

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
December 1, 2009 – 7:00 P.M.**

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

Pastor Richard Leary, Word of Life, the Church of the Living God International, Inc., gave the Invocation and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

John Hull
Cheryl L. Meredith
Charlie D. Youngs
Chuck Downard
Danny Palmer
Bill L. Stephens
Willie C. Goode
Frank Seffrood

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

D. ANNOUNCEMENTS

Council Member Stephens reminded everyone to attend the Christmas Tree Lighting Ceremony on December 3, 2009 at 6 p.m. Hot chocolate and cookies will be served. There will be Christmas music and a visit from Santa as well.

Mayor Hull announced that on December 5, 2009 the Hot Bowl begins at 2 p.m., the Christmas Parade begins at 6 p.m. at the High School and the Toy Bowl is scheduled for 7 p.m.

E. PUBLIC RECOGNITION

1. Employee Service Awards – December 2009. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, presented the December 2009 recipient with his pin: Mark Summerlin, Operator II Wastewater Department – 10 years.

2. Proclamation: 125th Anniversary – Mount Hiram Lodge No. 595. **John Hull, Mayor**

Mayor John Hull read the proclamation and presented it to James Powell, Worshipful Master of Mount Hiram Lodge No. 595. Mr. Powell extended an invitation to the City Council and City Department Heads to attend their 125th Anniversary Luncheon on December 12, 2009, beginning at 11:30 a.m. at Grace United Methodist Church.

F. CITIZENS' FORUM At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Mike Beevers, 5101 FM439, Belton, Texas. Mr. Beevers said that he believes that the lines of communication should continue to remain open between the City Council and developers of Stoney Brook Assisted Living Center. He said that he stands ready to appear at any meeting on this project to assist in getting things done.

G. CONSENT ITEMS

1. Consideration and action on approving the minutes from the workshop council meeting on November 17, 2009. **Jane Lees, City Secretary**

2. Consideration and action on approving the minutes from the regular council meeting on November 17, 2009. **Jane Lees, City Secretary**

3. Consideration and action on the appointment of an alternate City Secretary. **Jane Lees, City Secretary**

4. Consideration and action on authorizing the City Manager to enter into an agreement with the Hill Country Community Action Association for use of the Head Start Building at, 1008 North Drive, to provide a Head Start preschool program for the youth of Copperas Cove. **Ken Wilson, Director of Community Services**

Council Member Youngs requested removal of item G-6 from the Consent Agenda for further discussion. Council Member Palmer requested removal of item G-5 from the Consent Agenda for further discussion.

Council Member Downard made a motion to approve consent items G-1, G-2, G-3, and G-4. Council Member Stephens seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and Action on authorizing the City Manager to enter into an agreement with Oncor Electric Delivery Company LLC ("Oncor") for permission to construct, operate and maintain a paved parking area located in the Oncor easement at Kate Street Park. **Ken Wilson, Director of Community Services**

Ken Wilson, Director of Community Services, answered several questions including who would be paying to pave the parking lot and whether drainage patterns would change in the area as a result of paving.

Council Member Seffrood made a motion to approve item G-5. Council Member Stephens seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on authorizing the City Manager to enter into an agreement with Oncor Electric Delivery Company LLC ("Oncor"), for Encroachment on Easement of Playscapes located at Kate Street Park. **Ken Wilson, Director of Community Services**

Ken Wilson, Director of Community Services, answered several questions including why the City is required to move the playscape, what the useful life is for a playscape, and whether or not the area could be used for practice fields at the end of the playscapes useful life.

Council Member Youngs made a motion to approve item G-6. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action to approve “Copperas Cove EDC Performance Agreement/Clawback Agreement with CCAL, L.L.C. for the Stoney Brook facility.” **Dan Yancey, Chairman, CCEDC Board of Directors**

Dan Yancey, Chairman of the CCEDC Board of Directors, gave an overview of agenda item I-1.

Council Member Stephens made a motion to approve agenda item I-1 as presented. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on an ordinance amending Chapter 3 of the Code of Ordinances Article V. Animals At-Large Sec. 3-51. Adoption, transfer, or euthanization of unredeemed animals; providing for a savings clause; and providing for an effective date. **Mike Heintzleman, Deputy Police Chief**

No action was taken on this item.

3. Discussion and possible action on Hill Country Transit District (The HOP) bus stop shelter location. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item I-3. Robert Ator, Executive Director of the HOP was on hand to discuss the placement of one bus stop shelter location. Discussion followed on additional shelters that will be provided in the near future. Mr. Ator said he welcomed the City’s input as to where to place these shelters.

Council Member Palmer made a motion approve one bus stop shelter at the Copperas Cove Civic Center. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

Mayor Hull requested that item J-1 be moved to after Executive Session. The Council concurred.

K. ITEMS FOR FUTURE AGENDAS

Council Member Goode requested that the item to discuss a city attorney be placed back on a future agenda. Council Members Stephens and Palmer concurred.

Council Member Seffrood requested that the item appointing members to a Hotel/Motel Tax Committee be placed back on a future agenda. Council Members Downard and Palmer concurred.

L. EXECUTIVE SESSION

1. Pursuant to §551.087 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations – Stoney Brook Assisted Living Center.

2. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to consult with its attorney regarding legal issues associated with the purchase of the digital sign and the resignation of the CCEDC Executive Director.

3. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the purchase, exchange, lease, or value of real property.

The Council adjourned to Executive Session at 7:44 p.m.

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

Mayor Hull reconvened the open session at 8:50 p.m. and announced that there was no action to be taken as a result of any of the items discussed in Executive Session.

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

1. CCEDC digital sign update. ***Dan Yancey, Chairman, CCEDC Board of Directors***

Dan Yancey, Chairman of the CCEDC Board of Directors, gave an update on the digital sign. Mr. Yancey stated that the sign was contracted for a total of \$238,000 and was divided into thirds for payment. \$58,000 remains to be paid on the sign, pending its erection. He said that the CCEDC believes the sign should be in its possession and it would take a payment of \$42,000 to release it and have it brought to Copperas Cove and put into local storage. Cost of storage locally would be approximately \$75 a month. The CCEDC has an appointment scheduled with TxDOT on Friday, December 4, 2009 to look at three potential sites for the sign. He said that TxDOT officials will be looking over the three sites to pre-approve one of the sites prior to an application being submitted by the CCEDC. The three sites are: (1) where the business park sign is currently located; (2) between Arby's and the lift station; and (3) further east, but still on Industrial Foundation property. Mr. Yancey said that all three sites are on the east side of Highway 190. He stated that the primary use of the sign would be for Cinergy Cinemas and the remaining portion could be used by Fort Hood to advertise their events. The sign, if moved to Copperas Cove for continued storage, would be insured when CCEDC takes possession.

N. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 8:58 p.m.

ATTEST:

John Hull, Mayor

Jane Lees, City Secretary