

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
September 21, 2010 – 6:00 P.M.**

A CALL TO ORDER

Mayor Hull called the workshop meeting to order at 6:00 p.m.

B ROLL CALL

Present: John Hull
Cheryl L. Meredith
Charlie D. Youngs
Gary L. Kent
Danny Palmer
Kenn Smith
Jim Schmitz
Frank Seffrood

Attendees: Andrea M. Gardner
Jane Lees

C WORKSHOP ITEMS

- 1 Review and discussion of Bond Funds. ***Andrea M. Gardner, City Manager***

Andrea M. Gardner, City Manager, gave an overview and presentation, which is attached and made a part of these minutes.

Direction given staff from the City Council in the form of consensus was to support all projects presented, but remove the Tele-Works Outbound Notification item in the amount of \$4,980.

- D ADJOURNMENT** - There being no further business, Mayor Hull adjourned the meeting at 6:39 p.m.

John Hull, Mayor

Attest:

Jane Lees, City Secretary

Information

SUBJECT

Review and discussion of Bond Funds. *Andrea M. Gardner, City Manager*

BACKGROUND/HISTORY

FINDINGS/CURRENT ACTIVITY

ACTION OPTIONS/RECOMMENDATION



City of Copperas Cove

CIP Projects

Workshop 9/21/10

2010 Tax Notes

- 2010 Tax Notes Issued \$ 4,050,000

Allocated Project:

North Loop Waterline (357,479)
Total Remaining \$ 3,692,521

Options

- Option 1- Pay back debt
- Option 2- Fund all or part of future proposed tax notes

Option 2

– Ave. F Reconstruction phase I	\$ 147,021
– Ave. F Reconstruction phase II	35,510
– Weir Gate Design	26,450
– Water/Wastewater Rate Study	40,000
– Tyler Content Manager	7,230
– Tele-Works Outbound Notification	4,980
– Replacement of Fleet Unit Truck	26,300
– Northeast Water line Phase I	288,231
– Northeast Water line Phase II	860,000
– Compost Renovations	35,000
– Water Model Update	15,000
– Mountain Top North (Mesa Verde)	1,700,000
– CDBG Grant	<u>55,000</u>
Total	\$ 3,240,722

CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
September 21, 2010 – 7:00 P.M.

A **CALL TO ORDER** - Mayor Hull called the regular meeting to order at 7:00 p.m.

B **INVOCATION AND PLEDGE OF ALLEGIANCE** - The Invocation was given by Pastor Amy Forsythe, Associate Minister, Grace United Methodist Church. Mayor Hull led the Pledge of Allegiance.

C **ROLL CALL**

Present: Cheryl L. Meredith
Charlie D. Youngs
Gary L. Kent
Danny Palmer
Kenn Smith
Jim Schmitz
Frank Seffrood
John Hull

Attendees: Andrea M. Gardner
Charles E. Zech
Jane Lees

D **ANNOUNCEMENTS** - Council Member Frank Seffrood said that the annual "State of the City" address is being held tomorrow, on September 22, 2010, at Lea Ledger Auditorium on the CCISD campus at 10:00 a.m. Also, at 2:30 p.m. at the Civic Center the "Meet the City" event will be taking place. He stated that this would be an excellent opportunity for citizens to find out what is going on in the City and what is being planned for the future. Council Member Kent encouraged citizens to attend council meetings and see the council at work.

E **PUBLIC RECOGNITION**

1 Proclamation: National Night Out. ***John Hull, Mayor***

Mayor Hull presented the proclamation to Corporal Kevin Keller of the Police Department. Corporal Keller thanked the City for the proclamation and said that the kickoff party will be held on Saturday, October 2, 2010 from 6:00 - 8:00 p.m. in the downtown area. Food and drinks will be served and there will be numerous games for children and door prizes. He said that McGruff the Crime Dog, Sparky the Fire Dog and Recycle Michael may make an appearance during the party. The block parties for National Night Out are scheduled for 6:00 - 8:00 p.m. on Tuesday, October 5, 2010. As of today, no registrations for block parties have been received. Registrations are available on the City's website and at the Police Department.

F **CITIZENS FORUM**

Desirae Clark, 701 Cedar Drive. Ms. Clark is concerned that the Downtown Association (now a part of the Chamber of Commerce) has a policy against certain types of speech at their events which are held on the City's public streets. The Downtown Association's website contains information for vendors concerning the Krist Kindl Markt which states, "Vendors seeking to promote political expression, religious or social commentary, or special interest groups, will not be accepted." Ms. Clark said that last year she heard that a gentleman was evicted from the Krist Kindl Markt because he was handing out Bibles or something of that nature. She said that this is an infringement of Constitutional Rights. The most protected of all speech is political and religious speech according to an attorney she has discussed her concerns with. The attorney also stated that if an event is held on public property and open to the public funded in part by tax dollars, free speech must be guaranteed. She stated that she came to the council meeting to make the Council aware of this and perhaps look into the matter before a potential lawsuit is filed.

G **CONSENT AGENDA** – All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

- 1 Consideration and action on approving the minutes from the special council meeting on August 31, 2010 at 7:00 p.m. **Jane Lees, City Secretary**
- 2 Consideration and action on approving the minutes from the special council meeting on August 31, 2010 at 7:15 p.m. **Jane Lees, City Secretary**
- 3 Consideration and action on approving the minutes from the special council meeting on August 31, 2010 at 7:30 p.m. **Jane Lees, City Secretary**
- 4 Consideration and action on approving the minutes from the regular council meeting on September 7 2010. **Jane Lees, City Secretary**
- 5 Consideration and action on authorizing the City Manager to enter into an agreement with Hill Country Community Action Association, Inc. to occupy a designated area of the Human Resource Center for a period of two years with an option to renew one additional year. **Ken Wilson, Director of Community Services**
- 6 Consideration and action on approval of a resolution amending authorized TexSTAR representatives for the City of Copperas Cove, Texas. **Imelda Rodriguez, Director of Financial Services**

RESOLUTION NO. 2010-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, AMENDING AUTHORIZED TEXSTAR REPRESENTATIVES FOR THE CITY OF COPPERAS COVE.

- 7 Consideration and action on approval of a resolution amending authorized Texas Local Government Investment Pool (TexPool) representatives for the City of Copperas Cove, Texas. **Imelda Rodriguez, Director of Financial Services**

RESOLUTION NO. 2010-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, AMENDING AUTHORIZED TEXPOOL REPRESENTATIVES FOR THE CITY OF COPPERAS COVE.

- 8 Consideration and action on a resolution adopting the investment policy of the City of Copperas Cove. **Imelda Rodriguez, Director of Financial Services**

RESOLUTION NO. 2010-32 A RESOLUTION ADOPTING THE INVESTMENT POLICY FOR THE CITY OF COPPERAS COVE, TEXAS.

- 9 Consideration and action on authorizing the City Manager to extend the contract with the Copperas Cove Independent School District (CCISD) for Policing Services. **Tim Molnes, Police Chief**

Consent Agenda Vote - Motion to approve all items G-1 through G-9 as presented.

Motion by Council Member Kenn Smith Seconded by Council Member Danny Palmer

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

H PUBLIC HEARINGS/ACTION

- 1 Public hearing, consideration and action on an ordinance to rezone 116.16 acres of property generally located south of US Highway 190 and east of Constitution Drive, locally known as the Copperas Cove Economic Development Corporation Business Park to B-5 (Business). **Wesley Wright, P.E., City Engineer**

Chris Stewart of Espy consultants was on hand to give an overview of the agenda item.

Mayor Hull opened the public hearing at 7:20 p.m.

Speaking for: Polo Enriquez, Executive Director, Economic Development Corporation. Mr. Enriquez stated that the EDC supports the project and the B-5 zoning. The zoning is critical to future plans for the property.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:22 p.m.

Motion to approve ordinance as presented.

ORDINANCE NO. 2010-43 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS REZONING 116.16 ACRES DESCRIBED IN EXHIBIT A FROM UNZONED TO B-5 (BUSINESS).

Motion by Council Member Cheryl L. Meredith Seconded by Council Member Frank Seffrood

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

- 2 Public hearing, consideration and action on an ordinance for a drainage easement abandonment at 1505 Vista Circle. **Wesley Wright, P.E., City Engineer**

Mayor Hull opened the public hearing at 7:25 p.m.

Speaking for: Joshua Hernandez, 1505 Vista Circle. Mr. Hernandez stated that the property never floods and is located on a steep hill. The natural flow is away from the property. The fence has been in place for 15 years. He stated that he does not want to move his fence or dig up and relocate sprinklers because of the cost.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:29 p.m.

ORDINANCE NO. 2010-44 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS ABANDONING A TEN (10) FOOT DRAINAGE EASEMENT LOCATED ON LOT 8, BOULDER RUN ADDITION, LOCALLY KNOWN AS 1505 VISTA CIRCLE AND SHOWN IN EXHIBIT A.

Motion was made to deny the request to abandon the drainage easement at 1505 Vista Circle.

Discussion followed and the property owner agreed for the Council to postpone the request in order to find an alternative solution for the matter.

Motion by Council Member Jim Schmitz Seconded by Council Member Cheryl L. Meredith

NAY: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Failed

Motion made to postpone the item until other alternative actions can be worked out to resolve the matter at 1505 Vista Circle.

Motion by Council Member Jim Schmitz Seconded by Council Member Gary L. Kent

AYE: Council Member Cheryl L. Meredith

Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

- 3 Public hearing, consideration and action on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove. **Imelda Rodriguez, Director of Financial Services**

Mayor Hull opened the public hearing at 7:45 p.m.

Speaking for: None.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:46 p.m.

ORDINANCE NO. 2010-45 AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING ON SEPTEMBER 30, 2010; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

Motion to approve the ordinance as presented.

Motion by Council Member Gary L. Kent Seconded by Council Member Kenn Smith

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

I ACTION ITEMS

- 1 Consideration and action on appointments to the Copperas Cove Economic Development Corporation (CCEDC) Board of Directors positions 1 and 5. **Polo Enriquez, Executive Director CCEDC**

Motion made to reappoint Tom Boren and Jimmy Clark.

Motion by Council Member Jim Schmitz Seconded by Council Member Cheryl L. Meredith

AYE: Council Member Cheryl L. Meredith

Council Member Jim Schmitz
Council Member Frank Seffrood
NAY: Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Kenn Smith

Failed

Motion was made to open the floor for nominations.

Motion by Council Member Kenn Smith Seconded by Council Member Gary L. Kent

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

Mayor Hull opened the floor for nominations. Council Member Kenn Smith nominated Josefina Castillo and Chuck Downard. Council Member Gary Kent nominated Jimmy Clark and Chuck Downard.

Separate votes were taken for each individual nominated as follows:

Vote on Chuck Downard:

AYE: Council Member Kenn Smith
Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
NAY: Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

Vote on Josefina Castillo.

AYE: Council Member Kenn Smith
Council Member Charlie D. Youngs
NAY: Council Member Cheryl L. Meredith
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood

Failed

Vote on Jimmy Clark.

AYE: Council Member Cheryl L. Meredith
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
NAY: Council Member Charlie D. Youngs
Council Member Kenn Smith
Passed

The Council approved reappointment of Jimmy Clark and appointment of Chuck Downard to the Economic Development Corporation Board of Directors.

- 2 Consideration and action on the appointment of members to the Keep Copperas Cove Beautiful Commission. **Silvia Rhoads, Executive Director, Keep Copperas Cove Beautiful**

Motion made to appoint Bob Hill.

Motion by Council Member Cheryl L. Meredith Seconded by Council Member Kenn Smith

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith
Passed

- 3 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**

Motion to approve Mayor's nominations as presented.

Motion by Council Member Danny Palmer Seconded by Council Member Gary L. Kent

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith
Passed

- 4 Consideration and action on a resolution amending the Purchasing Policy for the City of Copperas Cove. **Imelda Rodriguez, Director of Financial Services.**

Motion to approve the resolution as presented.

Motion by Council Member Frank Seffrood Seconded by Council Member Danny Palmer

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

RESOLUTION NO. 2010-34 A RESOLUTION ADOPTING THE PURCHASING POLICY FOR THE CITY OF COPPERAS COVE, TEXAS.

- 5 Consideration and action on a resolution authorizing the City Manager to submit an application for funding with the Texas Department of Rural Community Affairs (TDRA) under the Texas Community Development Program (TCDP) 2011/2012 funding cycle for water system improvements in an amount of \$275,000 and committing local matching funds in the amount of \$55,000. ***Andrea M. Gardner, City Manager***

Motion to approve the resolution as presented.

Motion by Council Member Kenn Smith Seconded by Council Member Gary L. Kent

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs
Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

RESOLUTION NO. 2010-35 A RESOLUTION OF THE CITY COUNCIL OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

- 6 Consideration and action on evaluating the services of City Attorney and Municipal Court Prosecutor. ***Andrea M. Gardner, City Manager***

Ms. Gardner was asked if she was happy with the services provided by the law firm and if there were any concerns with not having a legal contract with the firm. She replied that she was very happy with the services provided by the firm, but that she was neutral on the contract question. However, she commented that if the current council were to turn over, she would not want the current law firm without a contract because the City could lose the firm's services.

Mr. Charles Zech provided comments as follows to the City Council:

- Mr. Zech said that he and the firm always look at better ways to serve the City and make services more efficient and provide cost saving measures
- The firm is willing to deal with difficult issues
- The firm looks for ways to get legal services on-site through video conferencing and phone calls through technological advances
- The City has the support and experience of the entire law firm, not just one attorney

Ms. Jameene Banks, Municipal Court City Prosecutor provided comments as follows to the City Council:

- Ms. Banks reiterated on Mr. Zech's comments regarding the vast amount of experience the law firm provides
- She has made some changes to the Court including a) improved communication with the Animal Control Department; b) works with the Police Department to re-work animal control cases in a timely manner
- Always looks for ways to improve efficiency and productivity in the Court

No action required.

- 7 Consideration and action authorizing the Mayor to cast a ballot in accordance with the will of the majority of the governing body of Copperas Cove for Places 6, 7, 8 and 9 for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. **Andrea M. Gardner, City Manager**

The Council cast votes by majority consensus for the following candidates:

Place 6 - Frank Seffrood

Place 7 - Lawanna Williams

Place 8 - Larry Melton

Place 9 - Andres Garza (unopposed)

- 8 Consideration and action on a resolution of the City Council of the City of Copperas Cove, Texas, ("City") approving a change in the tariffs of Atmos Energy Corporation, Mid-Tex Division ("Atmos"), as a result of a settlement between Atmos and the Atmos Texas Municipalities ("ATM"); finding the rates set by the attached tariffs to be just and reasonable; finding that the additional cost for replacing steel service lines is appropriate and is approved subject to a prudence review; finding that the continuation of the rate review mechanism ("RRM"), as amended, for two years is reasonable. **Andrea M. Gardner, City Manager**

Motion to approve resolution as presented.

Motion by Council Member Danny Palmer Seconded by Council Member Cheryl L. Meredith

AYE: Council Member Cheryl L. Meredith
Council Member Charlie D. Youngs

Council Member Gary L. Kent
Council Member Danny Palmer
Council Member Jim Schmitz
Council Member Frank Seffrood
Council Member Kenn Smith

Passed

RESOLUTION NO. 2010-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ("CITY") APPROVING A CHANGE IN THE TARIFFS OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS"), AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM"); FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE ADDITIONAL COST FOR REPLACING STEEL SERVICE LINES IS APPROPRIATE AND IS APPROVED SUBJECT TO A PRUDENCE REVIEW; FINDING THAT THE CONTINUATION OF THE RATE REVIEW MECHANISM ("RRM"), AS AMENDED, FOR TWO YEARS IS REASONABLE; REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

- J REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS**
- K ITEMS FOR FUTURE AGENDAS**
- L EXECUTIVE SESSION**
- 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 8:45 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

