

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

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Councilmembers David K. Leigh, Craig Pearson, John Agan, Jerri Gauntt, and Dan Kirkley. Mayor Pro Tem Marion Grayson was absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Gene Ellis, Francisco Corona, Mike Huber, Kim Kroll, Charlotte Walker, Denny Lassetter, Paul Romer, and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Grants & Special Projects Coordinator Aaron Harris, the Pledge of Allegiance to the Texas Flag was led by City Manager Sam A. Listi, and the Invocation was given by Pat Munoz of the Dunamis Baptist Church.

The Mayor called the meeting to order at 5:33 p.m.

Public comments.

Referring to a proposal to change the street name of 9th Avenue, Pat Mahoney, 1003 West 9th Avenue #502 (Chisholm Trail Senior Village), expressed concern for the many elderly residents living at the complex who may not be able to get out to change their address with institutions as needed. She indicated there are 60 units at Chisholm Trail Senior Village, and presented the Council with a petition containing 47 signatures, requesting they be able to retain the 9th Avenue street name. Ms. Mahoney stated the residents are not opposed to the name change proposed, but suggested some other options to allow this property to retain the 9th Avenue address, and asked for any assistance available to help these residents work through the change. The Mayor thanked her for her comments, and Councilmember Pearson suggested church groups may be willing to assist the elderly with the address change process.

Mayor Covington presented City Manager Sam A. Listi with a service award from the ICMA, for his 35 years in local government.

Consent Agenda

Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the Council unanimously approved the following:

Minutes of the previous meeting. Approved as presented.

Consider appointment to the following boards and commissions:

- A. Texas Dormitory Finance Authority Board – Appointed Blair Williams to replace Dan Kirkley, who was elected to the City Council.
- B. Police & Fire Civil Service Commission – Appointed Jimmy Rowton for a three-year term, to fill George Musacchio's position as he did not seek reappointment.
- C. Electrical Board – Reappointed Robert Bass (Master Electrician) and Willie Leos (Oncor Electric) to another two-year term.

Consider a resolution appointing a member to the Tax Appraisal District of Bell County Board of Directors.

Approved **RESOLUTION NO. 2013-23**, appointing Robert Jones for a two-year term as the City's representative on this board, which is shared jointly with the Belton ISD.

Consider appointment of Municipal Court Judge and Associate Judge.

Appointed Steve Lee as Municipal Court Judge and Ted Duffield as Associate Municipal Court Judge. (Since the City Charter no longer specifies a one-year term,

both individuals will continue to serve in this capacity until either they choose to step down or the Council wishes to make a new appointment.)

Consider authorizing the purchase of vehicles for the Police Department.

Authorized purchase of two Chevrolet Tahoe PPVs (Police Package Vehicles) from Caldwell Country Chevrolet through BuyBoard, and additional equipment (radios, cameras, graphics and mobile data terminals), with \$50,000 funding from the FY 2013 unspent police budget, and \$46,850 included in the FY 2014 budget.

Consider an ordinance prescribing the classifications for police officer and firefighter positions and the number of positions in each classification.

Approved the following captioned ordinance, which creates an additional Lieutenant position in the Police Department:

**ORDINANCE NO. 2013-37**

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

Consider a resolution approving the terms and conditions of an interlocal agreement with the Region 4 Service Center, which sponsors the Cooperative Purchasing Network (TCPN), to provide cooperative purchasing program for goods and services.

Approved the following captioned resolution approving the agreement between TCPN and the City of Belton, to provide access to their cooperative purchasing program for goods and services:

**RESOLUTION NO. 2013-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE REGION 4 EDUCATION SERVICE CENTER, WHICH SPONSORS THE COOPERATIVE PURCHASING NETWORK (TCPN), PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES; DESIGNATING THE CITY MANAGER, AS OFFICIAL REPRESENTATIVE OF THE CITY OF BELTON, TEXAS RELATING TO THE PROGRAM.**

Consider authorizing a contract with Texas Fleet Fuel for City fuel purchases.

Authorized a contract with Texas Fleet Fuel (formerly FuelMan) for the City's fuel needs at \$.119 per gallon. The contract is for a period of five years, beginning February 1, 2014, with two one-year renewal options, supplied via The Cooperative Purchasing Network (previous agenda item), that meets State and City bidding requirements.

Miscellaneous

Consider authorizing a Development Agreement between the City of Belton and Belton Independent School District (BISD) regarding obligations associated with the final plat of Chisholm Trail Elementary Addition, located on Wheat Road near Digby Drive.

The Mayor recognized School Board President Randy Pittenger, who was in attendance.

The City Manager explained the Council approved the final plat for the Chisholm Trail Elementary Addition at its August 13th meeting, with street and sidewalk/hike/bike trail contribution by BISD as follows:

\$ 72,151.24	Perimeter Street Improvement Requirement (one half of 37' street)
\$ 48,461.50	10' Sidewalk/Hike/Bike Trail
<b>\$120,612.74</b>	<b>TOTAL REQUIRED</b>

Given Council's direction to work to mitigate costs for both entities, staff continued discussion with BISD. Additional review of the City's Subdivision Ordinance determined a 5' sidewalk is required, not the 10' sidewalk/hike/bike trail combination recommended by staff in this location along Wheat Road. Mr. Listi explained the staff recommendation came from the goal of serving both pedestrians and bikers along Wheat Road, in a combined 10' sidewalk/hike/bike facility, instead of providing two 5' sidewalks on both sides of Wheat Road that would not accommodate bikes. While staff continues to feel the 10' combined sidewalk/trail represents the best sidewalk/hike/bike trail plan given surrounding conditions, City staff has concluded that BISD's obligation is limited to the cost of a 5' sidewalk. He recommended the 10' sidewalk/hike/bike trail be built adjacent to the school with the street project, with the City bearing the cost of the remaining 5'. This reduces BISD's 10' sidewalk/hike/bike trail cost by one-half, from \$48,461.50 to a cost share of \$24,230.75 each, for both BISD and the City.

The City Manager reviewed the following obligations included in the proposed Development Agreement:

BISD obligations

- Contribute funds for Wheat Road: \$72,151.24 (no change)
- Contribute funds for 5' sidewalk: maximum of \$24,230.75 (reduced from \$48,461.50)
- Provide funds to City by June 2, 2014 (changed to a date certain)

City of Belton obligations

- Allocate \$800,000 to Wheat Road project (result of completed CIP CO bond sale)
- Contribute funds for 5' sidewalk: \$24,230.75 (new commitment)
- Bid the 10' sidewalk/hike/bike trail adjacent to school with Wheat Road project to determine actual final cost for BISD, where cost may be reduced but not increased
- Bid the 10' sidewalk/hike/bike trail for the entire Wheat Road project length as an add-alternate, to evaluate opportunity for funding entire city limit portion with street project
- The City will record Chisholm Trail final plat following approval of Development Agreement by the BISD Board of Trustees

Based on the conditions above, the City Manager recommended approval of the Development Agreement, with funding for the City's share (\$24,230.75) from 2013 Certificates of Obligation. He indicated the BISD School Board will consider the item at its meeting on October 21st.

Councilmember Pearson expressed appreciation for the cooperation among the two entities, and agreed it would be most cost efficient to construct the entire sidewalk at one time. He asked if the City can recover those costs from a future developer, and the City Manager stated that would have to occur through an assessment program, but it would be challenging. The City Attorney commented there are many different ways to handle developments.

Councilmember Kirkley asked about the total length of the sidewalk minus the school's portion, and Mack Parker, KPA Engineers, indicated the street length is 2,000', and BISD's portion is about 600'. Councilmember Leigh stated he also thinks it's a good idea to evaluate construction of the full length, and expressed appreciation for the school district's patience and partnership. Mr. Pittenger also expressed appreciation of the partnership with the City, and thanked the City for its willingness to look at this item again. He stated he is pleased a solution has been developed that meets everyone's needs, and hopefully this will lead to also getting sidewalks to the school someday (not just in front).

Councilmember Kirkley made a motion to approve the agreement as recommended. Councilmember Pearson seconded the motion, which carried unanimously.

Consider authorizing the City Manager to execute Amendment Number 3 to the agreement with Kasberg, Patrick & Associates for professional services related to the West 9th Avenue Extension and Overpass Construction Project.

The City Manager explained this Amendment Number 3 would add a not-to-exceed amount of \$87,600 for final design of the last segment of this project, a 900'

area along existing 9th Avenue between the Chisholm Trail Senior Village and University Drive. He reviewed elements of the proposed design contract and summarized components of the original/previous amendments. Mr. Listi stated that this change order (\$87,600) added to the amended contract, results in a new total of \$1,023,747.35, and recapped 9th Avenue Capital funds shown below:

FY 2010 Federal Appropriation	\$750,000
2007 CO funds	\$400,000
Interest earnings	<u>\$1,081</u>
Total funding	\$1,151,081
<u>Less:</u>	
Previously approved KPA amount	(\$939,503)
TxDOT admin fee	(\$5,100)
Oncor line relocation	(\$120,000)
KPA CO #3	<u>(\$87,600)</u>
Net funding needed	\$1,122 (GF Capital Projects Fund, non-bond sources)

The City Manager highlighted the project location on a map, and recommended approval of Amendment Number 3, for an additional \$87,600 for final design of the last segment of the project.

Councilmember Leigh asked about the KTMPO funding, and Mr. Listi explained the City was awarded \$2.9 million last month from the KTMPO, to fund the final leg of this project. He stated these funds, coupled with the \$1.1 million Transportation Enhancement (TE) grant awarded earlier in the summer, leave staff prepared to present a funding proposal to the Council, for the balance. He indicated funds are available in fund balance; the only thing uncertain is the scheduling of the need for the money (based on when bids are received and required cash flow). Typically TE grant funds are an 80%/20% match, with submittals to TxDOT reimbursed 80% and the City paying the 20%. Administration of the KTMPO funding is uncertain at this time however, since this is the first award in the Region. A meeting is scheduled for late October to determine how this will work. Mr. Listi reiterated staff is confident funds are available in fund balance and should cash flow just fine.

Councilmember Leigh asked about the funds to be paid to KPA Engineers. Mr. Listi stated the \$87,600 for this amendment is a not-to-exceed amount. KPA Engineers will submit invoices for work as it's completed, but the City will only pay for actual costs. Mr. Leigh asked if there's any chance that if appropriations aren't spent by a certain day, they could be rescinded. Mr. Listi stated previous funding allocations were recommended by TxDOT to assure the funding is properly obligated and will be available for expenditure when needed, so he believes those bases have been covered. Assistant City Manager Cristy Daniell commented the City has received \$332,000 in federal funds thus far.

Councilmember Gauntt asked why right-of-way (ROW) expenses are outside of the project cost. The City Manager stated under federal funding, there are a lot of rules associated with ROW acquisition, so the City used local funds to mitigate those activities and expenses; he added those costs can't be added to project costs now, but he believes doing them outside of grant project funding has been a good move.

Councilmember Leigh asked about the project schedule, and Mr. Listi stated they anticipate bidding the project by next summer, with 12-18 months for construction.

Councilmember Agan made a motion to authorize the City Manager to execute Amendment Number 3 to the agreement with Kasberg, Patrick & Associates for professional services related to the West 9th Avenue Extension and Overpass Construction Project. Councilmember Leigh seconded the motion, which carried unanimously.

Consider authorizing an agreement with Gary Lacy, Recreation Engineering & Planning, for final design services for the Nolan Creek Project.

Grants & Special Projects Coordinator Aaron Harris gave an overview of this project and steps accomplished thus far. He explained this contract would provide all final design through construction phase engineering services associated with the project. Mr. Harris showed a picture of the preliminary design, and recommended approval of the contract with Recreation Engineering & Planning (REP), for final design of the Nolan Creek Improvement Project, which includes the following Scope of Services:

• Final Design and Specifications	\$12,800
• Bid Process	\$4,800
• Construction Phase Services & Coordination w/qualified contractor	\$32,000
• Travel Expenses	<u>\$6,000</u>
<b>TOTAL</b>	<b>\$55,600</b>

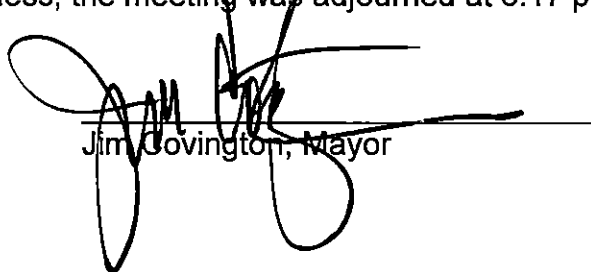
Councilmember Gauntt asked if there's a plan to maintain an appropriate level of water flow in the project area, so it can actually be used. Mr. Harris stated Gary Lacy, with REP, has indicated the creek is navigable at regular flow; it has been determined the impact (west of town) is going to be minimal, with a 5%-10% reduction in water level resulting from Killeen's plan to divert some effluent for golf course irrigation. He explained Bell County WCID No. 1 produces about 10-12 million gallons of effluent/day into the creek, and the City of Killeen plans to divert some of that water and recycle gray water for conservation. Mr. Harris stated this is estimated to be a reduction of 1-2 million gallons/day, which is a minimal impact according to our engineers, but monitoring will continue. The Mayor stated he thinks the reuse of effluent is going to become more and more popular. Mr. Harris commented that recreation is just one component of this project, and flood mitigation is another component with the removal of low water crossings, which will also aid flow and help keep it safe for recreation.

Councilmember Gauntt expressed concern with the possibility of future costs to pipe water to the creek because Belton's effluent is downhill. Councilmember Leigh stated he believes the creek has ample flow at this point, but he thinks long term (5-10 years out), that more and more of the effluent will be used, and recreating in any area (Belton Lake included), is going to become a luxury, not an entitlement.


The City Manager stated staff is very aware of water quality/quantity issues, and is carefully monitoring the water quality study that's underway. He indicated Mr. Lacy is aware of the use of effluent and has been asked to incorporate that into the final design (if necessary), to accomplish the safety issues, in addition to the flood mitigation/recreation components.

Ms. Gauntt asked about property owner notification, and Mr. Harris identified areas where work will be performed, and indicated a plan will be developed to notify property owners. There being no further discussion, Councilmember Pearson made a motion to approve the item as presented. Councilmember Leigh seconded the motion, which carried unanimously.

There being no further business, the meeting was adjourned at 6:17 p.m.

  
Jim Covington, Mayor

ATTEST:

  
Connie Torres, City Clerk