

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
November 16, 2010 – 6:00 P.M.**

A CALL TO ORDER

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
Charles E. Zech
Jane Lees

C WORKSHOP ITEMS

- 1** Presentation and discussion on Chapter 3 Code of Ordinances - Animals and Fowl.
Andrea M. Gardner, City Manager

Ms. Gardner stated that both ad hoc committees presented recommendations to the Animal Shelter Advisory Committee, then to the City Council. As a result of those presentations, several outstanding items still needed to be discussed. The target date for adoption of the revised ordinance is January 2011.

Specific items discussed were:

1. The use of the word "shall" or "may" in whether the animal control staff being required to transfer the animals after the period expired that they were available to the public provided that the entity is a qualified rescue organization.
2. Whether to charge a transfer fee any time an animal is transferred to a rescue organization.
3. How many calendar days should lapse at the animal shelter before a transfer can take place.
4. What language regarding feral cats should be included in the ordinance.
5. Should Article IX, Livestock be removed from the ordinance.
6. Method used to choose the chair and positions on the Animal Shelter Advisory

Committee.

7. Permit for carnivals.

- 2 Provide direction to the City Manger for item C-1 above. **Andrea M. Gardner, City Manager**

Direction provided on the numbered items above:

1. By majority consensus, the Council decided to use the word "shall."
2. By unanimous consensus, the Council stated that no fee should be charged.
3. By unanimous consensus, the Council determined that 10 calendar days should pass before an animal can be transferred.
4. After discussion it became clear that more education and research needed to be done before determining the wording in the ordinance on feral cats. Ms. Gardner said she would work on it and bring the item back to the Council as a separate item.
5. By unanimous consensus, the Council determined that Article IX, Livestock be deleted from the ordinance since the subject is dealt with in the zoning ordinance.
6. By unanimous consensus, the Council preferred to choose the chair of the Animal Shelter Advisory committee and allow the committee members to choose positions within the committee.
7. Ms. Gardner stated that the City Attorney is working on the permit fee for carnivals. He needs additional time to complete his research on this subject and will report his legal opinion to the Council at a later date.

Prior to the final recommendation being brought to the Council, Ms. Gardner will include some of the committee members in the discussions.

- 3 Update on the 2010 Texas Municipal League Conference. **Danny Palmer, Council Member**

Council Member Palmer said that he attended the 2010 Texas Municipal League Conference in Corpus Christi during the last week of October. During the conference he attended a seminar on hotel/motel tax. He reported that he learned of many creative ways that hotel/motel tax could be used by a city. He believes that Copperas Cove can do more with the money than is being done presently, including use of hotel/motel funds by Parks and Recreation. He would like the Council to consider giving the Parks and Recreation Department the opportunity to put on events to draw people into the City and using funds from the hotel/motel fund.

- 4 Provide direction to the City Manger for item C-3 above. **Andrea M. Gardner, City Manager**

None.

D **ADJOURNMENT**

There being no further business, Mayor Hull adjourned the meeting at 6:45 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
November 16, 2010 – 7:00 P.M.**

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

B **INVOCATION AND PLEDGE OF ALLEGIANCE** - Rev. Richard Barrett, St. Martin's Episcopal Church, gave the invocation and 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 Kent asked everyone to remember those less fortunate than us as we approach the holiday season. Council Member Palmer said that Central Texas College's Continuing Education Program offers a water aerobics class for seniors. He encouraged seniors to join the class. Mayor Hull announced that the annual Feast of Sharing will take place at the Civic Center on Thursday, November 18, 2010 at 6:00 p.m.

E **PUBLIC RECOGNITION** - None.

F **CITIZENS FORUM** - None.

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.

Council Member Seffrood requested that item G-4 be pulled off the Consent Agenda.
Council Member Meredith requested that item G-5 be pulled off the Consent Agenda.

1 Consideration and action on approving the minutes from the workshop council meeting of November 2, 2010. ***Stefanie Brown, Deputy City Secretary***

2 Consideration and action on approving the minutes from the regular council meeting of November 2, 2010. ***Stefanie Brown, Deputy City Secretary***

- 3 Consideration and action on a resolution approving the attached General Legislative Policy of the City of Copperas Cove. **Andrea M. Gardner, City Manager**

RESOLUTION NO. 2010-43

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED GENERAL LEGISLATIVE POLICY OF THE CITY OF COPPERAS COVE.

- 4 Consideration and action authorizing the City Manager to execute an agreement with Coryell County to provide fire protection services in portions of the unincorporated area of Coryell County as defined by the Coryell County Fire Chiefs Association. **Mike Baker, Fire Chief**
- 5 Consideration and action on a resolution, authorizing and supporting the City Manager to enter into, reject, alter or terminate an agreement with the Texas Department of Transportation (TXDOT) for the Police Department to be a testing and evaluation site for the proposed state wide crash reporting and analysis for safer highways (CRASH) system. **Eddie Wilson, Police Department Lieutenant**
- 6 Notice of receipt of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ending September 30, 2009. **Andrea M. Gardner, City Manager**

Consent Agenda Vote:

Motion to approve Consent Agenda items G-1, G-2, G-3, and G-6.

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 Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

Consent Agenda item G-4 - Deputy Chief Young answered a question from Council Member Seffrood on the agreement. He wanted to know if the agreement covered EMS as well. Deputy Chief Young said that the agreement on the agenda covers only fire protection services and there is a separate agreement for EMS services.

Motion made to approve the agreement as presented.

Vote on Consent Agenda item G-4:

Motion by Council Member Frank Seffrood 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 Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

Consent Agenda Item G-5 - Lt. Wilson gave a brief presentation of the program as requested by Council Member Meredith.

Motion made to approve the resolution as presented.

RESOLUTION NO. 2010-44

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING AND SUPPORTING THE CITY MANAGER TO ENTER INTO, REJECT, ALTER OR TERMINATE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE POLICE DEPARTMENT TO BE A TESTING AND EVALUATION SITE FOR THE PROPOSED STATE WIDE CRASH REPORTING AND ANALYSIS FOR SAFER HIGHWAYS (CRASH) SYSTEM AT NO COST TO THE CITY.

Vote on Consent Agenda item G-5:

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

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

Passed

H PUBLIC HEARINGS/ACTION

- 1 Public hearing, consideration and action on updating the City's Subdivision Ordinance to allow drainage easement encroachments. **Wesley Wright, P.E., City Engineer**

Mayor Hull opened the Public Hearing at 7:17 p.m.

Speaking: Peggy Thompson, 703 Cedar Drive. Ms. Thompson asked if a fence was in a drainage easement and we get a hard rain that fills the easement with water and debris, what would happen. She felt that if the City identified a drainage easement at a location, then the easement was needed in the first place. She felt that a fence in a drainage easement may cause problems in the future.

Mayor Hull closed the Public Hearing at 7:21 p.m.

Motion made to approve the ordinance as presented.

ORDINANCE NO. 2010-50

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS
AMMENDING SECTION 17.5-111(G); REPEALING ALL ORDINANCES IN CONFLICT
WITH THIS AMENDMENT; PROVIDING A SAVINGS CLAUSE; DECLARING AN
EFFECTIVE DATE.**

Motion by Council Member Frank Seffrood Seconded by Council Member Jim Schmitz

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

- 2 Public hearing and action on a Drainage Easement Encroachment Agreement for 1505 Vista Circle. **Wesley Wright, P.E., Projects Director/City Engineer**

Ms. Gardner asked the Council to pull this item off the agenda, per Mr. Hernandez's request, and allow her to meet with him to discuss several issues. She said that the item would be placed back on the December 7, 2010 agenda.

Motion made to pull item H-2 from the agenda and take no action at this time.

Motion by Council Member Gary L. Kent 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 Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

I ACTION ITEMS

- 1 Consideration and action on an ordinance of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, Limited Tax Notes, Series 2010A, in the aggregate principal amount of \$1,915,000; awarding the sale of said notes; levying a tax in payment thereof; prescribing the form of said notes; and enacting other provisions relating to the subject. **Andrea M. Gardner, City Manager**

Ms. Gardner introduced Garry Kimball of Specialized Public Finance, Inc., and Glenn Opel, the City's bond counsel. Mr. Kimball gave an overview of both items I-1 and I-2 because they are closely related. He distributed a Sale Summary to the Council covering both the General Obligation Refunding Bonds, Series 2010 and the Limited Tax Notes, Series 2010A.

Motion made to approve the ordinance as presented.

ORDINANCE NO. 2010-51

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, LIMITED TAX NOTES, SERIES 2010A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,915,000; AWARDED THE SALE OF SAID NOTES; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID NOTES; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Motion by Council Member Charlie D. Youngs 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 Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

- 2 Consideration and action on approving an ordinance of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, General Obligation Refunding Bonds, Series 2010, in the aggregate principal amount of \$6,045,000; levying a tax in payment thereof; authorizing the execution and delivery of a paying agent/registrar agreement and an escrow agreement; calling certain bonds for redemption; approving the official statement; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and enacting other provisions relating thereto. ***Andrea M. Gardner, City Manager***

Motion made to approve the ordinance as presented.

ORDINANCE NO. 2010-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,045,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; CALLING CERTAIN BONDS FOR REDEMPTION; APPROVING THE OFFICIAL STATEMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ENACTING OTHER PROVISIONS RELATING THERETO.

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

AYE: Council Member Danny Palmer
Council Member Frank Seffrood
Council Member Gary L. Kent
Council Member Jim Schmitz

Council Member Cheryl L. Meredith
Council Member Kenn Smith
Council Member Charlie D. Youngs

Passed

Mayor Hull called a recess at 7:35 p.m. in order to sign documents and reconvened the meeting at 7:58 p.m.

- 3 Discussion on determining future date(s) for Strategic Planning with the Governing Body and City Administration. **Andrea M. Gardner, City Manager**

Ms. Gardner stated that the Top Ten Goals were developed in 2000, along with a Mission and Vision Statement for the City. She said staff has moved forward with producing and compiling results from an employee survey. Preparations will be complete soon to conduct a citizen survey. The next step is to conduct a team building session with the Governing Body. She said that dates will need to be set for a training session. The Council agreed by consensus for the training to take place on the second Tuesday in January (1/11/11) and for a second choice date, the fourth Tuesday in January (1/25/11).

- 4 Consideration and action on approving a resolution authorizing the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an extension to the current electric supply and necessary related services agreement with Next Era for a fixed price per kWh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; approving CAPP contracting with Next Era and authorizing the City Manager to sign a contract with CAPP for the City's electricity needs for the period beginning January 1, 2011 or as soon after finalization of a contract as possible and extending up to December 31, 2018; committing to budget for energy purchases and to honor the City's commitments to purchase power through CAPP for its electrical needs through December 31, 2018.
Andrea M. Gardner, City Manager

Motion made to approve the resolution as presented.

RESOLUTION NO. 2010-45

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER kWh THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; APPROVING CAPP CONTRACTING WITH NEXT ERA AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH CAPP FOR THE CITY'S ELECTRICITY NEEDS FOR THE PERIOD BEGINNING JANUARY 1, 2011 OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE AND EXTENDING UP TO DECEMBER 31, 2018; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018.

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 Kenn Smith
Council Member Jim Schmitz
Council Member Frank Seffrood

Passed

- 5 Consideration and action on appointing two Council Members to participate in the "Development Review Process" and select from available dates for the interview portion of the process. **Andrea M. Gardner, City Manager**

Mayor Hull nominated Council Members Seffrood and Schmitz.

Motion made to approve the nominations.

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

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

Passed

Motion made to approve January 24, 2011 for the interview portion of the process.

Motion by Council Member Jim Schmitz Seconded by Council Member Frank Seffrood

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

Passed

Motion made to reconsider agenda item I-5.

Motion by Council Member Jim Schmitz Seconded by Council Member Danny Palmer

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

Passed

Council Member Youngs asked if the \$75,000 to support the project will be brought back to the Council for approval. Ms. Gardner said it would be brought back, probably in January 2011. Council Member Schmitz asked if the Chamber would contribute to the project. Ms. Gardner stated that she would discuss that with the Chamber President.

- 6 Discussion on Public Affairs and Legislative Consulting Services for the City of Copperas Cove. **Andrea M. Gardner, City Manager**

Ms. Gardner said that with the 82nd Legislative Session coming up soon, staff would like to know if the Council wanted to provide any input regarding legislative services specifically on the City's behalf. An RFP process could be done. Council Member Schmitz stated that since bills are already being introduced, perhaps the City is running behind since the session will begin soon. The process of doing an RFP would probably not be completed by the time the Legislative Session begins. Council Member Youngs stated that he would be very hesitant to hire someone and he felt it would be a waste of money and staff time. The Council agreed by consensus and no action was taken on this item.

- 7 Discussion on Dr. Kevin Kruse's resignation from the Copperas Cove Animal Control Advisory Committee. **Kenn Smith, Council Member Place 5**

Council Member Smith said that he requested this item to be placed on the agenda. He felt that when the City loses a volunteer, the best way to find out about the resignation was to place it on the agenda. This way the Council can be alerted to any problems. Dr. Kruse was present and spoke to the Council. Dr. Kruse said that he decided to resign after reviewing comments and interactions from previous workshops. He asked the Council why the ad hoc committees were formed when the Animal Shelter Advisory Committee was in place and working on situations brought to their attention by citizens of the City. He felt that there is clearly an outside group trying to force their opinions on the City. He stated that during Animal Shelter Advisory Committee meetings, many times there were no citizens present to speak and inform the members of any problems. No one ever came forward to state that there was a problems with enclosures for pets or problems with feral cat populations. He said that Several groups have attacked him personally on their websites and stating that Copperas Cove should do things the same way as it is done in Killeen. Dr. Kruse said that he believes Copperas Cove is its own entity and should make their own decisions. If there are beneficial processes done in other cities, we should look at those situations and make our own decisions. By the formation of the two ad hoc committees, he felt that the Animal Shelter Advisory Committee was shut out of the process. He told the Council that his resignation was final and he would not reconsider.

Council Members Palmer, Smith and Meredith thanked Dr. Kruse for his service and time spent on the Animal Shelter Advisory Committee. Mayor Hull said that the entire Council appreciated everything he did during his time on the Committee.

J REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

- 1 Chamber of Commerce 3rd Quarter Report for 2010. **Marty Smith, President, Copperas Cove Chamber of Commerce**

K ITEMS FOR FUTURE AGENDAS - None.

L EXECUTIVE SESSION - Mayor Hull announced at 8:37 p.m. that the Council would hold Executive Session.

- 1 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.
- 2 Pursuant to §551.071 of the Open Meetings Act, Tex. Gov't Code, Council will meet in Executive Session to consult with the the City Attorney regarding transfer of animals.

M **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION** - Mayor Hull reconvened the open meeting at 8:53 p.m. and announced that there was no action to be taken by the Council as a result of Executive Session.

N **ADJOURNMENT** - There being no further business to come before the Council, Mayor Hull adjourned the meeting at 8:53 p.m.

There being no further business, Mayor Hull adjourned the meeting at 8:53 p.m.

ATTEST:

John Hull, Mayor

Jane Lees, City Secretary