

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
February 15, 2011 – 6:00 P.M.**

A CALL TO ORDER

B ROLL CALL

Present: John Hull
Cheryl L. Meredith
Gary L. Kent
Kenn Smith
Jim Schmitz
Frank Seffrood

Absent: Charlie D. Youngs
Danny Palmer

Attendees: Andrea M. Gardner
Jane Lees

C WORKSHOP ITEMS

1 2011 Legislative Update on Tourism. *J. Bragiel, General Counsel for Texas Lodging*

Mr. Bragiel summarized the bills being discussed in the 82nd Legislative Session as it pertains to and may affect tourism in the State of Texas. Additionally, he explained the State Hotel Occupancy Tax and how it is funded, along with how much actually funds Texas tourism and how much ends up going to the State budget. He discussed the size of the tourism industry in Texas and that the proposal is to cut the tourism budget from \$30M a year to \$5M a year. Texas is the third most popular tourism destination in the nation and for every dollar Texas spends on tourism, it gets back seven dollars. He is working to get that money put back into the budget because the State cannot afford to cut tourism money.

2 Direction to City staff regarding Item C-1 above. *Andrea M. Gardner, City Manager*

No direction given.

D ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 6:35 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
February 15, 2011 – 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. Johnny White, Senior Minister, Thomas Chapel - AME Church in Copperas Cove gave the invocation. Mayor Hull led the pledge of allegiance.

C **ROLL CALL**

Present: Cheryl L. Meredith
 Gary L. Kent
 Kenn Smith
 Jim Schmitz
 Frank Seffrood
 John Hull

Absent: Charlie D. Youngs
 Danny Palmer

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

D **ANNOUNCEMENTS** - None.

E **PUBLIC RECOGNITION**

1 2009/10 Employee Recognition Committee Acknowledgement. ***Andrea M. Gardner, City Manager***

- Stefanie Brown, Deputy City Secretary
- Linda Acevedo, Accounting Technician
- Kevin Bell, Parks & Recreation Light Equipment Operator
- William Ortiz, Solid Waste Heavy Equipment Operator
- Robert Martin, Division Chief of Prevention/Fire Marshal

F **CITIZENS FORUM** – Sandy Vegh, 1407 Eagle Trail. Mr. Vegh said the he and other members of the Golf Associaiton have seen a lot of improvements made at the Golf Course. There are about 80+ members in the Association and most of the money they raise goes back into making improvements. He said that the Association would like to have more communication with the City Council, therefore, they are requesting that the Golf Advisory Board be reinstated.

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 workshop council meeting of February 1, 2011. **Jane Lees, City Secretary**
- 2 Consideration and action on approving the minutes from the regular council meeting of February 1, 2011. **Jane Lees, City Secretary**
- 3 Consideration and action on authorizing the City Manager to execute a purchase contract for a 2011 Dodge Ambulance from Dallas Dodge Chrysler Jeep. **Mike Baker, Fire Chief**
- 4 Consideration and action on approving a resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof. **Andrea M. Gardner, City Manager**

RESOLUTION NO. 2011-04

A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ENTRANCE TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF COPPERAS COVE, CORYELL COUNTY, STATE OF TEXAS.

- 5 Consideration and action on approval of a resolution to support the legislative activities of Atmos Texas Municipalities during the 82nd Session of the Texas Legislature for gas utility ratemaking legislation. **Andrea M. Gardner, City Manager**

RESOLUTION NO. 2011-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, SUPPORTING THE LEGISLATIVE ACTIVITY AND GOALS OF THE ATMOS TEXAS MUNICIPALITIES (“ATM”) BEFORE THE TEXAS LEGISLATURE AS THEY RELATE TO THE SETTING OF NATURAL GAS RATES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

- 6 Consideration and action on the presentation of the 2010 Racial Profiling Report for the Copperas Cove Police Department. **Eddie Wilson, Police Captain**

- 7 Consideration and action on approval of a resolution amending the authorized TexSTAR representatives for the City of Copperas Cove, Texas. **Andrea M. Gardner, City Manager**

RESOLUTION NO. 2011-06

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.

- 8 Consideration and action on approval of a resolution amending the authorized Texas Local Government Investment Pool (TexPool) representatives for the City of Copperas Cove, Texas. **Andrea M. Gardner, City Manager**

RESOLUTION NO. 2011-07

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.

Council Member Smith made a motion to approve items G-1 through G-8 as presented. Council Member Kent seconded the motion, which passed unanimously.

H PUBLIC HEARINGS/ACTION

- 1 Public hearing and action on approval of an ordinance amending the Capital Improvement Plan (CIP) for Fiscal years 2010-2014 for the City of Copperas Cove. **Andrea M. Gardner, City Manager**

Mayor Hull opened the public hearing at 7:14 p.m.

Speaking: None.

Mayor Hull closed the public hearing at 7:15 p.m.

Council Member Kent made a motion to approve Ordinance No. 2011-11 as presented. Council Member Meredith seconded the motion, which passed unanimously.

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2010-2014.

I ACTION ITEMS

- 1 Consider and take action on 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 Bonds, Series 2011, in the aggregate principal amount of \$5,530,000; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract and a paying agent/registrars agreement; 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**

Garry Kimball of Specialized Public Finance, Inc. was on hand to update the Council on the final pricing summary for the bond sale that took place earlier in the day for agenda items I-1 and I-2. He explained that when the sale took place, the amounts for both the General Obligation Bonds and the Contract Revenue and Limited Tax Bonds came to slightly less than expected, therefore, the amounts that appear on the final ordinances are different than what was published on the agenda.

Council Member Meredith made a motion to approve Ordinance No. 2011-08, General Obligation Bonds, Series 2011, in the amount of \$5,490,000. Council Member Kent seconded the motion, which passed unanimously.

ORDINANCE NO. 2011-08

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 BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,490,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; 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.

- 2 Consider and take action on an ordinance of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, Contract Revenue and Limited Tax Bonds, Series 2011, in the aggregate principal amount of \$39,140,000; pledging certain contract revenues to the payment of the bonds; levying a tax in payment of the bonds; authorizing the execution and delivery of a bond purchase contract and a paying agent/registrar agreement; 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**

This item was discussed along with item I-1 above.

Council Member Seffrood made a motion to approve Ordinance No. 2011-09, Contract Revenue and Limited Tax Bonds, Series 2011, in the amount of \$39,000,000. Council Member Smith seconded the motion, which passed unanimously.

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, CONTRACT REVENUE AND LIMITED TAX BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$39,000,000; PLEDGING CERTAIN CONTRACT REVENUES TO THE PAYMENT OF THE BONDS; LEVYING A TAX IN PAYMENT OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; 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

- 3 Consideration and action on appointment to the Animal Shelter Advisory Committee. **Mike Heintzelman, Deputy Chief of Police**

Council Member Smith made a motion to appoint Dr. D. Logan Beene, D.V.M., to serve as the veterinarian on the Animal Shelter Advisory Committee for the unexpired term ending August 31, 2011. Council Member Meredith seconded the motion, which passed unanimously.

- 4 Consideration and possible action on authorizing the City Manager to execute a letter to indicate the City's interpretation of the franchise agreement between the City and Atmos Energy Corporation regarding the inclusion of franchise fees other than value of gas transported and/or franchise fees on value of gas transported be included in the terms "gross receipts" or "gross revenues" as well as the election of the City to receive an additional payment consistent with the City's historical interpretation of the franchise agreement. **Andrea M. Gardner, City Manager**

Council Member Schmitz made a motion to take no action with Atmos Energy Corporation on this issue. Council Member Seffrood seconded the motion, which passed unanimously.

- 5 Consideration and action on authorizing the City Manager to execute a contract with N.G. Painting, Kerrville, Texas for rehabilitation of the 200,000 gallon Long Mountain water storage tank located on Mican Mountain. **Robert M. McKinnon, Division Head of Public Works**

Council Member Smith made a motion to authorize the City Manager to execute a contract not to exceed \$105,500 with N.G. Painting of Kerrville, Texas, to rehabilitate the Long Mountain water storage tank. Council Member Seffrood seconded the motion, which passed unanimously.

- 6 Consideration and action on an ordinance amending Chapter 3 of the City of Copperas Cove Code of Ordinances. **Andrea M. Gardner, City Manager**

Council Member Schmitz made a motion to approve Ordinance No. 2011-12 as presented, but change the effective date of the ordinance to March 15, 2011. Council Member Kent seconded the motion.

George Fox of 1906 Hooten in Killeen, requested that the Council take another look at the section in the ordinance dealing with the number of pets allowed. He recommended approval of the ordinance, but minus two to three sections that there were still some questions on.

Motion passed unanimously.

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING CHAPTER 3 OF THE CITY'S CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

- 7 Consideration and action on an ordinance updating Personnel Policy No. 410, Employee Conduct and Work Rules/Disciplinary Action. **Kelli Sames, Human Resources Division Head**

Council Member Kent made a motion to approve Ordinance No. 2011-10 as presented. Council Member Smith seconded the motion, which passed unanimously.

ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED PERSONNEL POLICIES AND PROCEDURES OF THE CITY OF COPPERAS COVE BY REPEALING THE CURRENT PERSONNEL POLICY, NO. 410, (EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION), AND REPLACING THE EXISTING POLICY WITH A REVISED PERSONNEL POLICY, NO. 410, (EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.

- 8 Consideration and action on a resolution declaring support of Copperas Cove Brookview Village Apartment's application for 2010 Housing Tax Credits. **Andrea M. Gardner, City Manager**

Mr. Justin MacDonald of MacDonald Companies gave the Council an overview of the Brookview Village Apartment project.

Council Member Smith made a motion to approve Resolution No. 2011-08 as presented. Council Member Meredith seconded the motion, which passed unanimously.

RESOLUTION NO. 2011-08

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, SUPPORTING AN APPLICATION FOR 2010 HOUSING TAX CREDITS BY COPPERAS COVE BROOKVIEW VILLAGE APARTMENTS, L.P. TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) TO DEVELOP AFFORDABLE SENIOR CITIZENS' RENTAL HOUSING.

- 9 Consideration and action on authorizing the Mayor to execute a cost sharing and reimbursement agreement between the City of Copperas Cove, Copperas Cove Economic Development Corporation and the Copperas Cove Industrial Foundation for a development review process improvement project. **Andrea M. Gardner, City Manager**

Council Member Meredith made a motion to authorize the Mayor to execute the agreement presented. Council Member Seffrood seconded the motion, which passed unanimously.

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

- K **ITEMS FOR FUTURE AGENDAS -** Council Member Smith requested that an item be placed on a future agenda to re-establish the Golf Course Advisory Board. The Council agreed by consensus.

L **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 - Sale of City 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 City Attorney regarding legal issues associated with the possible sale of the Ogletree Gap property.

Mayor Hull announced that Executive Session item L-1, Sale of City Property, would be discussed in open Session. Item L-2 would not be discussed this evening.

Ms. Gardner stated that a developer contacted her in early January regarding the possible purchase of a small piece of land located in Ogletree Gap Phase 3. After many discussions with that developer's staff, a meeting was set up with the developer, the City Attorney and her. After the meeting, the City Attorney, City Engineer, City Planner, and her completed a thorough evaluation of the piece of property that was in question and it turns out that the property was included on the plat as a public park and lots were sold in the development. As a result, our City Attorney has legal guidance for the Council. The developer is requesting to purchase some of the property back from the City.

Mr. Zech stated that there is a provision in the Local Government Code that says you can't sell park land, unless it goes to the voters. The plat specifically delineates it as park land and the plat itself states that all park land so designated on the plat will be dedicated to the City. Lots were sold to individuals who relied on the plat that it would be dedicated as park land. All Case Law states that once this is done and recorded, it is a dedication to the City and the only way the land could be sold is to take it to the voters.

**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 8:12 p.m.

ATTEST:

John Hull, Mayor

Jane Lees, City Secretary