

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
September 6, 2011 – 5:00 P.M.**

A CALL TO ORDER - Mayor Hull called the workshop to order at 5:00 p.m.

B ROLL CALL

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

Absent: Charlie D. Youngs

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

C WORKSHOP ITEMS

- 1** Presentation and discussion on permanent improvements - Drainage Criteria Manual Article V, Sec. 17.5-93(b). **Chris Stewart, Stewart Planning Consulting, LLC**

Chris Stewart of Stewart Planning Consulting LLC, gave a presentation and discussed the amendments being proposed for the Drainage Criteria Manual Article V, Sec. 17.5-93(b). The presentation is attached and made a part of these minutes.

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

Council would like to see the ordinance come back with the language relating to "existing" state for detention requirements, as long as there are no known problems.

- 3** Presentation and discussion on Senate Bill 100. **Jane Lees, City Secretary**

The presentation on SB100 is attached to and made a part of these minutes.

- 4** Direction to staff regarding Item C-3. **Jane Lees, City Secretary**

After discussion, the Council requested that a resolution be brought back to change the May election date to November, extend terms for six months, and provide a contingency plan upon the failure of an election to ratify the changes in the Charter.

D ADJOURNMENT - Mayor Hull adjourned the workshop at 6:00 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
September 6, 2011 – 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** - Pastor Gary Hocker of Cove Church of the Nazarene 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, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

- D **ANNOUNCEMENTS** - Council Member Schmitz reminded everyone that Friday night was Homecoming at Copperas Cove High School and that the game starts at 7:30 p.m.

E **PUBLIC RECOGNITION**

- 1 City Retirement Recognition – James H. Dixon, Facility Maintenance - December 28, 1992 to August 31, 2011. **Andrea M. Gardner, City Manager**
- 2 City Retirement Recognition – David E. Barr, Golf Course Heavy Equipment Operator - August 2, 1999 to August 31, 2011. **Andrea M. Gardner, City Manager**
- 3 Employee Service Award – September 2011. **Andrea M. Gardner, City Manager**
 - Anita Schultz, Circulation Supervisor/Library Assistant III, 10 years of service to the Public Library
- 4 Athletic Achievement Recognition: Astros/Diamondbacks. **John Hull, Mayor**

Baseballs signed by Mayor Hull and team members were presented Head Coach Bret Anderson of the Copperas Cove Astros and Head Coach Scott Robison of the Copperas Cove Diamondbacks. The players from both teams were called up to receive recognition with their coaches. The teams won First Place Texas Teen Age District 7 and District 5 Tournament in Killeen and advanced to the TTBA State Tournament played in Whitehouse and Ennis.
- 5 Proclamation: National Preparedness Month - September 2011. **John Hull, Mayor**
- 6 Proclamation: National Kids Day - September 17, 2011. **John Hull, Mayor**

F **CITIZENS FORUM** – None.

G **CONSENT AGENDA**

- 1 Consideration and action on approving minutes from the workshop council meeting of August 16, 2011. **Jane Lees, City Secretary**
- 2 Consideration and action on approving minutes from the regular council meeting of August 16, 2011. **Jane Lees, City Secretary**
- 3 Consideration and action authorizing the Fire Department to submit a grant application through the Assistance to Firefighters Grant program for P25 radio equipment. **J. Mike Baker, Fire Chief/Emergency Management Coordinator**
- 4 Consideration and action on authorizing the City Manager to enter into an agreement with Jani King Commercial Cleaning Service of Austin for cleaning services of municipal buildings. **Ken Wilson, Division Head of Parks & Leisure Services**
- 5 Consideration and action on a resolution establishing the current population for the City of Copperas Cove. **Wesley Wright, P.E. Division Head of Public Works/City Engineer**

RESOLUTION NO. 2011-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, ADOPTING THE DETERMINATION OF POPULATION OF THE MUNICIPALITY.

Council Member Palmer requested that item G-4 be removed from the Consent Agenda and discussed separately.

Council Member Kent made a motion to approve items G-1, G-2, G-3 and G-5 as written. Council Member Smith seconded the motion, which passed unanimously.

Separate discussion of item G-4:

Consideration and action on authorizing the City Manager to enter into an agreement with Jani King Commercial Cleaning Service of Austin for cleaning services of municipal buildings. **Ken Wilson, Division Head of Parks & Leisure Services**

Mr. Wilson summarized the changes in the agreement for the Council, saying that this was a renewal of the previous agreement. The Cleaning Service would no longer be doing the Police Department. The Police Department would be cleaned by a City employee.

Council Member Palmer made a motion to disapprove item G-4. Council Member Meredith seconded the motion. Council Member Youngs said he objected to the term in the contract, "as needed or as required," saying that he would prefer the contract to state exactly what needs to be done and when. He asked if anyone checked on the work performed to see if everything listed in the contract was done. Mr. Wilson explained that someone does check on the logs that are kept. He also stated that he approved when waxing floors and shampooing rugs was necessary. He stated that the changes in the contract were mutually agreed upon between the City and Jani King.

Vote on previous motion to disapprove as follows:

Cheryl L. Meredith Nay

Charlie D. Youngs	Nay
Gary L. Kent	Nay
Danny Palmer	Aye
Kenn Smith	Nay
Jim Schmitz	Nay
Frank Seffrood	Nay

Motion failed one to six.

Council Member Youngs made a motion to approve the agreement as presented. Council Member Smith seconded the motion and a vote was taken as follows:

Cheryl L. Meredith	Aye
Charlie D. Youngs	Aye
Gary L. Kent	Aye
Danny Palmer	Nay
Kenn Smith	Aye
Jim Schmitz	Aye
Frank Seffrood	Aye

Motion passed six to one.

H PUBLIC HEARINGS/ACTION

- 1 Public hearing, discussion and possible action on an ordinance amending the Future Land Use Plan. **Chris Stewart, AICP, Stewart Planning Consulting, LLC**

Mayor Hull opened the public hearing at 7:48 p.m.

Speaking: Garrett Nordyke, 3000 Illinois Avenue, Killeen, TX. Mr. Nordyke stated that he works with the developer and requests Council support on this request. He said he would be happy to answer any questions.

Mayor Hull closed the public hearing at 7:50 p.m.

ORDINANCE NO. 2011-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING CHAPTER FOUR OF THE 2007 COMPREHENSIVE PLAN OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING FOR CHANGES IN THE FUTURE LAND USE PLAN, PROVIDING FOR CHANGES ON PLATE 4-1, THE FUTURE LAND USE MAP.

Council Member Schmitz made a motion to approve Ordinance No. 2011-38 as presented. Council Member Kent seconded the motion, which passed unanimously.

- 2 Public hearing, discussion and possible action on an ordinance, requesting to rezone 81.73 acres being part of a 402 acre tract dedicated to the Lehmann Heritage Corporation from AG-1 (Agriculture) to R-1 (Single-Family Residential). **Chris Stewart, AICP, Stewart Planning Consulting, LLC**

Mayor Hull opened the public hearing at 7:55 p.m.

Speaking: Garrett Nordyke, 3000 Illinois Avenue, Killeen, TX. Mr. Nordyke stated again that Council support is requested.

Council Member Kent asked how many homes would be in the area and if there was adequate fire support. Mr. Nordyke replied that 200-250 lots are planned. Chief Baker said that it was too early in the process to answer the question regarding adequate fire support, but he is sure that the City will be fine. Mr. Stewart stated that the platting process will show fire capacities and any problems will be addressed at that time. Council Member Schmitz asked if the City could combine the ordinance with the traffic analysis. Ms. Gardner recommended that the Council approve the zoning request only at this time. The traffic impact analysis would be discussed later by the Council.

Mayor Hull closed the public hearing at 7:59 p.m.

ORDINANCE NO. 2011-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING 81.73 ACRES BEING A PART OF A CALLED 168.661 ACRE TRACT DESCRIBED IN DEED TO WBW LAND INVESTMENTS, L.P., FROM AG-1 (AGRICULTURAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL).

Council Member Seffrood made a motion to approve Ordinance No. 2011-39 as presented. Council Member Smith seconded the motion, which passed unanimously.

- 3 Public hearing and action on an ordinance amending the 2010-2011 fiscal year budget.
Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director

Mayor Hull opened the public hearing at 8:02 p.m.

Speaking: None.

Mayor Hull closed the public hearing at 8:03 p.m.

ORDINANCE NO. 2011-40

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, 2010, AND ENDING ON SEPTEMBER 30, 2011; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

Council Member Schmitz made a motion to approve Ordinance No. 2011-40 as presented. Council Member Palmer seconded the motion, which passed unanimously.

- 4 Public hearing and action on an ordinance amending the 2010-2011 fiscal year budget.
Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director

Mayor Hull opened the public hearing at 8:04 p.m.

Speaking: None.

Mayor Hull closed the public hearing at 8:05 p.m.

ORDINANCE NO. 2011-37

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, 2010, AND ENDING ON SEPTEMBER 30, 2011; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

Council Member Meredith made a motion to approve Ordinance No. 2011-37 as presented. Council Member Youngs seconded the motion, which passed unanimously with five ayes. Note: Council Member Kent did not vote as he was out of the room at the time the vote was taken.

I **ACTION ITEMS**

- 1 Consideration and action on an ordinance approving and adopting a budget for operating the municipal government of the City of Copperas Cove for fiscal year 2011-2012. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

ORDINANCE NO. 2011-41

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

Council Member Smith made a motion to approve Ordinance No. 2011-41 as presented. Council Member Kent seconded the motion, which passed unanimously.

- 2 Consideration and action on an ordinance adopting the tax rate for fiscal year 2011-2012.
Ryan D. Haverlah, Assistance Director of Financial Services/Budget Director

Council Member Schmitz made a motion and withdrew it in order to have City staff confirm the rates.

Mayor Hull called a recess at 8:10 p.m. and reconvened the open session at 8:20 p.m.

ORDINANCE NO. 2011-42

AN ORDINANCE ADOPTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF COPPERAS COVE, TEXAS, FOR THE 2011 TAX YEAR FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR

**BEGINNING OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012;
APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH
REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE
RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN
EFFECTIVE DATE.**

Council Member Schmitz made a motion to set the overall tax rate for the City at 76.3900 cents on each \$100 of the taxable value of real and personal property, set the maintenance and operations (M&O) rate at 0.5448 cents per \$100 valuation, and set the interest and sinking (I&S) rate at 0.2191 cents per \$100 valuation. Council Member Palmer seconded the motion, which passed unanimously.

- 3 Consideration and action to ratify the vote approving and adopting a budget for fiscal year 2011-12 and the vote to adopt the tax rate for fiscal year 2011-12. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

Council Member Kent made a motion to ratify the vote for the FY 2011-2012 budget and the tax rate. Council Member Palmer seconded the motion, which passed unanimously.

- 4 Consideration and action on an ordinance amending the City's Fee Schedule. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

**ORDINANCE NO. 2011-43
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS
AMENDING THE FEE
SCHEDULE FOR THE CITY OF COPPERAS COVE; REPEALING ALL ORDINANCES IN
CONFLICT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Council Member Meredith made a motion to approve Ordinance No. 2011-43 as presented. Council Member Palmer seconded the motion, which passed unanimously.

- 5 Consideration and action on an ordinance updating Personnel Policy No. 136, Payroll Deductions. **Kelli Sames, Human Resources Division Head**

**ORDINANCE NO. 2011-44
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.
136, (PAYROLL DEDUCTIONS), AND REPLACING THE EXISTING POLICY WITH A
REVISED PERSONNEL POLICY, NO. 136, (PAYROLL DEDUCTIONS) AND RATIFYING
THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES
MANUAL; AND DECLARING AN EFFECTIVE DATE.**

Council Member Kent made a motion to approve Ordinance No. 2011-44 as presented. Council Member Meredith seconded the motion, which passed unanimously.

- 6 Consideration and action on an ordinance updating Personnel Policy No. 314, Bereavement/Personal Time Off. **Kelli Sames, Human Resources Division Head**

**ORDINANCE NO. 2011-45
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.
314, (PAID PERSONAL TIME OFF POLICY), AND REPLACING THE EXISTING POLICY
WITH A REVISED PERSONNEL POLICY, NO. 314, (BEREAVEMENT/PERSONAL TIME**

POLICY) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.

Council Member Kent made a motion to approve Ordinance 2011-45 as presented. Council Member Palmer seconded the motion, which passed unanimously.

- 7 Consideration and action on an ordinance updating the FY 2010/11 Personnel Position Listing Schedule. **Kelli Sames, Human Resources Division Head**

ORDINANCE NO. 2011-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED PERSONNEL POSITION LISTING SCHEDULE INCLUDED IN THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011; BY REPEALING THE CURRENT PERSONNEL POSITION LISTING SCHEDULE, AND REPLACING WITH A REVISED PERSONNEL POSITION LISTING SCHEDULE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

Council Member Kent made a motion to approve Ordinance No. 2011-46 as presented. Council Member Meredith seconded the motion, which passed unanimously.

- 8 Consideration and action on authorizing the City Manager to enter into Development and Annexation Agreement between the City of Copperas Cove and Mesa Verde Partners. **Wesley Wright, P.E. Division Head of Public Works/City Engineer**

The agreement was pulled from the agenda. No action taken.

- 9 Consideration and action on authorizing the City Manager to enter into a Sewer Construction Agreement between the City of Copperas Cove and Mesa Verde Partners. **Wesley Wright, P.E., Division Head of Public Works/City Engineer**

The agreement was pulled from the agenda. No action taken.

- 10 Consideration and action on authorizing the City Manager to execute a sales contract between the City of Copperas Cove and Mr. Troy Bradshaw for the purchase of land identified in the W.H. Davis Survey, A-276, and known as Hog Mountain (700 Block of Marilyn Drive). **Andrea M. Gardner, City Manager**

Council Member Smith made a motion to authorize the City Manager to execute the sales contract as presented. Council Member Palmer seconded the motion, which passed unanimously.

- 11 Certification of petition for the adoption of the fire fighters' and police officers' civil service law for the Copperas Cove Fire Department. **Jane Lees, City Secretary**

Council Member Youngs made a motion to accept the certification of the petition as presented. Council Member Meredith seconded the motion, which passed unanimously.

- 12 Consideration and action on a resolution to order a special election on November 8, 2011; establishing polling locations; naming an Election Judge and Alternate Election Judge for Precinct 1 in Lampasas County; authorizing the City Secretary to contract with Coryell county to conduct a joint election; and establishing procedures for said Election. **Jane Lees, City Secretary**

RESOLUTION NO. 2011-35

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, ORDERING A SPECIAL ELECTION ON NOVEMBER 8, 2011; ESTABLISHING POLLING LOCATIONS; NAMING AN ELECTION JUDGE AND ALTERNATE ELECTION JUDGE FOR PRECINCT 1 IN LAMPASAS COUNTY; AUTHORIZING THE CITY SECRETARY TO CONTRACT WITH CORYELL COUNTY TO CONDUCT A JOINT ELECTION; AND ESTABLISHING PROCEDURES FOR SAID ELECTION.

Council Member Meredith made a motion to approve Resolution No. 2011-35 as presented. Council Member Palmer seconded the motion, which passed unanimously.

- 13 Consideration and action on an appointment to the Copperas Cove Economic Development Corporation (CCEDC) Board of Directors, Position 5. **Polo Enriquez, CCEDC Executive Director**

Council Member Youngs made a motion to appoint Council Member Palmer to the CCEDC Board of Directors, Position 5. Council Member Kent seconded the motion and a roll call vote was taken as follows:

Cheryl L. Meredith	Nay
Charlie D. Youngs	Aye
Gary L. Kent	Aye
Danny Palmer	Aye
Kenn Smith	Aye
Jim Schmitz	Nay
Frank Seffrood	Nay

Motion passed four to three.

- 14 Consideration and action on approval of the Copperas Cove Economic Development Corporation FY2011-2012 Revised Budget. **Polo Enriquez, CCEDC Executive Director**

Council Member Meredith made a motion to approve the CCEDC FY2011-2012 Revised Budget as presented. Council Member Smith seconded the motion, which passed unanimously.

J REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

K ITEMS FOR FUTURE AGENDAS

L EXECUTIVE SESSION - Mayor Hull adjourned the open meeting at 8:46 p.m. to hold Executive Session.

- 1 Pursuant to §551.072, Deliberations about Real Property, and Section 551.071, Consultations with Attorney, of the Open Meetings Act, Tex. Gov't Code, Council will meet in Executive Session to deliberate the purchase of real property and consult with attorney regarding the purchase of real property - Dewald easement.
- 2 Pursuant to §551.087, Deliberation Regarding Economic Development Negotiations, 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 - First Advisors, Inc.

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 9:19 p.m. and announced that no action was required as a result of discussions in Executive Session.

N **ADJOURNMENT** - There being no further business, Mayor Hull adjourned the meeting at 9:19 p.m.

ATTEST:

John Hull, Mayor

Jane Lees, City Secretary