

**CITY OF COPPERAS COVE  
CITY COUNCIL WORKSHOP MEETING MINUTES  
February 2, 2010 – 6:00 P.M.**

**A. CALL TO ORDER**

Mayor John Hull called the workshop meeting of the City Council of the City of Copperas Cove Texas to order at 6:00 p.m.

**B. ROLL CALL**

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

**ALSO PRESENT**

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

**C. WORKSHOP ITEMS**

1. Presentation and discussion on Chapter 16.5 of the Code of Ordinances (Sign Ordinance). **Mike Baker, Fire Chief**

Andrea Gardner, City Manager, stated that on January 19, 2010, the City Attorney presented sign regulations to the Council. Chief Baker will present the workshop this evening based on the previous presentation, and several members of the sign committee are present so that they can capture the Council's direction. City staff will take the direction given this evening and bring back a sign ordinance to the Council for approval.

Chief Baker presented the policy issues regarding the current sign ordinance and the proposed changes to the sign ordinance. A copy of the presentation is made a part of these minutes. Discussion included what Copperas Cove looks like today and how the City wants Copperas Cove to look in the future. A review of the regulatory topics that Mr. Zech covered in the last meeting along with an opportunity for Council feedback followed.

Al Castillo, 1002 Blue Spur. Mr. Castillo suggested that the Council go to the east gate of Fort Hood and look down Rancier Avenue. He stated that the view would be what the City doesn't want.

Several cities that Council Members like regarding signs include Wilmington, North Carolina, Abilene, Marble Falls and Burnet, Texas.

On February 16, 2010, there will be a public meeting to discuss the existing sign ordinance. On March 2, 2010 a new sign ordinance draft will be presented to City

Council. On March 11, 2010, another public meeting will be held to obtain input on the draft ordinance. On April 6, 2010, there will be a public hearing and action on adopting the new sign ordinance.

2. Provide direction to City staff on item C-1 above. **Andrea M. Gardner, City Manager.**

Council consensus is to place a moratorium on new signs, but allow new businesses to advertise with a temporary sign until the new sign ordinance is in place. The new ordinance is scheduled to be approved on April 6, 2010.

Council consensus is to include the ETJ in the new sign ordinance regulations.

Council consensus is to regulate the height of signs, unless in an overlay district. Staff will concentrate on the east end and far west end of town, as well as FM116.

Regarding setback regulations, the City staff will bring back to Council several options on this subject. City staff will also bring back to Council several options on illumination (to include energy efficiency), CEVMS signs and dynamic (moveable) signs, as well as how the City will handle non-conforming signs.

Council consensus was to review banners and the permitting process/duration of the permit for a temporary banner.

Structural requirements that the City Council would like include that they be safe for the weather (wind) that the City gets. Businesses should have several sign standards to choose from.

#### **D. ADJOURNMENT**

There being no further business, Mayor Hull adjourned the meeting at 6:57 p.m.

\_\_\_\_\_  
John Hull, Mayor

#### **ATTEST:**

\_\_\_\_\_  
Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
February 2, 2010 – 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**

Rev. Preston Atkinson, Southern Hills Baptist Church, gave the Invocation and Mayor Hull led the Pledge of Allegiance.

**C. ROLL CALL**

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

**ALSO PRESENT**

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

**D. ANNOUNCEMENTS**

City Manager, Andrea M. Gardner, invited the public to attend the Grand Opening Ceremony for the new Copperas Cove Police Facility on February 16, 2010 at 10:00 a.m. The new facility is located at 302 East Avenue E.

**E. PUBLIC RECOGNITION**

1. Employee Service Awards – February 2010. **Andrea M. Gardner, City Manager**

Ms. Gardner presented the February 2010 recipients with their pins: Linda Acevedo, Accounting Technician – 5 years; Daniel Joost, Distribution Pump Maintenance Supervisor – 15 years; Jon Pilgrim, Fleet Maintenance Supervisor – 20 years.

**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.

Diane Steele, 905 North 4th Street. Ms. Steele is concerned that the new digital electric meters are not calibrated correctly because her bill and many other residents' bills have increased significantly since their installation.

Jack Smith, 3005 Sun Temple Circle. Mr. Smith stated he wish to speak on item G-3, which had been pulled from the agenda. The subject is a new apartment complex called Brookview Village. He stated that the developer was coming to Copperas Cove with plans to spend \$8-10M to

construct a 96-unit apartment complex, without requesting any money from the City or the County. This project has been in the works for over a year and they have now located property and filed information with the proper State entities. Everything was on track to start construction in August 2010. This project would have brought a lot of jobs to Copperas Cove to include hiring of local workers and subcontractors. Mr. Smith said that a Council Member emailed the developer and said that he did not, from a personal standpoint, desire to have housing in Copperas Cove that is directed to tenants with less than the local median income. The developer responded and said that he would honor his wishes and withdraw his application. Mr. Smith said that the developer didn't want to fight the Council and that they do have three other projects starting around the State. Mr. Smith suggested that the Council let other Members know that they shouldn't send emails to people who want to come to Copperas Cove, spend money, and help the City grow. Mr. Smith said he had copies of the emails with him available for anyone who wants a copy. This project was going along without any City help and all the developer needed was a letter of support from the Council.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer asked the Council to think about putting money towards building benches around town. He said he understands the need for a shelter, but a bench would go a long way and may be cheaper. He suggested this would be a good project for the Boy Scouts.

#### **G. CONSENT ITEMS**

1. Consideration and action on approving the minutes from the regular council meeting on January 19, 2010. **Stefanie Brown, Deputy City Secretary**

4. Consideration and action on accepting a grant and authorizing the Mayor and City Manager to execute the grant amendment from the Central Texas Council of Governments, Homeland Security Grant Program. **Mike Baker, Fire Chief**

5. Consideration and action on an ordinance amending the City of Copperas Cove's Code of Ordinances, Chapter 2, Article V, Section 2-124(a) of the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

The ordinance caption is as follows:

#### **ORDINANCE NO. 2010-08**

**AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCIAL PROCEDURES AND FISCAL POLICY, DIVISION 3, FUND BALANCES AND OPERATING PROCEDURES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Item G-3 was removed from the consent agenda and no action was taken.

3. Consideration and action on authorizing the Mayor to execute a letter of support for the Copperas Cove Brookview Village Apartments, L.P., an affiliate of the MacDonald Companies, regarding an application submission to the Texas Department of Housing

and Community Affairs (TDHCA) for Housing Tax Credits. **Andrea M. Gardner, City Manager.**

Council Member Palmer requested that item G-2 be removed from the consent agenda.

Council Member Downard made a motion to approve G-1, G-4, and G-5 as presented. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on authorizing the City Manager to enter into an agreement with T.F. Harper and Associates for the renovation of existing pool at South Park Pool Facility. **Ken Wilson, Director of Community Services**

Council Member Palmer requested that Mr. Wilson summarize what would be done during the pool renovation project.

Council Member Palmer made a motion to approve G-2 as presented. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

#### **H. PUBLIC HEARINGS/ACTION**

1. Public Hearing and action on the proposed amendments to the City's Home Rule Charter presented by the Charter Review Committee. **Charles E. Zech, City Attorney**

Charles E. Zech, City Attorney, gave an overview of agenda item H-1. He stated that there is one change to Section 2.07 that did not appear on the copy distributed with the agenda and he summarized it for the Council.

Mayor Hull opened the public hearing at 7:31 p.m.

Council Member Seffrood discussed the opportunity for municipalities to change their general election date from the May uniform date to the November uniform date. He said that the City could join forces with the County to help reduce election costs for the City. In addition, it may be helpful to not have a change of regime during the City's budget process. Council Member Stephens felt that the May election for the City is better. Council Member Palmer stated that runoff elections are expensive and would like to do away with them. Council Member Youngs said that the City is forced into runoff elections because of the three-year terms. He said that if the City went to two-year terms, like Killeen, officers would be elected by plurality rather than majority and runoff elections would not be required. Council Member Youngs stated that this would have to be placed on the upcoming May election ballot if the Council wanted the voters to consider going from three-year to two-year terms.

Diane Steele, 904 North 4th Street. She stated that the changes recommended by the Charter Committee changed the reasons for recall back to having specific requirements. She further stated to recall a Council Member would require a court conviction. She does not agree with this change, but overall she said the Committee did a good job.

Jim Rudd, Elections Administrator, Copperas Cove Independent School District, stated that if the City changed the general election date to November, it would impact the school district in a large way. Whatever the City decides will require the school district to do the same. The district position is that they strongly oppose going to a November general election date. The change

would confuse voters as to where they have to vote. Voting in one election for the City and school district makes it more convenient for voters. In addition, the school district position is that trustees voted on in November would not have the summer to get up to speed on the school district information prior to the start of school and they would also have no input on a budget that they will be required to work with during the school year. Mr. Rudd urged the Council stick with the May uniform election date to hold the general election.

Al Castillo, 1002 Blue Spur. Regarding Section 2.03 (a), he asked the City Attorney about the comment "found in state law." He asked how citizens will know if state law is being followed if it is not stated in the Charter? Attorney Zech said that the people who are tasked to make sure things are accomplished properly will know that it's in state law. The Charter could be full of references to state law, but this would cause the Charter to be much longer. The idea is to take out the references that the officials are tasked with knowing are in state law because it is not required to be in our Charter in order for it to be a law. The new provisions refer to state law, therefore, officials and citizens will know that there is a corresponding state law that must be followed.

Mr. Castillo also referred to Section 2.10. He asked the Council to reconsider saying that this section was amended to reduce the amount of Council Members necessary to make the quorum from five to four. In addition, it has amended the requirement that Council action be binding by a vote of four or more Members of the Council to an affirmative vote of the majority of those Council Members present and voting. Mr. Castillo said that if the quorum was four, all the City needs is three Council Members to pass items before the Council. He does not believe that City government should be run by three people.

Mr. Zech said that this is a recommendation by the Charter Committee that this should go before the voters. What goes on the ballot is not a change that the Council is making. The Council is making a decision that it should go before the voters who will decide if the Charter is changed.

During further explanation on Section 2.10, Mr. Zech said that it will reduce the amount of individuals for a quorum from five to four. State law requires a majority to be a quorum, and currently our Charter has increased that number to five. The Committee decided to recommend what state law says. This was the reasoning behind recommending that a quorum be four. Mr. Zech said that there was a very big discussion by the Committee on this Section. The portion of the current Charter which states that an item must be adopted by a vote of four was struck by the Committee and the result of that is that a majority vote of three could adopt a measure or resolution.

Mr. Castillo also had a question on Section 3.06 and 3.13, where a change was recommended for 2.5% of the qualified registered voters. He stated that with the transient community that Copperas Cove has he does not think that the voter lists are correct. He said that the Voter Registrar assured him that they were purged in 2008 and that they will be purged again this year, however, he does not feel they can be accurate. As an example, Mr. Castillo said that he recently received a new voter registration card for an individual who used his address when he was stationed at Fort Hood and has been gone for four years. Individuals like this are counted as registered voters.

Mr. Zech said that some cities will require a percentage of those who voted in the last election and some cities require a percentage of voters who are registered in the entire city. If the number of voters who voted in the last general election is used a higher percentage will be

needed to come up with a higher number or it will be a lower percentage to come up with a lower number, than if the City used the number of voters registered at the time of the election. One of the downfalls of having the numbers based on those who voted in the last general election is that the number of people voting generally varies greatly from election to election. For example if there was a very controversial issue on the ballot in May and 10,000 voters turn out for the election and the recall requirement is 25% of those voting in the last general election. In this case, 2,500 people would be necessary to sign a petition for a recall for that year. For the following year, there is nothing controversial on the ballot and only 4,000 voters show up to vote. For the next election, a requirement of 1,000 signers would be required. This number can fluctuate greatly, based just on the issues from year to year. On the other hand, if the City used a number which is a percentage of the total registered voters in the City, the number would not fluctuate nearly as much. The thought process of the Charter Committee was to use a number that would remain relatively stable over time, therefore, it would be better to use the registered voters in the City because that number is not going to fluctuate as greatly.

Council Member Downard discussed Section 2.07 (c) Filling of Vacancies. He would like to see additional wording after the part that calls for a special election to be held to fill a vacancy. The wording would be to add "within 120 days." Mr. Zech said that could be inserted, however, it is already included in the Texas Constitution. Council Member Downard stated that he would prefer to be able to read the Charter and see all requirements in one place, rather than having to turn to the Constitution or other state statutes. Council Member Seffrood stated that if we put all the specific requirements in our Charter from other state documents and then the state changed something, our Charter in turn would have to be changed each time. Mr. Zech agreed saying that we don't have to worry about our Charter being in conflict with state law if we keep the specifics out of the Charter. Ms. Gardner stated that this would only apply to three-year terms and if the City were to change to two-year terms, this would not be applicable.

Council Member Downard also discussed Section 3.09 of the Charter regarding the business 20 days the City Secretary has to verify a petition. If anything is found wrong in the petition, the petitioners may have 10 days to correct the petition. Council Member Downard said he would like to see the petitioners have 10 business days to correct the petition. Mr. Zech said that the Charter Committee did not address this issue. Mr. Zech said that as petitioners, the opportunity to have every day of the week to gather petition signatures, however, from a City standpoint the time is limited to business work days. However, the Council may change this if they wish to do so. Ms. Gardner added that City staff has multiple duties to perform and would be unable to focus entirely on the petition.

Mayor Hull closed the public hearing at 8:06 p.m. and called for action items regarding the charter.

Council Member Stephens said he agreed with Mr. Castillo that the quorum should remain at five and require a vote of four to adopt items. Council Members Downard and Palmer said they concurred. Council Member Youngs asked if the City could retain the quorum of four, but say that a vote would require four to adopt items. Mr. Zech said that would work.

Council Member Stephens made a motion that Section 2.10 be changed so that four council members constitute a quorum, however, a vote should require four unanimous votes to pass. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

Council Member Downard made a motion that in Section 2.07(c) the words “within 120 days” be added after the part that calls for a special election to be held to fill a vacancy. Council Member Palmer seconded the motion and a roll call vote was taken as follows:

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

Motion failed three to four.

Council Member Seffrood made a motion to accept the recommendations of the Charter Committee, along with the approved amendment. Council Member Goode seconded the motion. During discussion, Diane Steele stated that she would like the Council Members individually to state what they think of Section 3.13 regarding the reasons for recall. With a unanimous vote, motion carried.

Mayor Hull expressed his appreciation for the entire Council by thanking Jack Widup, Chair of the Charter Committee, along with all the other Committee members for their input and time spent serving the City.

## **I. ACTION ITEMS**

1. Discussion and possible action on approval of a resolution supporting the redesignation of U.S. 190 to Business 190 by the Texas Department of Transportation.  
**Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-1.

Council Member Stephens made a motion to approve Resolution No.2010-08 as presented. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

The resolution caption is as follows:

### **RESOLUTION NO. 2010-08**

**A RESOLUTION OF THE CITY OF COPPERAS COVE SUPPORTING THE SOUTHEAST BYPASSPROJECT (U.S. HIGHWAY 190 RELIEVER ROUTE) AND REDESIGNATION OF EXISTING U.S. 190 TO BUSINESS 190.**

2. Consideration and action on an ordinance amending the City's Flood Damage Prevention Ordinance. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item I-2.

Council Member Meredith made a motion approve Ordinance 2010-06 as presented. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

**ORDINANCE NO. 2010-06**

**AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING SECTION 4-96 OF THE "FLOOD DAMAGE PREVENTION ORDINANCE"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; PROVIDING A SAVING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND DECLARING AN EFFECTIVE DATE.**

3. Consideration and action on adopting an ordinance granting to Atmos Energy Corporation, its successors and assigns, a franchise to construct, maintain and operate pipelines and equipment in the City of Copperas Cove, Coryell County, Texas. **Andrea M. Gardner, City Manager**

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

Council Member Palmer made a motion to approve Ordinance 2010-07 as presented. Council Member Goode seconded the motion. Discussion followed regarding the contract ending date of 2019 or 2024. Consensus was to leave the ending date of 2024 as the ordinance was written. With a unanimous vote, motion carried.

The ordinance caption is as follows:

**ORDINANCE NO. 2010-07**

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

4. Consideration and action on a resolution calling and establishing procedures for a General Election on May 8, 2010 in Copperas Cove, Texas. **Jane Lees, TRMC, CMC, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-4.

Council Member Palmer made a motion to approve Resolution No. 2010-07 as presented. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

The resolution caption is as follows:

**RESOLUTION NO. 2010-07**

**A RESOLUTION CALLING AND ESTABLISHING PROCEDURES FOR A  
GENERAL ELECTION ON MAY 8, 2010 IN COPPERAS COVE, TEXAS.**

5. Consideration and action on amending the Copperas Cove Economic Development Corporation Bylaws. ***Charlie Youngs, City Council Place 2***

Charlie Youngs, City Council Place 2, gave an overview of agenda item I-5.

Council Member Youngs made a motion to approve the proposed language change on agenda item I-5 as presented. Council Member Downard seconded the motion. Dan Yancey, CCEDC Board Chair stated that he appreciates the careful review and approval of this amendment. With a unanimous vote, motion carried.

**J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS –  
None.**

**K. ITEMS FOR FUTURE AGENDAS**

Council Member Youngs asked the Council to consider an item on the next agenda to change the current three-year terms to two-year terms, and to not exceed three consecutive two-year terms. Council Members Goode and Palmer concurred.

Council Member Palmer requested that there be a workshop scheduled to discuss the “safe routes to school” grant. Council Members Goode and Downard concurred.

**L. EXECUTIVE SESSION – None.**

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

**N. ADJOURNMENT**

There being no further business, Mayor Hull adjourned the meeting at 8:39 p.m.

---

John Hull, Mayor

**ATTEST:**

---

Jane Lees, City Secretary