

CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
October 4, 2011 – 7:00 P.M.

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

B **INVOCATION AND PLEDGE OF ALLEGIANCE** - Pastor Brian Hawkins of Cove Fellowship Church gave the invocation and Mayor pro tem Seffrood 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

Absent: John Hull

Attendees: Andrea M. Gardner, City Manager
Jane Lees, City Secretary

D **ANNOUNCEMENTS** - City Manager Gardner announced that Mayor Hull is doing well and should be coming home from the hospital tomorrow.

E **PUBLIC RECOGNITION**

- 1 Proclamation: Chamber of Commerce and Visitors Bureau Week. **Frank Seffrood, Mayor pro tem**

Marty Smith, President of the Chamber accepted and thanked Mayor pro tem and the City Council for the proclamation.

- 2 **Proclamation: Crime Prevention Month. Frank Seffrood, Mayor pro tem**

Lt. Wyers of the Police Department accepted and thanked Mayor pro tem and the City Council for the proclamation.

- 3 Proclamation: Fire Prevention Week. **Frank Seffrood, Mayor pro tem**

Deputy Fire Chief Young accepted and thanked Mayor pro tem and the City Council for the proclamation.

F **CITIZENS FORUM** – None.

Mayor pro tem Seffrood announced that Executive Session Item L-3 would take place prior to the Consent Agenda and that upon the Council's return to open session, Action Item I-6 would be considered.

Mayor pro tem Seffrood called a recess at 7:13 p.m. to hold Executive Session. The Council returned from to open session at 7:25 p.m.

ACTION ITEM I-6:

Discussion and action on the approval of a settlement agreement between the City of Copperas Cove and Freddie A. Dewald in the lawsuit styled City of Copperas Cove, Texas v. Freddie & Joan Dewald... Cause No. 11-9977, In the County Court at Law of Coryell County, Texas; dismissal of lawsuit, a direct purchase of the subject permanent utility easement and two temporary construction easements from Mr. Freddie A. Dewald and authority for City Manager to execute all settlement and easement documents. **Andrea M. Gardner, City Manager**

Council Member Smith made a motion to approve Item I-6 as presented. Council Member Palmer seconded the motion, which passed unanimously.

Mayor pro tem Seffrood announced that Action Items I-4 and I-5 will be pulled off the agenda and that no action would be taken on those items during this meeting.

- 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 minutes from the workshop council meeting of September 20, 2011. **Jane Lees, City Secretary**
 - 2 Consideration and action on approving minutes from the regular council meeting of September 20, 2011. **Jane Lees, City Secretary**
 - 3 Consideration and action on authorizing the City Manager to enter into an agreement with Black Meg 43, LLC for the leasing of space at the Hills of Cove Golf Course for the purpose of preparation and sale of concessions. **Andy Cedillo, Director of Parks & Leisure Services**

Council Member Smith requested that Item G-3 be removed from the Consent Agenda.

Council Member Kent made a motion to approve Items G-1 and G-2. Council Member Meredith seconded the motion, which passed unanimously.

CONSENT AGENDA ITEM G-3:

Consideration and action on authorizing the City Manager to enter into an agreement with Black Meg 43, LLC for the leasing of space at the Hills of Cove Golf Course for the purpose of preparation and sale of concessions. **Andy Cedillo, Director of Parks & Leisure Services**

Council Member Smith asked if this lease was different than the lease the previous concessionaire negotiated. Ms. Gardner replied that it was essentially the same, except that Black Meg 43 will pay a monthly fee rather than a percentage of sales.

Council Member Smith made a motion to approve item G-3 as presented. Council Member Kent seconded the motion, which passed unanimously.

H PUBLIC HEARINGS/ACTION

- 1 Public hearing on an ordinance amending the 2011-2012 fiscal year budget for the City of Copperas Cove. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

Mayor pro tem Seffrood opened the public hearing at 7:34 p.m.

Speaking: Council Member Palmer said he would like to see additional information on the stem wall project for Colorado Drive at the second public hearing on October 18. Council Member Smith said that he is happy to be able to give the employees a 1% COLA. He also stated that this will assist the City in retaining good employees.

Mayor pro tem Seffrood closed the public hearing at 7:40 p.m.

ORDINANCE NO. 2011-51

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, 2011, AND ENDING ON SEPTEMBER 30, 2012; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

The ordinance will return for a second public hearing and action on October 18, 2011.

- 2 Public hearing and action on adoption of an ordinance revising the property tax exemption for local homesteads of persons age 65 or over from \$12,000 to \$5,000. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

Mayor pro tem Seffrood opened the public hearing at 7:40 p.m.

Speaking: Council Member Palmer stated that he believed this action should go before the voters. Council Member Youngs asked if the City could keep the current amount in place and pass a second ordinance in 2012 to reduce the amount to \$3,000. Ms. Gardner said that to her knowledge the City cannot do that. Council Member Palmer asked if the City of Gatesville offered any exemptions. Mr. Haverlah said that he was unable to obtain that information prior to the Council meeting. Council Member Smith stated that he tended to agree with Council Member Palmer regarding taking it to the voters, however, he also stated that although the Council may not like reducing the exemption, the City must make the revenue up somewhere. Council Member Schmitz asked if the City was certain that the citizens voted on this matter. Mr. Haverlah clarified for everyone that it was done through Council action after a series of public hearings. Council Member Smith stated that if that was the case, then he would withdraw his concern regarding taking the issue to the voters. Council Member Kent asked if there were any citizens present who wanted to speak on this matter. He stated that sometimes it is difficult for the Council to make decisions if they don't hear how citizens feel. Council Member Meredith agreed with Council Member Smith, saying that the Council certainly does not like making this decision, but the budget is very slim and this action is needed.

Mayor pro tem Seffrood closed the public hearing at 7:49 p.m.

ORDINANCE NO. 2011-52

AN ORDINANCE PROVIDING FOR CERTAIN EXEMPTION TO THE ASSESSED VALUE OF RESIDENCE HOMESTEADS OF PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Schmitz made a motion to approve Ordinance 2011-52 as presented. Council Member Smith seconded the motion. Council Member Schmitz commented that the most that anyone can be impacted by this action is about \$53 a year. A roll call vote was taken:

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

Motion passed five to two.

- 3 Public hearing, discussion and possible action on an ordinance rezoning Lot 1, Block 13 of the S.P. Gilmore Addition, 501 North Main Street, from R-3 (Multifamily Residential) to B-3 (Local Business). **Chris Stewart, AICP, Stewart Planning Consulting**

Mayor pro tem Seffrood opened the public hearing at 7:55 p.m.

Speaking: None.

Mayor pro tem Seffrood closed the public hearing at 7:56 p.m.

ORDINANCE NO. 2011-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING LOT 1, BLOCK 13 OF THE S.P. GILMORE ADDITION, ALSO KNOWN AS 501 NORTH MAIN STREET, FROM R-3 (MULTIFAMILY RESIDENTIAL) TO B-3 (LOCAL BUSINESS).

Council Member Kent made a motion to approve Ordinance No. 2011-53 as presented. Council Member Smith seconded the motion, which passed unanimously.

- 4 Public hearing, discussion and possible action on an ordinance rezoning a 1.57 acre tract being Lot 2, Block 1 of the 190 Business and Industrial Park Phase Two dedicated to the Copperas Cove Industrial Foundation from B-4 (Business) to B-5 (Business). **Chris Stewart, AICP, Stewart Planning Consulting**

Mayor pro tem Seffrood opened the public hearing at 7:59 p.m.

Speaking: Jack Purcell, 1375 West Avenue D. Mr. Purcell said he represented the Copperas Cove Industrial Foundation and asked the Council to support the request.

Mayor pro tem Seffrood closed the public hearing at 8:00 p.m.

ORDINANCE NO. 2011-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING LOT 2B, BLOCK 1 OF THE 190 BUSINESS AND INDUSTRIAL PARK PHASE TWO, FROM B-4 (BUSINESS) TO B-5 (BUSINESS).

Council Member Kent made a motion to approve Ordinance No. 2011-43 as presented.

Council Member Meredith seconded the motion, which passed unanimously.

- 5 Public hearing, discussion and possible action on an ordinance rezoning two tracts totaling 6.98 acres being part of Lot 1, Block 1 of the 190 Business and Industrial Park Phase Two dedicated to the Copperas Cove Industrial Foundation from M-1(Manufacturing) to B-5 (Business) and from R-1(Single-Family Residential) to B-5 (Business). **Chris Stewart, AICP, Stewart Planning Consulting**

Mayor pro tem Seffrood opened the public hearing at 8:03 p.m.

Speaking: Mr. Purcell spoke again saying that the Industrial Foundation supports the request.

Mayor pro tem Seffrood closed the public hearing at 8:04 p.m.

ORDINANCE NO. 2011-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING 6.98 ACRES, BEING LOT 1, BLOCK 1 OF THE 190 BUSINESS AND INDUSTRIAL PARK PHASE TWO, FROM M-1 (MANUFACTURING) AND R-1 SINGLE FAMILY RESIDENTIAL) TO B-5 (BUSINESS).

Council Member Schmitz made a motion to approve Ordinance No. 2011-55 as presented. Council Member Kent seconded the motion, which passed unanimously.

- 6 Public hearing, discussion and possible action on an ordinance amending zoning ordinance, Section 20-25 of the Code of Ordinances, relating to fences. **Chris Stewart, AICP, Planning Consultant**

Mayor pro tem Seffrood opened the public hearing at 8:11 p.m.

Speaking: Council Member Kent asked Mr. Stewart if the Board of Adjustment received a lot of inquiries on this subject. Mr. Stewart said that four to five requests for variances on this subject have come before the Board of Adjustment over the last few months. The outcome has been to approve most of the requests. Also, the entire process can take up to six weeks to submit the application, have it advertised and set up a hearing date. During this time a resident would have to suspend their fence project.

Mayor pro tem Seffrood closed the public hearing at 8:17 p.m.

ORDINANCE NO. 2011-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF COPPERAS COVE, TEXAS; PROVIDING FOR CHANGES TO THE REGULATIONS; AND PROVIDING FOR A SAVINGS CLAUSE.

Council Member Meredith made a motion to approve Ordinance No. 2011-56 as presented. Council Member Kent seconded the motion, which passed unanimously.

- 7 Public hearing, discussion and possible action on an ordinance amending the zoning ordinance, Section 20-16 of the Code of Ordinances, relating to the definition and use classification for restaurants. **Chris Stewart, AICP, Planning Consultant**

Mayor pro tem Seffrood opened the public hearing at 8:21 p.m.

Speaking: Council Member Smith asked if this would allow for a drive through restaurant in the Shops at Five Hills. Mr. Stewart said it would.

Mayor pro tem Seffrood closed the public hearing at 8:22 p.m.

ORDINANCE NO. 2011-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING CHAPTER TWENTY OF THE CODE OF ORDINANCES OF THE CITY OF COPPERAS COVE, TEXAS; PROVIDING FOR CHANGES TO THE REGULATIONS; AND PROVIDING FOR A SAVINGS CLAUSE.

Council Member Smith made a motion to approve Ordinance No. 2011-57 as presented. Council Member Kent seconded the motion.

After further discussion, Council Member Schmitz made a motion to amend the original motion to allow Fast Food (Drive-thru Only) in B-2 districts. Council Member Meredith seconded the motion, which passed unanimously.

A vote on the original motion, to include the amendment, passed unanimously.

I ACTION ITEMS

- 1 Consideration and action on appointment of Commissioners to the Housing Authority of the City of Copperas Cove. **Jane Lees, City Secretary**

Council Member Schmitz made a motion to reappoint Patricia Thomas and Mariea Mann to the Housing Authority for the term beginning October 1, 2011 through September 30, 2013. Council Member Smith seconded the motion, which passed unanimously.

- 2 Consideration and action on a resolution nominating candidates to serve on the Lampasas Central Appraisal District Board of Directors. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

RESOLUTION NO. 2011-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, TO NOMINATE CANDIDATES FOR THE LAMPASAS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF JANUARY 1, 2012 THROUGH DECEMBER 31, 2013.

Mayor pro tem Seffrood nominated David Hamilton, Robert Wright, Mike Kriegel, David Bowen and Jack Widup. Council Member Smith made a motion to accept the nominations. Council Member Meredith seconded the motion, which passed unanimously.

- 3 Consideration and action on establishing the 2012 Texas A&M Central Texas Golf Tournament Committee and appointing members to serve on the committee. **Andrea M. Gardner, City Manager**

Ms. Gardner stated that the City will host the golf tournament in July 2012. In order to do this, a committee should be formed to organize the event and attract sponsors. Council Member Smith has already indicated an interest to serve on the committee and the City Council would need to appoint him to that position.

Council Member Palmer made a motion to appoint Council Member Smith to the committee. Council Member Kent seconded the motion, which passed unanimously.

- 4 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**

This item was pulled off the agenda and no action was taken.

- 5 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**

This item was pulled off the agenda and no action was taken.

- 6 Discussion and action on the approval of a settlement agreement between the City of Copperas Cove and Freddie A. Dewald in the lawsuit styled City of Copperas Cove, Texas v. Freddie & Joan Dewald... Cause No. 11-9977, In the County Court at Law of Coryell County, Texas; dismissal of lawsuit, a direct purchase of the subject permanent utility easement and two temporary construction easements from Mr. Freddie A. Dewald and authority for City Manager to execute all settlement and easement documents. **Andrea M. Gardner, City Manager**

This item was discussed earlier in the meeting.

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

- K ITEMS FOR FUTURE AGENDAS -** Council Member Schmitz said that he would like the City to look at problems involving shrubbery at various intersections. The Council concurred. Council Member Palmer said he would like the City to set dates to conduct evaluations on the City Attorney and Municipal Judge. The Council concurred.

L EXECUTIVE SESSION

- 1 Pursuant to §551.074 of the Open Meetings Act. Tex. Gov't Code, Council will meet in Executive Session to deliberate the evaluation and duties of the City Secretary, Jane Lees.
- 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.
- 3 Pursuant to Section 551.071, Consultations with Attorney, of the Open Meetings Act, Tx. Gov't Code, Council will meet in Executive Session to consult with attorney regarding the purchase of real property - Dewald easement.

This item was discussed earlier in the meeting.

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

Executive Session item L-3 was discussed in Executive Session held earlier in the meeting.

Council Member Kent made a motion to postpone Executive Session items L-1 and L-2 until the next regular Council meeting. Council Member Meredith seconded the motion, which passed unanimously.

N **ADJOURNMENT** - There being no further business, Mayor pro tem Seffrood adjourned the meeting at 8:40 p.m.

ATTEST:

Frank Seffrood, Mayor pro tem

Jane Lees, City Secretary