

**BELTON CITY COUNCIL MEETING  
MAY 14, 2013**

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

The Pledge of Allegiance to the U.S. Flag was led by Public Works Director Mike Huber, the Pledge of Allegiance to the Texas Flag was led by Councilmember John Agan, and the Invocation was given by Steve Cannon of the JAIL Ministry.

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

Consider an ordinance canvassing the May 11, 2013 general election returns.

The City Clerk provided the Council with a copy of the election returns, and recommended approval of the ordinance canvassing the following votes:

For City Councilmember

Jerri Gauntt	279 votes
Frank Minosky	242 votes
David K. Leigh	369 votes
Dan Kirkley	332 votes
Ronnie Schoepf Jr.	255 votes
Craig H. Pearson	396 votes

Upon motion by Councilmember Minosky, seconded by Councilmember Carpenter, the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2013-14**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, DECLARING THE RESULTS AND CANVASSING THE RETURNS OF THE GENERAL ELECTION HELD WITHIN SAID CITY ON MAY 11, 2013.**

Presentation of Honorary Resolution to Wayne Carpenter.

The Mayor read and presented **RESOLUTION NO. 2013-14** to Councilmember Wayne Carpenter for his service to the City of Belton. He presented him with a plaque recognizing his years of service, a City jacket, and a souvenir dollar bill. Mr. Carpenter spoke about his time on the Council and the changes that have occurred during his tenure. He applauded the City Manager and his staff, expressed pride for having been a member of the City Council, and stated he believes all Councils have always had the City's best interests at heart.

The Mayor also thanked Frank Minosky for accepting an appointment to the City Council, and his public service throughout the years, and especially during the last four months on the Council.

Administer the Oath of Office to newly elected Councilmembers.

The City Attorney administered the Oath of Office to Jerri Gauntt, Dan Kirkley, and Craig H. Pearson. Due to his absence, David K. Leigh will be sworn in at another time.

Select Mayor Pro Tem.

The Mayor opened the floor for nominations. Councilmember Pearson made a motion to nominate Marion Grayson to serve as Mayor Pro Tem. The motion was seconded by Councilmember Kirkley and carried unanimously.

Public comments. There were no public comments.

Presentations:

A. Recognize the Youth Advisory Commission (YAC) for service to the City of Belton

Recreation & Events Director Sandy Slade expressed appreciation to members of the YAC and its TEAM (Task Essential Associate Members), and recognized those identified in the list below for their invaluable service to the City of Belton, with over 700 volunteer hours in the last nine months, to include One Community One Day held on April 6, 2013. Ms. Slade gave an overview of the many events the groups have participated in, and the Mayor presented certificates of appreciation to those in attendance (shown in *italics* below):

Youth Advisory Commission

<i>Kendra Emerson, Chair</i>	<i>Nishanth Lavendra</i>
<i>Grace Hutchinson, Vice Chair</i>	<i>Montana Minnis</i>
<i>Lauren Hutchens, Sec/Treasurer</i>	<i>Austyn Perry</i>
<i>Emily Street, PR/Historian</i>	<i>Samantha Waggoner</i>
<i>Bharath Lavendra</i>	

YAC TEAM

<i>Katie Hennessee</i>	<i>Samantha Stapper</i>	<i>Samantha Kagel</i>
<i>Mark Trevino</i>	<i>Valeria Enciso</i>	<i>Tamah Minnis</i>
<i>Sarah Clopp</i>	<i>Darian Burns</i>	<i>Cooper Ross</i>
<i>Tyler Curran</i>	<i>Taylor Bailey</i>	<i>Brianna Karl</i>
<i>Richie Diers</i>	<i>Mia Garcia</i>	<i>Alyssa Gift</i>
<i>Jacob Fitzwater</i>	<i>Joel Alvarez</i>	<i>Christina Gaw</i>
<i>Mariah Trevino</i>	<i>Georgie Beckendorf</i>	<i>Dusti Bridges</i>
<i>Kia Scott</i>	<i>Madee Gott</i>	<i>Megan Taylor</i>
<i>Ruben Hernandez</i>	<i>Keri Sullivan</i>	<i>Wilson Whitener</i>
<i>Alexandria DeKay</i>	<i>Shai-ayne Shakir</i>	

B. Police Week Proclamation

The Mayor read the proclamation and presented it to Police Chief Gene Ellis.

C. Emergency Medical Services Week

The Mayor read the proclamation and presented it to Fire Chief Francisco Corona.

D. National Missing Children's Day

The Mayor read the proclamation and presented it to Library Director Kim Kroll, who provided information regarding the City's participation in the Take 25 event.

E. Officer of the Quarter, 1st Quarter

Police Chief Gene Ellis presented this award to Officer Daniel Ontiveros for his quick and decisive actions on March 11th and 12th, 2013, which resulted in the safe resolution of two separate life threatening incidents. (Prior to the award presentation, Chief Ellis introduced the City's K-9 dog Chico, and his handler, Officer Richard Murray, to the audience.)

Consent Agenda

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

Consider forgiveness of mowing liens filed on 315 S. Beal, a property in the City's HOME reservation program with the Texas Department of Housing & Community Affairs (TDHCA).

Approved forgiveness of the liens totaling \$602.31 (expenses incurred by the City), in order to proceed with house replacement under the City's HOME program.

Consider authorizing a professional services agreement with KPA Engineers for evaluation of a site for a firearms training facility.

Approved the proposed agreement, with funding of \$16,810 from General Fund Capital Project funds, for evaluation of a site for a police firearms training center.

Consider approving form of agreement for use in EMS student clinical training conducted by Belton Fire Department.

Approved the form of agreement to be used with area colleges and training centers, for students to conduct ambulance clinical rotations/training with the Fire Department.

Consider a resolution authorizing the Police Department to apply for a FY 2013 COPS Hiring Program grant.

Approved the following captioned resolution authorizing submission of the grant application for 75% funding of one full-time police officer (\$118,798), and authorizing the City's 25% match (\$39,599):

**RESOLUTION NO. 2013-15**

**CITY OF BELTON, TEXAS  
2013 COPS GRANT**

**A RESOLUTION OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION THROUGH THE COMMUNITY ORIENTED POLICE SERVICES (COPS) 2013 GRANT FUNDED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES; AUTHORIZING THE CITY MANAGER TO ACT IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT, IF AWARDED.**

Consider a resolution nominating a candidate for election to the Board of Directors of the Central Texas Water Supply Corporation.

Approved the resolution captioned below nominating Assistant Public Works Director Byron Sinclair to serve in this capacity, replacing the City Manager who was previously nominated for this position in March 2013, but cannot serve since the CTWSC Board meets on regular City Council meeting nights:

**RESOLUTION NO. 2013-16**

**RESOLUTION NOMINATING CANDIDATE TO SERVE UNEXPIRED TERM OF PREVIOUS DIRECTOR OF CENTRAL TEXAS WATER SUPPLY CORPORATION.**

Miscellaneous

Consider authorizing a Development Agreement with Carothers Executive Homes and Dawson Ranch Homeowners Association (HOA) for trail improvements within the Atmos easement along Chisholm Trail Parkway, from Dunn's Canyon Road to Spring Canyon Road.

Mayor Pro Tem Grayson indicated she would abstain from this item and left the meeting room.

Planning Director Erin Newcomer reviewed the history of this item, resulting from a 2004 Development Agreement which requires the Developer to dedicate to the public, an area along a 100' Atmos gas pipeline easement that generally parallels Chisholm Trail Parkway, for a hike and bike trail. The trail was one of several elements addressed in the Development Agreement and was determined to satisfy the developers' obligation for neighborhood park requirements in the City's subdivision regulations.

Ms. Newcomer explained after numerous meetings, to include a City Council workshop on February 12, 2013, the Dawson Ranch HOA agreed to the proposal on March 4, 2013, and Atmos has provided a letter of approval for the Developer and City portion of the proposed 6' wide concrete trail. Ms. Newcomer reviewed the following obligations outlined in the proposed agreement for the developer, HOA and the City:

Carothers Executive Homes Obligations:

- a. Design and build new 6' wide concrete trail on middle Section 2, from Matador to Breakers Cove in calendar year 2013.
- b. Warranty built trail improvements for one year from date of acceptance by the City of these trail improvements.
- c. Provide a typical 50' section of irrigation plan proposed along Chisholm Trail Parkway.
- d. Install irrigation, weed barrier, and mulch in planting areas where desired at trail bump-outs.

Dawson Ranch HOA Obligations:

Install landscaping and provide maintenance of flower beds and grassy areas along the trail in compliance with Atmos' Hello Neighbor Policy, including the option for periodic change in landscaping also in conformance with Policy.

City Obligations:

- a. Reimburse Developer the difference in cost between a granite and concrete trail for Section 2 from Matador to Breakers Cove for the negotiated amount of \$21,000 when the trail improvements are completed and accepted by the City.
- b. Stripe bike lanes in existing street along Chisholm Trail Parkway, from Dunn's Canyon to Spring Canyon in calendar year 2013, with the remainder to be completed when Chisholm Trail Parkway is completed.
- c. Install two additional water meters (a total of four), and fund annual water expense for landscaped areas along Chisholm Trail Parkway by calendar year 2013.
- d. Replace granite Sections 1 and 3 with 6' wide concrete from Dunn's Canyon to Matador and from Breakers Cove to Spring Canyon within two years of date of agreement.
- e. Maintain the completed trail improvements in Sections 1, 2, and 3.

Ms. Newcomer also reviewed the fiscal impact associated with the project, as shown below:

<u>Project Component</u>	<u>Amount</u>
1. Replace granite Sections 1 and 3 with 6' wide concrete granite and concrete trail for Section 2	\$18,000 estimate
2. Reimburse Developer the difference in cost between a granite and concrete trail	\$21,000 actual
3. Install two additional water meters (a total of four)	\$2,000
<b>Total City Funds</b>	<b>\$41,000</b>

She recommended approval of the development agreement as proposed, and expressed thanks to the Developer for working so diligently with the City.

Councilmember Gauntt asked about developers' obligations, and the City Manager clarified the City's subdivision ordinance includes a requirement for parkland dedication. He stated it was determined that this trail is an important component of the City's parks system, and this development agreement is basically a substitute for that parkland dedication requirement. Ms. Gauntt expressed appreciation to the developer for allowing this trail to be open for use by the public. She asked if originally granite was acceptable for the trail, and Ms. Newcomer indicated that is correct, but it has been determined that concrete will be better due to maintenance costs. Ms. Gauntt asked if the City gave the developer trail specifications, and Ms. Newcomer replied the developer was required to submit plans which have been approved by the City's engineer and Atmos. Ms. Gauntt explained she wanted to make sure everyone's obligations are clear, with hopes other developers will want to work with the City on other projects. Ms. Newcomer concurred, and stated City staff worked very closely with the developer to ensure all trail requirements were satisfied so building permits could be obtained in a timely manner.

Councilmember Agan asked if there were any further development plans past (west of) Section 3 of the trail, and Ms. Newcomer stated nothing has been presented at this point. The City Manager stated as development comes in, the City's intention would be to work with future developers for additional concrete trail extensions. Councilmember Gauntt stated she hopes citizens will be made aware this trail is open to the public. The Mayor agreed and indicated the City will make it known this is a section of the City's hike and bike trail system which starts at Confederate Park, through UMHB, to the High School, connecting with this project, and eventually on to the Corps of Engineers' park.

Councilmember Pearson made a motion to approve the item. The motion was seconded by Councilmember Gauntt and carried by a vote of 5-0, with Mayor Pro Tem Grayson abstaining.

Mayor Pro Tem Grayson returned to the meeting room.

Consider approval of Tax Increment Reinvestment Zone (TIRZ) Board recommended projects to be funded from the 2007 TIRZ Certificates of Obligation and the TIRZ operating budget.

The City Manager explained the TIRZ Board received a presentation on the preliminary Capital Improvements Program (CIP) at its meeting on April 30th, which summarizes a number of priority community projects that have emerged over a five month review of local needs. Projects with the potential for TIRZ funding were discussed at the meeting, and he reviewed the following recommended funding allocation:

<b>Fund 49:</b>	
Nolan Creek Recreation/Flood Mitigation	\$ 194,076
<b>Fund 23:</b>	
Downtown Beautification - additional	\$ 25,000
Toll Bridge Road Bridge Replacement - additional	\$ 25,000
Nolan Creek Recreation/Flood Mitigation	\$ 5,924
South Main Sidewalks	\$ 75,000
Commerce/Sparta Signal	\$ 150,000
SH 317/River Fair Widening	\$ 60,000
SH 317/24th Design Report	\$ 50,000
Rockwool Property Redevelopment	\$ 20,000
TIRZ Street Improvements	\$ 50,000
Capital Contingency	\$ 19,076
<b>Total Fund 23 Recommendation</b>	<b>\$ 480,000</b>

Mr. Listi indicated funds for these projects will come from unallocated 2007 Certificates of Obligation (\$194,076) and FY 2013 unallocated TIRZ budget funds (\$480,000). He concurred in the TIRZ Board's recommendation and recommended approval.

Mayor Pro Tem Grayson asked about the SH 317/24th Avenue design report identified in the list, and the City Manager explained 24th Avenue is very narrow with no underground storm drainage and issues are caused as traffic builds up and feeds onto SH 317. He stated widening is needed to provide additional capacity on 24th Avenue, with essentially a three-lane road at its intersection with SH 317. This report will provide analysis and final design plans, while determining how to phase construction when funds are available at a later time.

Councilmember Gauntt asked the City Manager to explain the purpose of the TIRZ, and the Mr. Listi gave an overview of how the TIRZ operates and reviewed a map of TIRZ boundaries. Mayor Pro Tem Grayson commented the TIRZ also increases development which helps the General Fund, and the City Manager concurred, stating utilizing TIRZ funds on public improvements has helped trigger additional public improvements and investment in these areas.

Councilmember Agan made a motion to approve the item as recommended. The motion was seconded by Councilmember Kirkley and carried by a vote of 5-1, with Councilmember Gauntt voting in opposition.

Consider a resolution authorizing the submission of a 2013 Transportation Investment Generating Economic Recovery (TIGER) grant application to the U.S. Department of Transportation; and authorizing the City Manager to act as the City's authorized representative in all matters pertaining to the City's participation in the TIGER grant program and supporting, endorsing, and committing to local funding share (20%) of the West Ninth Avenue Extension and Overpass Construction Project.

The City Manager explained the U.S. Department of Transportation (DOT) has issued a call for applications for the FY 2013 TIGER grant. As with the previous two rounds of TIGER, funds for FY 2013 (\$473,847,000) will be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area, or a region. He stated this round has the shortest statutory timeframe of all rounds to date (due

June 3, 2013), but adds an additional primary selection criterion of “Project Readiness” that staff believes is particularly well suited to the 9th Avenue Project since it is 95% designed, with final requirements able to be satisfied when all project funding is available. TIGER funds must be obligated by September 30, 2014, which emphasizes the objective to get the money spent as soon as possible, a deadline staff believes can be readily meet.

Mr. Listi reviewed the following potential funding sources for the 9th Avenue project:

<b>Funding sources:</b>		
Federal funds	\$	750,000
City funds (2007 CO's)	\$	400,000
Interest income	\$	996
<b>Total funding</b>		<b>\$ 1,150,996</b>
<b>Less:</b>		
Engineering	\$	(939,503)
Oncor pole relocation	\$	(120,000)
TxDOT fees	\$	(5,100)
<b>Total expenditures</b>		<b>\$ (1,064,603)</b>
<b>Current balance available</b>		<b>\$ 86,393</b>

He explained the total estimated construction cost is \$5.0M, with a 20% match required (\$1.0M). Funds spent to date are not eligible toward satisfying the match; therefore, with UMHB’s commitment of \$200,000, \$800,000 in local funds is still needed, and reviewed the following grant match sources:

TIGER grant application	\$	5,000,000
20% local match =		\$ 1,000,000
<b>Local Match:</b>		
UMHB commitment	\$	200,000
9th Avenue balance	\$	86,393
GF fund balance	\$	713,607
<b>Match sources</b>		<b>\$ 1,000,000</b>

Mr. Listi also reviewed the following potential funding sources under consideration at this time, for all or part of the project:

1. Chisholm Trail TE (Transportation Enhancement) Grant for sidewalks and associated pedestrian/bike elements (July 2013 TxDOT decision).
2. Brown Foundation Grant (decision pending).
3. KTMPO Category 7 Funds (Policy Board discussion May 15, 2013 leading to 2013 decision).

He recommended approval of the proposed resolution authorizing submission of the grant application, authorizing the City Manager to act as the City’s authorized representative in all matters pertaining to the grant, and committing the City’s local funding share.

The Mayor clarified that the original project was around \$5.0M and the City has spent a little over \$1.0M, and the City Manager concurred and reiterated anything spent thus far doesn’t count toward the City’s match. Mr. Listi explained the project price has increased and project boundaries have been adjusted slightly, lengthening it to University Drive. Councilmember Gauntt asked if there was any way to return this to a local \$1.0M project again instead of using federal funding as she believes this project won’t serve that many people. The City Manager explained that is not possible; the City has met all state and federal rules for the project, and though there are additional requirements with federal funding (i.e. environmental work, additional guidelines), the design section is not any different than what it would be otherwise – a two-lane street (minimum street width to go over Nolan Creek without a center turn lane), with the addition of pedestrian components, which has been a desire of the City Council for all future projects.

The Mayor stated years ago the first estimate was \$1.0M, but costs have increased over time, and he believes making this a federal project benefits the City because the City is applying for tax dollars that have been garnered from across the nation, and this helps

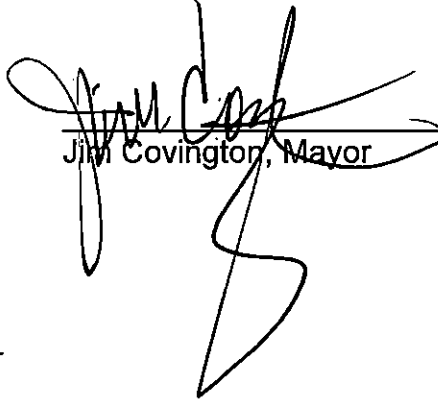
bring some of those dollars back to Texas. The City Manager acknowledged this is an expensive project, but 9th Avenue is the last east-west segment on the City's Thoroughfare Plan that dates back to 1980. This was one of the few options recommended by Texas Department of Transportation several years ago, and staff believes it will be a regionally significant project.

There were no other comments, and Councilmember Kirkley made a motion to approve the resolution authorizing submission of the grant application as recommended. The motion was seconded by Councilmember Pearson and the following captioned resolution captioned was adopted by a vote of 5-1, with Councilmember Gauntt voting in opposition:

**RESOLUTION NO. 2013-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE SUBMISSION OF A FY 2013 TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TIGER GRANT PROGRAM AND SUPPORTING, ENDORSING, AND COMMITTING TO LOCAL FUNDING SHARE OF THE WEST NINTH AVENUE EXTENSION AND OVERPASS CONSTRUCTION PROJECT.**

There being no further business, the meeting was adjourned at 6:58 p.m.

  
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Jim Covington, Mayor

ATTEST:

  
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Connie Torres, City Clerk