

**BELTON CITY COUNCIL MEETING  
OCTOBER 25, 2011**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers David K. Leigh, Craig Pearson, and John Agan. Councilmembers Clifton Peters and Wayne Carpenter were absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Les Hallbauer, Jen Wesley, Bruce Pritchard, Byron Sinclair, Rex Robertson, Jerri Gauntt, Kim Kroll, Sandy Slade, and Denny Lassetter.

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 Mike Bergman of Helping Hands Ministry.

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

Public comments. There were none.

Consent Agenda

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

Minutes of the previous meeting. Approved as presented.

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

Approved **RESOLUTION NO. 2011-17** reappointing Carl Bozon for another two year term as the City's representative (shared with the Belton Independent School District).

Consider authorizing the City Manager to execute an Interlocal Agreement with Bell County for seal coating streets in the Belton city limits.

Approved the Interlocal Agreement to provide a mechanism for Bell County to seal coat roads within the city limits, typically on short street sections at the edge of the city limits, when the County is already "on site" on adjacent county roads, performing street maintenance. The City will be responsible for review/approval of the seal coat priority plan and will pay the County the actual cost of materials used. The County will be responsible for the following items:

- 1) Development/coordination of the seal coat plan;
- 2) Provide labor, equipment, and material to prepare the roadway for seal coat, including patching potholes and level up;
- 3) Sweep the surface and remove grass from the shoulder;
- 4) Deliver and distribute asphalt and aggregate for final surface application; and
- 5) Sweep loose aggregate after application.

Funds for this work (estimated at \$20,000) will come out of the \$100,000 annually budgeted for seal coating. If a budget amendment is needed to cover more street sections than possible with the \$100,000 allocation, the item will be presented to Council for funding authority.

Consider extension of Scott & White (S&W) Healthcare's land use approval request to occupy a modular building at 265 Sparta Road.

Based on an October 12, 2011 letter from Rob Marshall, S&W Director of Real Estate, which provides official notice that Scott & White has begun planning a permanent facility to replace the clinic, and anticipate occupying the new facility on or before April 30, 2013, the Council approved an extension to April 30, 2013, with the conditions below:

1. S&W is allowed continuation of current use of modular building and property as a health care facility until April 30, 2013.

2. On or before October 31, 2012, S&W will provide a report to the City Manager detailing final development plans for the replacement clinic discussed in the October 12, 2011 letter, as well as plans for the site governed by Ordinance No. 2004-51, at 265 Sparta Road.
3. S&W shall be responsible for ensuring site conditions comply with all minimum code standards and, in addition, the following shall occur:
  - Building condition/maintenance/signage shall be maintained in an acceptable manner;
  - Perimeter fencing shall be maintained; and
  - Parking lot shall be maintained.
4. If these conditions are not satisfied, the Certificate of Occupancy will be terminated.

#### Miscellaneous

Hold a public hearing regarding the disannexation of 67.230 acres of the proposed La Cachette development, located east of FM 1670, west of IH-35, and adjacent to the Lampasas River.

The City Manager gave an overview of the area proposed for disannexation, and indicated the developer has submitted the Municipal Utility District (MUD) application to TCEQ. In accordance with the development agreement for the La Cachette development, this 67.230 acre tract needs to be disannexed for the outside city MUD to be effective. An area immediately along the river will be retained inside the city limits to provide continuity of property to the west/east, and to maintain the protective strip of city limits along the river. Mr. Listi requested the Council conduct the public hearing, and stated the first reading of the disannexation ordinance is scheduled for November 15, 2011 at a special meeting.

The Mayor opened the public hearing. Garrett Nordyke, 3000 Illinois Avenue, Killeen, was present on behalf of the developer to answer questions and asked for the Council's support. There were no comments for or against the disannexation, therefore the Mayor closed the public hearing. No action was required.

Hold a public hearing and consider a resolution to continue taxing goods in transit.

Assistant City Manager Cristy Daniell stated the Council adopted a resolution in 2007 to approve a local option to tax tangible personal property in transit. "Goods in transit" reside temporarily in warehouse inventories within a jurisdiction while awaiting shipment to other locations. The local option was approved by voters in 2001 as an amendment to the Texas Constitution; however, enabling legislation wasn't enacted until 2007. During the recent legislative special session, Senate Bill 1 amended the enabling legislation, and taxing entities are now required to hold a public hearing and annually adopt a resolution in order to continue taxing these goods in transit. The resolution must be passed after October 1 and before January 1 of the year to be taxed (between 10-01-11 and 01-01-12 for 2012 taxes). Ms. Daniell explained the Tax Appraisal District was unable to quantify the amount of goods in transit currently being taxed by the City, as those amounts are embedded in inventory renditions.

Councilmember Agan asked what happens if the City doesn't take action to continue, and Ms. Daniell replied she believes if the goods are in transition in Belton and the City doesn't tax them, then nobody else will. She explained all goods stored in a warehouse as of January 1 are subject to being taxed. The City Manager added the Legislature seems to be challenging cities to ensure a policy decision is reiterated every year, as the City can lose that revenue if not adopted annually. Councilmember Leigh asked if the hearing could be coordinated with the budget process, and Ms. Daniell reiterated the bill mandates adoption must occur after October 1 and before January 1, which falls after the budget process.

The Mayor opened the public hearing and there were no comments regarding the item, therefore the hearing was closed. Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the Council unanimously approved **RESOLUTION NO. 2011-18** authorizing the City to continue taxing goods in transit.

Receive a status report on the 1874 Church and consider appropriate next steps.

The City Manager stated at the April 26, 2011 meeting, the 1874 Church Committee presented a status report and was asked to present a report at the end of six more months. Mr. Listi introduced Harry Sweet, Chair of the 1874 Church Committee, who updated the Council with the following progress:

- Committee members have been working with Allison Supancic, Professional Librarian at the University of Texas Library, who is helping guide the group with obtaining grant resources;
- The group intends to generate income to handle standard operating/maintenance expenses;
- The Church roof was stabilized following heavy winds in April 2011, with installation of a FEMA roof by a contractor at no cost to the Committee;
- They now have a reliable property/grounds maintenance worker with sufficient funding to handle the expenses;
- The 2012 calendar project has been well received and should be out in a couple weeks; and
- A Texas A&M University class project will provide a laser scan at no cost, and the resulting report will provide credibility for grant issuing agencies.

Committee Member Rae Schmuck stated Professor Robert Warden's class from Texas A&M University, will return in November, with an in-depth historic structures report expected in December. The class also looked at the new St. Luke's Church to obtain photos of original windows from the 1874 Church. She indicated Pat Sparks, Sparks Engineering, will also be involved in this project.

Committee Member Sandy Mason talked about the list of companies the group has prepared with potential sponsors/donors and grant resources for community projects. She indicated Ms. Supancic has been very helpful in identifying necessary elements of grant applications, and once completely identified, the Committee intends to target the companies that cover eligible grant categories. They intend to present the list and findings from the Texas A&M study/scope of work to Ms. Supancic to obtain additional input regarding grant submission. Mr. Sweet added Mr. Sparks' participation in the Texas A&M project gives the group the ability to include precise cost estimates in grant applications.

The City Manager thanked the Committee for its report and acknowledged the progress made thus far:

- Texas A&M study will include a laser scan of the building and preparation of a report, which will hopefully lead to a concrete scope of work that can be used for grant applications;
- The group has identified a number of companies/grant opportunities, with no applications submitted until a scope is developed;
- Property and grounds will continue to be maintained;
- Current fund raising effort is expected to bring about \$15,000 profit; and
- The Committee received a \$1,000 grant from the Bell County Historical Commission for installation of security lighting, which has helped with safety concerns.

Based on the above progress, Mr. Listi recommended another progress report be presented to Council on March 27, 2012. Several Councilmembers praised the Committee's work and agreed the extension is warranted. The Mayor directed the group to return with another report in March 2012.

Consider a resolution authorizing the City Manager to take all necessary steps associated with submitting an application for a Transportation Investment Generating Economic Recovery (TIGER) discretionary grant to the U.S. Department of Transportation.

The City Manager stated the City would like to apply for a federal TIGER (Transportation Investment Generating Economic Recovery) Grant for the West Ninth Avenue Extension and Overpass Construction Project. The grant criteria seems to be a good fit for the project, and staff is working with Russ Reid on development of the complex application due October 31, 2011. He indicated this application also allows inclusion of a narrative, which he believes will allow the City to more fully describe the need for the project, the City's partners, and work completed to date.

Mr. Listi stated funds for the FY 2011 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the nation, or a

metropolitan area or region, with a special set aside for rural areas. While other communities have applied for rounds one and two of the grant and have not been successful (Killeen, Copperas Cove, Temple), Belton is eligible for the "set-aside" for rural communities and will not compete with area cities. The City Manager explained the application will be for the entire \$3.255M remaining for the project, and recommended approval of the resolution which reiterates previous Council support (adopted in 2009) and identifies partners and financial commitments.

Councilmember Agan asked how this project meets the criteria of Innovation, and Mr. Listi stated while this criteria is challenging, staff hopes to show the number of aspects of the project that are unique and will come together with extension of W. 9th Avenue, including enhancement and extension of the Hike & Bike Trail and addition of the water recreation project along Nolan Creek. The street project will easily meet other criteria by enhancing circulation and improving emergency access, and staff also intends to include information related to preservation of historical structures along Main Street.

Councilmember Agan made a motion to approve the resolution authorizing the City Manager to take all necessary steps associated with submitting an application for a TIGER discretionary grant to the U.S. Department of Transportation. The motion was seconded by Mayor Pro Tem Grayson and the following captioned resolution was unanimously approved:

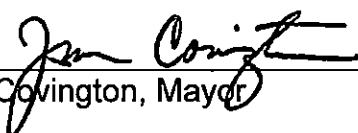
**RESOLUTION NO. 2011-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE SUBMISSION OF A 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.**

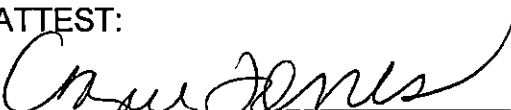
At 5:59 p.m. the Mayor announced the Council would go into executive session and closed the meeting.

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 6:15 p.m. the Mayor reopened the meeting and there being no further business, the meeting was adjourned.

  
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Jim Covington, Mayor

ATTEST:

  
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Connie Torres, City Clerk