

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
March 3, 2009 – 7:00 P.M.**

1. Oath of Office: The Oath of Office will be administered to Cheryl L. Meredith. **F. W. "Bill" Price, Municipal Court Judge**

F.W. "Bill" Price, Municipal Court Judge administered the oath of office to Cheryl L. Meredith, Council Member Position 1. Ms. Meredith was elected at the Special Election of February 10, 2009 to fill an unexpired position ending June 2009.

2. Oath of Office: The Oath of Office will be administered to Charles "Chuck" Downard. **F. W. "Bill" Price, Municipal Court Judge**

F.W. "Bill" Price, Municipal Court Judge administered the oath of office to Charles "Chuck" Downard, Council Member Position 3. Mr. Downard was elected at the Special Election of February 10, 2009 to fill an unexpired position ending June 2010.

3. Oath of Office: The Oath of Office will be administered to Danny Palmer. **F. W. "Bill" Price, Municipal Court Judge**

F.W. "Bill" Price, Municipal Court Judge administered the oath of office to Danny Palmer, Council Member Position 4. Mr. Palmer was elected at the Special Election of February 10, 2009 to fill an unexpired position ending June 2010.

A. CALL TO ORDER

Mayor John Hull called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Frank D. Somera, Jr. gave the Invocation, and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

John Hull
Cheryl L. Meredith
Larry D. Sheppard
Chuck Downard
Danny Palmer
Willie C. Goode
Frank Seffrood

ALSO PRESENT

Andrea M. Gardner, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

Andrea Gardner, City Manager, announced that the Solid Waste Transfer Station would be open to the public on March 14, 2009 from 8:00 a.m. to 4:30 p.m. She reminded residents that City Ordinances cannot be enforced for any production activities regarding oil and gas drilling that is outside of City limits. She stated that the moratorium on oil and gas drilling that was

passed by the City council on August 19, 2008 says that it will be effective upon passage for 180 days or until the City concludes a comprehensive evaluation and adopts new regulations regarding these types of activities.

E. PUBLIC RECOGNITION

1. Employee Service Awards. **Andrea M. Gardner, City Manager**

December 2008 Recipients: Robert Hicks, Fire Lieutenant, 5 years; Daniel Taylor, Public Improvements Inspector, 5 years; William Ortiz, Heavy Equipment Operator, 5 years.

January 2009 Recipients: Rebecca Koppes, Firefighter/Paramedic, 5 years.

2. Employee of the Quarter Recognitions. **Andrea M. Gardner, City Manager**

4th Quarter 2008 Recipients: Public Safety Division, Gary Young, Fire Department/EMS Chief; Community Services Division, Nancy Nyberg, Golf Shop Assistant; Public Works Division, James Dixon, Facility Maintenance; Administrative Services Division, Linda Acevedo-Hernandez, Finance Department Accounting Technician.

F. CITIZENS' FORUM citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

John Firth, County Judge. Judge Firth welcomed the new City Council members on behalf of Coryell County and said that the County stands ready to assist them and answer any questions. He passed out an updated list of what Coryell County is providing to the City for fiscal year 2009.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the November 3, 2008 regular council meeting. **Jane Lees, City Secretary**

2. Consideration and action on approval of minutes from the November 14, 2008 special council meeting. **Jane Lees, City Secretary**

3. Consideration and action on approval of minutes from the February 20, 2009 special council meeting. **Jane Lees, City Secretary**

4. Consideration and action on award of Bid No. 2009-02-42 to Planet Ford for the purchase of four (4) police pursuit vehicles for \$28,774 per unit. **Tim Molnes, Police Chief**

5. Consideration and action on authorizing street closures during calendar year 2009 for the Copperas Cove Chamber of Commerce & Visitors Bureau, Copperas Cove Downtown Association, Olan Forest Smith, VFW Post No. 8577 and Ladies Auxiliary and Police Department's National Night Out "Kick Off Party 2009". **Tim Molnes, Police Chief**

6. Consideration and action on Resolution No. 2009-06, accepting the quarterly investment report as presented for the quarter ending September 30, 2008 per the Investment Policy. **Wanda Bunting, Director of Financial Services**

The Resolution caption is as follows:

RESOLUTION NO. 2009-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE QUARTERLY INVESTMENT REPORT AS PRESENTED FOR THE QUARTER ENDING SEPTEMBER 30, 2008 PER THE INVESTMENT POLICY.

7. Consideration and action on approval of Resolution No. 2009-07, amending authorized Texas Local Government Investment Pool (TexPool) representatives for the City of Copperas Cove, Texas. **Wanda Bunting, Director of Financial Services**

The Resolution caption is as follows:

RESOLUTION NO. 2009-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING AUTHORIZED TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL) REPRESENTATIVES FOR THE CITY OF COPPERAS COVE, TEXAS.

8. Consideration and action on Resolution No. 2009-08, accepting the quarterly investment report as presented for the quarter ending December 31, 2008 per the Investment Policy. **Wanda Bunting, Director of Financial Services**

The Resolution caption is as follows:

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE QUARTERLY INVESTMENT REPORT AS PRESENTED FOR THE QUARTER ENDING DECEMBER 31, 2008 PER THE INVESTMENT POLICY.

Council Member Palmer made a motion to approve consent items G-1, G-2, G-3, G-4, G-5, G-6, G-7, and G-8. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public hearing, consideration and action on Ordinance No. 2009-02, providing a zoning change for 3.01 acre tract out of the W. H. Davis Survey, Abstract #276, locally known as the 900 block of North F.M. 116, from R-1 Single Family Residential to B-4 Business District, providing a savings clause; and declaring an effective date. **Carl Ford, Director of Development Services**

Mayor Hull opened the public hearing.

Carl Ford, Director of Development Services, gave an overview of agenda item H-1.

Speaking for: Wes Atkinson, President of Bel Pas, Inc. Daniel Butler, 403 W. Anderson. Mr. Butler asked the Council to consider a clause for a restaurant only. Ken Warren 404 W. Anderson.

Speaking Against: None.

Mayor Hull closed the public hearing.

Council Member Goode made a motion to approve agenda item H-1 for B-3 (Local Business District) zoning. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on appointment of a member to fill a vacancy on the Board of Adjustment. **Carl Ford, Director of Development Services**

Carl Ford, Director of Development Services, gave an overview of agenda item I-1.

Council Member Seffrood made a motion to move Frank Somera Jr. from Alternate to Position 4 of the Board of Adjustment of the City of Copperas Cove, for the period March 3, 2009 – June 30, 2011. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on Resolution 2009-02, accepting the Office of Rural Community Affairs 2008 TxCDP Grant No. 728050, awarded for the purpose of construction improvements to the sewer system including replacement of wastewater lines, manholes and service reconnections. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-2.

Council Member Goode made a motion to approve agenda item I-2. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2009-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE OFFICE OF RURAL COMMUNITY AFFAIRS 2008 TXCDP GRANT NO. 728050, AWARDED FOR THE PURPOSE OF CONSTRUCTION IMPROVEMENTS TO THE SEWER SYSTEM INCLUDING REPLACEMENT OF WASTEWATER LINES, MANHOLES AND SERVICE RECONNECTIONS.

3. Consideration and action on Resolution 2009-03, authorizing signatories in connection with the Office of Rural Community Affairs TxCDBG Grant No. 728050, awarded for the purpose of construction improvements to the sewer system including

replacement of wastewater lines, manholes and service reconnections. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-3.

Council Member Downard made a motion to approve agenda item I-3. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2009-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE OFFICE OF RURAL COMMUNITY AFFAIRS 2008 TXCDP GRANT NO. 728050, AWARDED FOR THE PURPOSE OF CONSTRUCTION IMPROVEMENTS TO THE SEWER SYSTEM INCLUDING REPLACEMENT OF WASTEWATER LINES, MANHOLES AND SERVICE RECONNECTIONS.

4. Consideration and action on Ordinance No. 2009-01, amending Personnel Policy No. 510 – Family and Medical Leave Act. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director, gave an overview of agenda item I-4.

Council Member Seffrood made a motion to approve agenda item I-4. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption is as follows:

ORDINANCE NO. 2009-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO. 510 – FAMILY AND MEDICAL LEAVE ACT.

5. Consideration and action on appointment of one (1) member to the Keep Copperas Cove Beautiful Commission. **Silvia Rhoads, Executive Director, Keep Copperas Cove Beautiful**

Silvia Rhoads, Executive Director, gave an overview of agenda item I-5.

Council Member Palmer made a motion to appoint Tracy Lehmkuhler to the Keep Copperas Cove Beautiful Commission of the City of Copperas Cove for the period March 2009 – September 2010. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on Resolution No. 2009-04, establishing procedures for a General Election on May 9, 2009 in Copperas Cove, Texas. **Jane Lees, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-6.

Council Member Downard made a motion to approve agenda item I-6. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2009-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ESTABLISHING PROCEDURES FOR A GENERAL ELECTION ON MAY 9, 2009 IN COPPERAS COVE, TEXAS.

7. Consideration and action on rescheduling the date of the March 17, 2009 regular City Council meeting to another date. **Jane Lees, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-7.

Council Member Palmer made a motion to reschedule the date of the March 17, 2009 regular City Council meeting to March 26, 2009. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

8. Consideration and action on the Mayor's Council Member recommendations and nominations to various ad hoc committees and outside agencies, committees, task forces, boards and commissions. **John Hull, Mayor**

Mayor Hull made nominations as follows:

John Hull
CTCOG Executive Committee
Hill Country Transit District Board
K-TUTS Policy Board

Cheryl Meredith
Adopt-A-Fort Hood-Unit
Sex Offender Ordinance Committee

Larry D. Sheppard
Deer Committee
Downtown Zoning Committee

Chuck Downard
Adopt-A-Fort Hood-Unit
Central Texas Deployment Task Force
EDC (Council Liaison)

Danny Palmer
Deer Committee
Oil & Gas Committee
Ordinance Review Committee

Willie C. Goode
K-TUTS Police Board (Alternate)
Ministerial Alliance Representative
Oil & Gas Committee
Records Management Committee

Frank Seffrood
Downtown Zoning Committee
Strategic Planning Committee
Transportation Committee

Andrea M. Gardner
CTCOG Executive Committee (Alternate)
Hill Country Transit District Board (Alternate)
K-TUTS Policy Board (Alternate 1)

Carl Ford
K-TUTS Policy Board (Alternate 2)

Council Member Downard requested that the Mayor appoint an alternate council liaison to the EDC. Mayor Hull said he could do this, but it would have to be on the next agenda.

Council Member Goode made a motion to approve agenda item I-8 as outlined by Mayor Hull in the Agenda Packet. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

9. Consideration and action on Resolution 2009-05, authorizing signatories in connection with the Office of Rural Community Affairs TxCDBG Grant No. 728267, awarded for the purpose of construction improvements to the drainage system along Summers Road and 25th, 27th and 31st Streets. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-9.

Council Member Goode made a motion to approve agenda item I-9. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2009-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING SIGNATORIES IN CONNECTION WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS TXCDBG GRANT NO. 728267, AWARDED FOR THE PURPOSE OF CONSTRUCTION IMPROVEMENTS TO THE DRAINAGE SYSTEM ALONG SUMMERS ROAD AND 25TH, 27TH AND 31ST STREETS.

10. Consideration and action on authorizing the City Manager to provide thirty days written notice to First Southwest Corporation of the City's intent to terminate the Financial Advisory Agreement dated August 13, 2003 between the City of Copperas Cove and First Southwest Corporation effective April 10, 2009. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-10.

Council Member Downard made a motion to approve agenda item I-10. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

11. Consideration and action on authorizing the City Manager to execute a Financial Advisory Services Agreement with Specialized Public Finance Inc. effective April 11, 2009. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-11.

Council Member Goode made a motion to approve agenda item I-11. Council Member Seffrood seconded the motion. During discussion, Mr. Gary Kimball of Specialized Public Finance Inc. stated that he has had the privilege of serving the City for the past 15 years on the financing of all the City's infrastructure projects. He said he would very much like to continue to serve in that role. With a unanimous vote, motion carried.

12. Consideration and action upon authorizing the Mayor to execute two (2) easements for Oncor Electric Delivery Company. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item I-12.

Council Member Seffrood made a motion to approve agenda item I-12. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

13. Consideration and action authorizing the City Manager to cancel the construction contract with Maguire Iron, Inc. of Sioux Falls, South Dakota. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-13.

Council Member Sheppard made a motion to approve agenda item I-13. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

14. Consideration and action on the cancellation of the economic development agreement between the City of Copperas Cove and Mesa Verde Partnership executed on May 20, 2008. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-14.

Council Member Sheppard made a motion to approve agenda item I-14. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

15. Consideration and action to reject all proposals responsive to the City of Copperas Cove's Request for Proposals for Prosecutor Services. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-15.

Council Member Seffrood made a motion to approve agenda item I-15 and reject all proposals. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

16. Consideration and action on Resolution No. 2009-09, supporting the Southeast Bypass Project (U.S. Highway 190 Reliever Route) and future debt issuance. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-16.

Council Member Downard made a motion to approve agenda item I-16. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, SUPPORTING THE SOUTHEAST BYPASS PROJECT (U.S. HIGHWAY 190 RELIEVER ROUTE) AND FUTURE DEBT ISSUANCE.

17. Consideration and action on authorizing the City Manager to issue payment in the amount of \$4,296.11 to Hays & Owens for oil & gas legal assistance. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave an overview of agenda item I-17.

Council Member Goode made a motion to approve agenda item I-17. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

18. Consideration and action on approving a contract between the City of Copperas Cove and the Copperas Cove Country Opry concerning the use of hotel occupancy tax. **Frank Seffrood, Council Member Place 7**

Frank Seffrood, Council Member Place 7, gave an overview of agenda item I-18.

Mayor Hull recommended that the Council consider postponing this item until the second meeting in April. Mr. Scott Joslove of the Texas Hotel & Lodging Association is scheduled to speak to the City Council at the Council Workshop on April 7, 2009, at which time he will discuss the legalities and uses for hotel and motel taxes.

Council Member Goode made a motion to approve agenda item I-18 for \$1,000 per quarter. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

19. Consideration and action on Ordinance No. 2009-03, amending the City's "Fee Schedule". **Frank Seffrood, Council Member Place 7**

Frank Seffrood, Council Member Place 7, gave an overview of agenda item I-19.

Council Member Palmer made a motion to approve agenda item I-19 by adopting Option 1. Council Member Downard seconded the motion.

During discussion, Council Member Seffrood stated that Option 1 would further increase costs in the Solid Waste budget. Council Member Downard stated that the City promised free bulk pickup and should keep that promise. He said that the Solid Waste budget has an additional \$22,000; therefore, the Council can approve Option 1 and live with being below the ideal fund balance. Council Member Seffrood stated that there is an anticipated loss of \$60,000 with Option 1. He suggested that the option to add 50 cents a month per solid waste customer would take care of the anticipated loss and would not place any real financial burden to any one customer. Council Member Sheppard agreed, saying that the 50 cents per customer should be added in order to maintain ideal fund balance. Mayor Hull added that budget preparation time will be coming up shortly and the Council could look further into this matter at that time.

A roll call vote was taken for Option 1 as follows:

Cheryl Meredith	Aye
Larry Sheppard	Aye
Chuck Downard	Aye
Danny Palmer	Aye
Willie Goode	Aye
Frank Seffrood	Nay

Motion carried 5-1 for Option 1, which will cost the City an average cost of \$60,000 per year for disposal cost only (does not include personnel cost associated with the pickup service).

J. STAFF REPORTS

1. Texas Commission on Environmental Quality (TCEQ) Public Drinking Water Recognition Program. **Robert McKinnon, Director of Public Works**

Andrea Gardner, City Manager, gave an update on the Texas Commission on Environmental Quality (TCEQ) Public Drinking Water Recognition Program.

3. Capital Improvement Projects Update. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an update on Capital Improvement Projects.

2. Developmental Projects Update. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an update on Developmental Projects.

4. Financial Report for the Month ended September 30, 2008. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave the financial report for the month ended September 30, 2008. City Council agreed to skip to item J-7.

5. Financial Report for the Month ended October 31, 2008. **Wanda Bunting, Director of Financial Services**

6. Financial Report for the Month ended November 30, 2008. **Wanda Bunting, Director of Financial Services**

7. Financial Report for the Month ended December 31, 2008. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave the financial report for the month ended December 31, 2008.

8. Annual Investment Report for the Fiscal Year Ending September 30, 2008 per the Investment Policy. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave the annual investment report for the fiscal year ending September 30, 2008 per the Investment Policy.

9. Report on Texas Parks & Wildlife Department (TPWD) Grant Award. **Andrea Gardner, City Manager**

Andrea Gardner, City Manager, gave a report on the Texas Parks & Wildlife Department (TPWD) Grant Award. The TPWD informed the City that they prefer to not receive back the grant money. If the City were to return the money, there is the risk of not ever getting another

grant from TPWD. The grant requirements are that construction must be complete within a three-year period and the City currently has two years left. TPWD will grant a one-year extension. The City could place an item on the November ballot for GO bonds.

10. Presentation of the 2008 Annual Report for the Police Department. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief, gave a presentation of the 2008 Annual Report for the Police Department.

11. Presentation of the 2008 Annual Report for Animal Control. **Mike Heintzelman, Deputy Police Chief**

Mike Heintzelman, Deputy Police Chief, gave a presentation of the 2008 Annual Report for Animal Control.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

M. EXECUTIVE SESSION

1. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the purchase of real property.

2. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss legal issues surrounding contract with former City Attorney Jim Thompson.

3. Pursuant to §551.071 (a)(A)-(B) of the Open Meetings Act. *Gov't Code*, Council will meet in Executive Session to consult with attorney regarding contemplated litigation and to receive advise protected by the attorney/client privilege on the dispute brought by Burkett Media LP regarding their sign application.

The Council adjourned to Executive Session at 9:28 p.m.

N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

The Council reconvened into open session at 10:13 p.m.

Council Member Palmer made a motion to pay Jim Thompson the money requested and that any City property in his possession is returned to the City. Council Member Meredith seconded the motion.

A roll call vote was taken as follows:

Cheryl Meredith	Aye
Larry Sheppard	Nay
Chuck Downard	Aye
Danny Palmer	Aye

Willie Goode Nay
Frank Seffrood Aye

Motion carried 4-2.

O. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 10:14 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary