

**BELTON CITY COUNCIL MEETING  
NOVEMBER 23, 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 (arrived 5:35 p.m.), 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, Jen Wesley, Roy Harmon, Byron Sinclair, Jerri Gauntt, Kim Kroll, Sandy Slade, Charlotte Walker, and Denny Lassetter.

The Pledge of Allegiance to the U.S. Flag was led by Assistant City Manager Cristy Daniell, the Pledge of Allegiance to the Texas Flag was led by Councilmember Craig Pearson, and the Invocation was given by Darren Walker of the First United Methodist Church.

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

Public comments. There were no public comments.

Introduction of Denny Lassetter, IT Director. The City Manager introduced Mr. Lassetter.

Consent Agenda

The Mayor explained funding for the contract with Stan Reed related to the Central Avenue Bridge Assessment project, will come from the City's General Fund fund balance (not the General Fund Contingency account as indicated in the background information).

Councilmember Agan made a motion to approve the items on the consent agenda as recommended. The motion was seconded by Councilmember Leigh and carried unanimously.

Minutes of the previous meeting. Approved as presented.

Consider appointments to the Belton Economic Development Corporation Board of Directors.

Reappointed Dr. Andy Crowson and Steve Jones to another three-year term.

Consider authorizing the City Manager to execute a contract with Stan Reed, Reed Con, Inc. for professional design services for two projects.

Approved the contract with Stan Reed, Reed Con, Inc. for design services for the following projects:

- A. Central Avenue Bridge Assessment – TxDOT has informed the City that the Central Avenue Bridge over Nolan Creek is one of two Belton bridges scheduled for replacement in 2014. The other one is the Toll Bridge Road Bridge over the Lampasas River that collapsed several years ago. These bridges require 10% contribution from the City, currently estimated at \$100,000 each. The Toll Bridge Road Bridge will be recommended for replacement, but the historical Central Avenue Bridge needs more analysis. The City needs to determine if it should be replaced by TxDOT or if the City wants to take responsibility for it and rehabilitate it. Mr. Reed is a bridge engineer specialist, and will investigate the bridge's structural integrity; develop an inspection report; and design recommended repairs and costs for the bridge. Tasks can be accomplished in 35 calendar days so the City can report to TxDOT. A complete staff report on both bridges will be presented to Council. Cost for professional services and associated surveying and geotechnical services, will not exceed \$10,000, to be funded from the City's General Fund fund balance.
- B. Nolan Creek Drainage Structure Splitter Box/Deck – The storm drainage structure located behind the Cotton Gin is a splitter box that handles drainage and debris from Downtown. In the recent flood, the safety chain link fence was destroyed. Staff proposes to complete its construction and construct a deck on top of it as a final drainage solution. With the fence gone, the structure could present a hazard due to its accessibility, and enclosing it will also prevent vegetation growth. Additionally, this deck will double as an entertainment venue. The design services for this project with

Stan Reed will not exceed \$1,500. The TIRZ budget includes \$20,000 for Downtown Storm Drainage Improvements.

P-10-14: Consider a Final Plat for HEB Sparta Road Subdivision, a 31.391 acre tract of land out of the M. F. Connell Survey, Abstract 6, located on the east side of North Main Street, and generally north of Sparta Road and south of Lake Road (FM 439).

Approved the Final Plat for the HEB Sparta Road Subdivision, a 31.391 acre, 1 block, 2 lot addition. Lot 1 will be the site of a new HEB grocery store and retail center, and Lot 2 will include the existing Valero gas and convenience store. The Valero ownership is included in this plat with HEB to facilitate future improvements to the N. Main Street/Lake Road intersection. The Planning & Zoning Commission voted to recommend approval 6-0, at its meeting on November 16, 2010.

Miscellaneous

Consider on second and final reading, ordinances granting commercial solid waste collection franchises to the following:

- A. Allied Waste
- B. Waste Management
- C. IESI Corporation
- D. Eagle Disposal
- E. Kerr Refuse Service
- F. Bell County Iron & Recycling

The City Manager stated a public hearing was held at the November 9th meeting in accordance with the City Charter and the Council approved the ordinances on first reading. The franchises will be for a three-year period (expiring December 31, 2013), with two additional one-year extensions if agreeable by both parties. Mr. Listi explained the City will no longer establish maximum rates for commercial haulers in order to facilitate a fair market basis for these services. He recommended approval of the proposed ordinances granting franchises to the six companies listed above, on second and final reading.

Upon motion by Councilmember Leigh, seconded by Councilmember Carpenter, the following captioned ordinances were unanimously approved on second and final reading:

**ORDINANCE NO. 2010-47**

**AN ORDINANCE GRANTING A FRANCHISE TO ALLIED WASTE TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.**

**ORDINANCE NO. 2010-48**

**AN ORDINANCE GRANTING A FRANCHISE TO WASTE MANAGEMENT TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.**

**ORDINANCE NO. 2010-49**

**AN ORDINANCE GRANTING A FRANCHISE TO IESI CORPORATION TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING**

ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2010-50

AN ORDINANCE GRANTING A FRANCHISE TO EAGLE DISPOSAL TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2010-51

AN ORDINANCE GRANTING A FRANCHISE TO KERR REFUSE SERVICE TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.

ORDINANCE NO. 2010-52

AN ORDINANCE GRANTING A FRANCHISE TO BELL COUNTY IRON & RECYCLING TO PROVIDE SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS.

Consider on second and final reading, an ordinance granting a residential solid waste collection franchise to Waste Management of Texas, Inc.

The City Manager stated this item would grant a residential solid waste base contract with Waste Management, to include the household hazardous waste component. Similar to the previous item, a public hearing was held on November 9th, and the Council voted to approve the ordinance on first reading. The franchise is for a three-year term beginning January 1, 2011, with the option to extend the agreement for two additional one-year terms provided both parties agree. He recommended approval of the ordinance on second and final reading.

Councilmember Pearson made a motion to approve the ordinance on second and final reading. The motion was seconded by Mayor Pro Tem Grayson and the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2010-53

AN ORDINANCE GRANTING A FRANCHISE TO WASTE MANAGEMENT OF TEXAS, INCORPORATED, TO PROVIDE RESIDENTIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON.

Consider authorizing the Belton Economic Development Corporation to enter into a contract with the Belton Area Chamber of Commerce and Mickey Wade for the property adjacent to 412 East Central Avenue.

Belton Economic Development Corporation Director Tommy Baker requested the Council approve the BEDC's purchase of the vacant lot adjacent to the Belton Area Chamber of Commerce, to build a 2,500 square foot building with several offices for counseling and incubator space. Mayor Pro Tem Grayson made a motion to authorize the BEDC to enter into a contract with the Belton Area Chamber of Commerce and Mickey Wade for the property adjacent to 412 E. Central Avenue. The motion was seconded by Councilmember Peters and carried unanimously.



Consider authorizing the City Manager to execute a contract with International City and County Management Association (ICMA) Public Safety Services to develop a comprehensive analysis of fire and EMS services in the City.

The City Manager explained this is an important time of transition for the Fire Department, given the impending retirement of long-time Fire Chief Roy Harmon effective January 31, 2011. He recommended the City contract with ICMA Public Services to assist the City in development of a Fire Services Utilization and Resources Study to help prepare the City for the next decade of Fire Department and associated services. The assessment will take about four months, to be followed by a national search for a new Chief. The cost for the comprehensive assessment will be \$39,000, with a maximum of \$6,000 for travel expenses, a not-to-exceed amount of \$45,000.

Mr. Listi stated the recruitment process will be handled by ICMA HR for expenses only (out of pocket travel expenses and associated costs not-to-exceed \$5,000), as Belton has been selected as one of three demonstration sites, which will provide comprehensive ICMA resources for a successful search. The City Manager indicated Assistant Fire Chief Bruce Pritchard has indicated he will not be seeking the Chief's position, but will assist the City in the study and search for a new Chief. He recommended approval of the contract at a not-to-exceed amount of \$50,000, to be funded from General Fund fund balance.

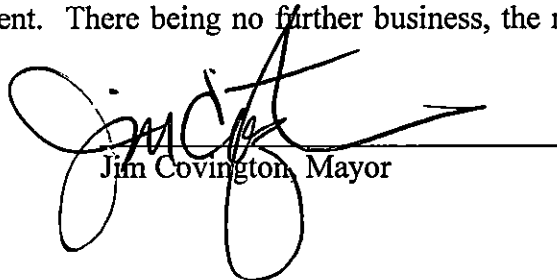
Mr. Listi clarified the cost of the study is not-to-exceed \$45,000 with an additional \$5,000 for the Chief selection process, a total cost of \$50,000. Mayor Pro Tem Grayson thanked Chief Harmon for his service and stated he will be greatly missed. Upon motion by Councilmember Peters, seconded by Councilmember Carpenter, the Council unanimously approved the contract as recommended.

At 5:47 p.m. the Mayor announced the Council would go into executive session and closed the meeting.

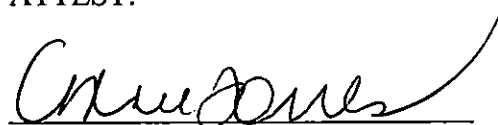
Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, to consult with the City Attorney.

At 6:00 p.m. the Mayor reopened the meeting.

Michael Sharp, Bury & Partners, San Antonio, spoke on behalf of the final plat for the HEB Sparta Road Subdivision. (Mr. Sharp was delayed in traffic.) He indicated they intend to break ground the first part of 2011 on a 115,000 square foot store plus in-line retail. Several expressed great anticipation over the future development. There being no further business, the meeting was adjourned at 6:03 p.m.

  
Jim Covington, Mayor

ATTEST:

  
Connie Torres, City Clerk