick & Associates, for engineering services required to develop a Preliminary Environmental and Engineering Design Report for the 9th Avenue Extension Project, and consider authorizing payment of associated expenses already underway for this project.

Voided the contract previously approved with Kasberg, Patrick & Associates for engineering services related to the 9th Avenue Extension Project, and authorized payment of a maximum \$15,000 for associated expenses already underway from the City's Capital Projects fund. In order to get the project underway, this item was advanced after the President signed legislation that included Belton's first federal appropriation, however it was premature as a number of steps must be taken before work

can begin. The City wants to ensure its local match is not jeopardized, therefore all spending will cease and the agreement voided until authorization is given to proceed. The use of federal funds also requires the City to seek proposals for engineering services before a contract may be authorized.

Miscellaneous

Consider authorizing the City Manager to execute an agreement with Lee Engineering to conduct a Traffic Impact Analysis (TIA), as required by the Texas Department of Transportation, concerning enhancements to Loop 121 in the vicinity of proposed Avenue D.

The City Manager explained this contract would provide engineering services associated with the development of a TIA for this area. Avenue D will soon undergo construction and realignment to intersect with Loop 121 approximately 2,000' north of its current terminus near US Highway 190. KPA Engineers have coordinated the project closely with TxDOT in order to plan for the new Loop 121/Avenue D intersection, the need for Loop 121 turn lanes to access Avenue D, and the likelihood for a traffic signal at the intersection. TxDOT District Engineer Richard Skopik has committed to fund improvements on Loop 121 prior to school opening in August 2011, but has asked the City to fund the TIA to determine needed improvements. Scope of services for this project includes:

- Traffic counts during peak and off peak times in vicinity and at Lake Belton Middle School for comparison
- Traffic projections
- Traffic analysis
- Final recommendation/report

Mr. Listi indicated funding for the study would come from the Avenue D bond project, and recommended authorizing execution of the contract with Lee Engineering in the lump sum amount of \$12,800 plus an additional not-to-exceed \$3,000 for miscellaneous work required beyond the scope of services.

Councilmember Leigh made a motion to approve the agreement as recommended. The motion was seconded by Councilmember Carpenter and carried unanimously.

Presentation of Police Department Annual Report.

Police Chief Gene Ellis presented the Department's annual report, which included the required Racial Profiling Report.

Consider amendment of lease agreement between the City and Belton Christian Youth Center (BCYC) to allow addition of new playground and associated equipment and facilities at Confederate Park.

The City Manager indicated the lease with the BCYC requires City approval of all site improvements, additions and alterations. In 2007, an amendment to the lease agreement was approved based on plans at that time for a building expansion and other improvements. Mr. Listi reviewed the following Phases 1 and 2 already completed, and the site plan and items proposed for Phase 3, some of which will be implemented as a result of grant funds received, and the remaining items as fund raising provides.

Proposed Phase 1: (Complete)

- A 9,500 sq. ft. free standing building located between the original BCYC facility and the parking lot.

Proposed Phase 2: (Complete)

- Security fence to secure vehicles, equipment
- Storage building for yard equipment

Proposed Phase 3: (Planned, with elements/locations to be revised)

- New playground equipment
- Playground fencing
- Other items (picnic tables)
- Future shade structures

The City Manager indicated the Parks Board recommended approval of the proposed site plan and modifications to the lease at its meeting on March 8, 2010, and recognized Melissa Parker, Executive Director of BCYC, who was in attendance at the meeting.

Mayor Pro Tem Grayson asked about current enrollment at the BCYC, and Ms. Parker indicated they currently have 300 children after school, and 500 during the summer. Mayor Pro Tem Grayson made a motion to approve the amendment to the lease as recommended. The motion was seconded by Councilmember Peters and carried unanimously.

Consider an ordinance amending the fee schedule regarding rates for residential solid waste collection and brush collection.

The City Manager stated this ordinance follows recent amendments to the refuse collection contract with Waste Management (WM) on March 2, 2010. The curbside rate will increase from \$12.81 to \$15.00 per month (17.10% increase), and rates for back door service and hand collected commercial service will increase similarly.

Mr. Listi explained Council asked staff to price collecting brush outside of the WM contract, a service for which WM previously charged \$2.18 per month on all residential accounts. He stated in order for the City to initiate brush collection, including purchasing a brush truck, hiring personnel, funding required fuel, and paying tipping fees at the landfill, the brush rate needs to increase to \$3.00. As a result, the total residential curbside service bill will be \$18.00 per month. The City Manager indicated the changes would be effective March 1, to be billed on April bills.

Councilmember Peters asked if brush service would be a specific route or on an as-called basis, and Assistant City Manager indicated staff would like to get customers back to the as-called basis. She explained staff anticipates the addition of one employee who will be assigned to the brush truck, with backup from an existing Public Works employee when needed. The request for service will be made available on the City's website.

The Mayor stated he thinks the \$18.00/month rate is appropriate, and the City can adjust the rate if it determines the service can be provided for less. Mayor Pro Tem Grayson added the City was fortunate to benefit from the all-inclusive rate of \$12.81 for many years, but agreed the \$18.00/month rate was necessary to provide the service, and made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Carpenter, and the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2010-10**

**AN ORDINANCE AMENDING THE FEE ORDINANCE OF THE CITY OF BELTON DEALING WITH RATES FOR SOLID WASTE COLLECTION.**

Consider authorizing the City Manager to execute a change order to the original contract with Vanguard Contractors for warranty and related work at the Harris Community Center and associated funding.

The City Manager stated following extensive evaluation, it is time to proceed with exterior repairs at the Harris Community Center, to include windows and pointing of brick mortar joints to address moisture issues. Vanguard Contractors will perform the work, some of which represent warranty items, and some which are supplemental items constituting a change order to Vanguard's original contract for building renovations in 2006. At the March 2, 2010 meeting, the Council approved an amendment to the professional services agreement with Volz & Associates to administer this upcoming construction phase, following development of the Project Manual by Consultant Architect Tere O'Connell. Arrangements have also been made by City staff to accommodate reservations and building repair over the next several weeks, as Vanguard works room by room.

Mr. Listi explained Vanguard will perform the following window warranty work at no cost:

- Removal of existing window inserts
- Installation of new cypress wood window sills, repair drywall, and add sealant
- Reinstallation of existing window inserts
- Patch/paint as needed to restore to renovated condition
- Install weather stripping at sill and meeting rail
- Ms. O'Connell recommended additional related waterproofing and painting that is beyond the original project scope, which is in the City's interest as building owner for building soundness and to minimize near-term maintenance issues.
- Pointing of exterior brick mortar joints was also recommended. This procedure includes patching and repairing exterior wall mortar joints, and providing a slurry coat, urethane sealant, and elastomeric coating at

the cement wash on the window brick sill. Though beyond the original project scope, this work is highly recommended to achieve building soundness and reduce the potential for moisture infiltration.

The City Manager gave an overview of the following cost summary:

1. Pointing of brick mortar joints	\$15,400
2. Window lead paint abatement and window protection during abatement	\$ 9,292
3. Priming of concealed elements of window openings and liquid coatings and associated work	\$17,249
4. Contingency for scheduled repairs	\$ 5,000
5. False walls built to measure moisture in late 2009	
\$6,790 total cost a 50% cost share	<u>\$ 3,395</u>
<b>TOTAL</b>	<b>\$50,336</b>

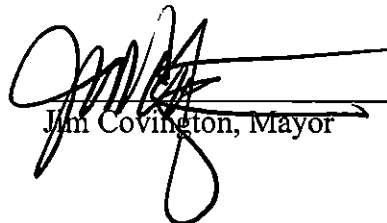
Mr. Listi recommended approval of the change order with Vanguard Contractors in the not-to-exceed amount of \$50,336, with funds to come from the General Fund Capital Projects Fund. A budget amendment from General Fund fund balance will be forthcoming to reimburse the Capital Projects Fund once all final expenses, including HVAC and related costs, can be determined.

The City Attorney commented that the City still intends to pursue a large percentage of these costs from the Architect. The City Manager confirmed all expenses associated with the original design condition are on the table in those negotiations. Councilmember Leigh asked if in-kind contributions (concessions from contractors, etc.) are part of the tally of expenses thus far. Mr. Listi stated the list of repair/remediation costs includes a wide variety of legal, environmental, architectural, engineering and miscellaneous expenses between 2008-2010, at a total current cost of \$133,750, including this change order, but additional costs (i.e. staff time, loss of services, etc.) may also be added as well.

Councilmember Peters asked how the sealant will be applied, and Tom Rehak, Vanguard Contractors, stated the urethane coating in the sealant is applied at the window sill itself, and explained the process of repointing the mortar joints.

Councilmember Leigh recommended in-kind contributions from City staff, consultants, etc., be added to the final expense sheet as the City proceeds. Councilmember Carpenter made a motion to authorize the City Manager to execute the change order as presented. The motion was seconded by Councilmember Peters and carried unanimously.

There being no further business, the meeting was adjourned at 6:20 p.m.

  
Jim Covington, Mayor

ATTEST:

  
Connie Torres, City Clerk