

**BELTON CITY COUNCIL MEETING  
MAY 24, 2011**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, Wayne Carpenter, Craig Pearson, and John Agan. Councilmember David K. Leigh was absent. Staff present were John Messer, Sam Listi, Connie Torres, Fred Morris, Les Hallbauer, Gene Ellis, Bruce Pritchard, Jerri Gauntt, Sandy Slade, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Development Services Director Fred Morris, the Pledge of Allegiance to the Texas Flag was led by Councilmember John Agan, and the Invocation was given by Jack Helmer, Military Minister at the First Baptist Church.

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

Administer the Oath of Office to City Councilmembers.

The City Attorney administered the Oath of Office to Clifton Peters, Craig Pearson, and Wayne Carpenter. (David K. Leigh was out of town, and his Oath will be administered at another time.)

Selection of Mayor Pro Tem.

Councilmember Peters made a motion to appoint Marion Grayson as Mayor Pro Tem. The motion was seconded by Councilmember Pearson and carried unanimously.

Public comments. There were no public comments.

Presentation of Proclamation for Texas Reading Club Day and Texas Teens Read Day.

The Mayor read the proclamation and presented it to Lauren Grommert, the Children's Librarian for the City's Lena Armstrong Public Library.

Consent Agenda

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

Minutes of previous meetings. Both sets approved as presented.

A. April 26, 2011

B. May 10, 2011

Consider an ordinance approving a negotiated resolution between the Steering Committee of Cities served by Oncor and Oncor Electric Delivery Company LLC.

Approved the ordinance captioned below approving the negotiated resolution between the Steering Committee and Oncor Electric Delivery. The monthly bill impact for the average residential customer will be a \$2.35 increase (as opposed to the \$5.00 per bill increase as proposed in the Company's filing). Belton will receive \$55,485.29 for retroactive franchise fees within 60 days following approval of the settlement. This represents payments and interest for the period September 2009 through June 30, 2011 that were disallowed by the PUC in the last case. Belton will also see higher payments going forward (i.e. back to the pre-September 2009 level). A budget amendment recognizing this additional General Fund revenue will be included in the all-inclusive budget amendment ordinance at year end.

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ("STEERING COMMITTEE") AND ONCOR ELECTRIC DELIVERY COMPANY LLC ("ONCOR" OR "COMPANY") REGARDING THE COMPANY'S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ONCOR'S PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

Consider authorizing the City Manager to advertise for the sale of City lots known as 700, 702 and 704 W. Avenue C.

Authorized advertisement for bids for the sale of the three City-owned lots on W. Avenue C. (The City has platted this property located at the northwest corner of W. Avenue C and Sparks Street, into three lots for use in its affordable housing program.)

Consider donation of 16 Self Contained Breathing Apparatus Bottles (SCBA) to surrounding Volunteer Fire Departments.

Approved donation of 16 SCBA bottles to surrounding area volunteer fire departments. (The Fire Department has 16 SCBA bottles that will expire in 2013 due to the manufacturer's 15 year product life. Although they have been tested by state standards in past years as required, the Department does not need them anymore and will not be budgeting for testing in the FY 2012 budget.)

Consider award of bids received for annual construction materials and infrastructure components installation.

Approved the following action:

- Award of Base Bid A and Bid C to Lone Star Grading in the amount of \$1,793,650;
- Award of Base Bid B for HMAC to APAC Texas in the amount of \$296,850; and
- Rejection of Base Bid D due to error; will be rebid.

Consider authorizing Amendment No. 3 to the Avenue D Roadway Improvements contract with Kasberg, Patrick & Associates, for extra costs associated with construction administration.

Approved Amendment No. 3 in the amount of \$9,775 for professional services for construction administration due to the addition of infrastructure installations, citizen public relations, and extension of time to complete construction of the project. Funding will come from 2008 Certificates of Obligation for the Avenue D project.

Consider selecting the type of procurement process that is most advantageous to the City as allowed under 271.113 of the Local Government Code in regards to the Public Works Facilities project, and delegating authority under section 271.113 to the City Manager.

Authorized issuance of a Request for Proposals for a Construction Manager at Risk (CMAR) for construction of Public Works Facilities, in an effort to achieve better pricing, and remain within project budget constraints. Only one bid was received in April when bids were solicited for construction of a new PW maintenance facility at the former TxDOT Area Engineer's Office on Holland Road. The bid of \$211,169 far exceeded the City's anticipated cost for the project, and was rejected at the May 10th Council meeting. In addition to construction of a new maintenance facility, the Holland Road

property includes an existing office and other structures. Using the CMAR approach, staff intends to bundle renovation of the office space (which was not part of the rejected bid) with construction of the new facility. By combining both projects under one CMAR, staff hopes to achieve some economies of scale and greater flexibility in executing the project and revisions thereof.

Consider authorizing extension of agreement with Jaynes, Reitmeier, Boyd & Therrell, P.C. for independent audit services.

Approved a one year extension of the agreement with Jaynes, Reitmeier, Boyd & Therrell, P.C. (first extension of four possible). The FY 2010 base fee was \$27,000, plus a single audit fee of \$3,900, triggered by the IH-35 utility relocation project. Pursuant to contract terms, fees in any contract extensions increase annually based on the percentage change in the U.S. consumer price index for the previous year. With a 2.7% increase in the CPI-U over the past 12 months, the base fee will increase to \$27,700. In addition, FY 2011 will require a single audit due to federal grant programs. Those fees are estimated at \$11,700, as it is anticipated there will be three major federal award programs (IH-35 project, 9th Avenue, and First Responder appropriation) included in the single audit (\$3,900 per program).

Consider authorizing the City Manager to enter into an agreement with Lone Star Right of Way Services, Inc., for relocation of City utilities associated with the IH-35 widening project.

Authorized an agreement with Lone Star ROW Services for acquisition of ROW and associated services in the not-to-exceed amount of \$25,000, with funding from Capital Projects funds, to be reimbursed by TxDOT. The City needs to acquire at least three proposed ROW parcels for this project, and some may require condemnation. TxDOT mandates a very comprehensive process to receive such parcels, and appraisals will be needed in most cases. This expense was not included in the action on October 27, 2009, when the Council authorized KPA Engineers to design the relocation of City utilities impacted by the widening of IH-35 (between FM 2484 and US Highway 190). All engineering, surveying, and associated costs will be reimbursed to the City for this federally funded project administered by TxDOT.

#### Miscellaneous

Consider authorizing the City Manager to execute a contract in response to a Request for Qualifications for Professional Services for the Nolan Creek Pedestrian and Bike Trail Extension Project.

The City Manager stated this is for Phase II of the Nolan Creek Hike & Bike Trail extension which was funded in late 2010. The grant award included \$458,916 for design, survey, property management, environmental, and contract administration. TxDOT required procurement for professional services, to include contract administration. Mr. Listi explained the City received responses from Bury & Partners, Temple, Halff Associates, Austin, and KPA Engineers, Temple. A Rating Committee comprised of the City Manager, Assistant City Manager, and Public Works Director, interviewed Bury & Partners and KPA Engineers, and selected KPA Engineers as the most qualified.

Mr. Listi stated a contract has been prepared based on negotiations and has been reviewed by Jim Reed, TxDOT, administrator of the grant program. The contract for the entire project is being presented, with only Phase I (preparation of a Preliminary Engineering Report) in the amount of \$20,000, being funded at this time. The City Manager introduced Project Manager Mack Parker, KPA Engineers, who gave a presentation of the project components. (Also present was Rick Kasberg, KPA Engineers, Principal from the firm.) Mr. Parker reviewed the project timeline, the two proposed routes, and the University of Mary Hardin-Baylor's Campus Master Plan as it relates to this project.

**Belton City Council Meeting  
May 24, 2011 – Page 4**

Councilmember Carpenter asked how long the gap is between the end of the trail and the College View Apartments. Mr. Parker indicated the apartment complex is on top of the hill and is about 300' from where the trail ends. The Mayor stated he thinks the project will enhance surrounding property, and hoped there would be no right-of-way issues. He asked if the proposed trail route could be moved to the west to the College View Apartments' eastern border should problems with property owners be encountered. Mr. Parker indicated adjustments could be made, as the intent is to keep the trail as far west as possible (to the western end of those properties). Councilmember Peters asked if there is quite a bit of water that goes through Route #2, and Mr. Parker indicated yes, since that's what drains part of UMHB. He explained there will be separation between that drainage, and as the project gets closer to 9th Avenue, they may have to pick up that drainage and go subsurface with the trail located above drainage improvements.

The City Manager recommended approval of the contract with KPA Engineers for Phase I, preparation of a Preliminary Design Report in the amount of \$20,000. He indicated Phases II-V will be presented to the Council for separate action in the future following completion of this report. Councilmember Pearson made a motion to authorize execution of the contract as recommended. The motion was seconded by Councilmember Peters and carried unanimously.

At 6:12 p.m. the Mayor announced the Council would go into executive session and closed the meeting for the following:

Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, to consult with City Attorney.

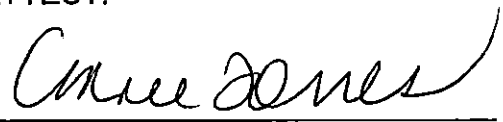
The first session ended at 6:40 p.m. and the following began:

Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.086, to discuss economic development negotiations.

At 6:54 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