

**CITY OF COPPERAS COVE  
CITY COUNCIL WORKSHOP MEETING MINUTES  
December 6, 2011 – 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, City Manager  
Jane Lees, City Secretary

**C WORKSHOP ITEMS**

**1 Presentation and discussion on Youth Activities. Ken Wilson, Division Head of Parks & Leisure Services**

Mr. Wilson introduced the workshop and stated that the Luck Design Team was here a year ago and presented a workshop to discuss what the youth of the City wanted for activities. He turned the workshop over to Andy Cedillo, Director of Parks & Recreation. Mr. Cedillo discussed a PowerPoint presentation which is attached to and made a part of these minutes. The presentation covered the youth activities requested last year at the December 2010 workshop and the plans to develop a Youth Advisory Board. The presentation stated the purpose of the Youth Council and outlined a timeline for implementation.

Mr. Jack Welch, Athletic Director at Copperas Cove Independent School District, spoke about a new event that the CHAMPS Committee is working on and that they would like to partner with the City on the project. It is called the Texas Music Jam, a two-day event that would involve all the schools. They plan on requesting \$25,000 from the City to help fund the music artists that would be invited to the event.

Ms. Gardner asked Coach Welch for comments on the development of a youth council. Coach Welch said he believed most kids would want to be involved, but it takes a lot of organization.

**2 Direction to staff on item C-1. Andrea M. Gardner, City Manager**

Staff was directed by Council consensus to proceed with the development of a Youth Council. Ken Wilson will get in touch with Coach Welch and run a survey through the CHAMPS program and bring the results back to the Council in order to get additional ideas for activities. Council Member Schmitz stated that the Hotel/Motel tax could be used to help fund the music jam. Ms. Gardner and Coach Welch will get together as soon as possible to work on the funding needed for the event.

D     **ADJOURNMENT** - There being no further business, Mayor Hull adjourned the meeting at 6:28 p.m.

---

John Hull, Mayor

ATTEST:

---

Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
December 6, 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. Frank D. Somera, Jr. gave the invocation and Mayor Hull led the pledge of allegiance.

C     **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, City Manager  
              Charles E. Zech, City Attorney  
              Jane Lees, City Secretary

D     **ANNOUNCEMENTS** - Council Member Gary Kent said that he attended the HOT Bowl last weekend and it was great fun. He mentioned that there were many activities in Copperas Cove last weekend, including the Krist Kindl Markt. He stated that these events should inspire residents to become more involved with their community.

E     **PUBLIC RECOGNITION**

1     Proclamation: Eagle Scout Dakota Stonebrook Day. **John Hull, Mayor**

Mayor Pro Tem Seffrood read the proclamation and presented it to his grandson, Dakota Stonebrook. Dakota thanked the Mayor and Council for the recognition.

2     Employee Service Awards – December 2011. **Andrea M. Gardner, City Manager**

- Georgette Hurt, Patrol Officer, Police Department, 15 Years of Service
- Alan Mainville, Fire Lieutenant, Fire Department, 5 Years of Service

F     **CITIZENS FORUM** – None.

G     **CONSENT AGENDA**

1     Consideration and action on approving minutes from the special council meeting of November 8, 2011. **Jane Lees, City Secretary**

- 2 Consideration and action on approving minutes from the workshop council meeting of November 15, 2011. **Jane Lees, City Secretary**
- 3 Consideration and action on approving minutes from the regular council meeting of November 15, 2011. **Jane Lees, City Secretary**
- 4 Consideration and action on approving minutes from the special council meeting of November 21, 2011. **Jane Lees, City Secretary**
- 5 Consideration and action on authorizing the City Manager to execute a Sales Contract between the City of Copperas Cove and Dailey-Wells Communications, Inc. for the purpose of renewing a maintenance contract and renewing a software contract for the City's 800 MHz EDACS Radio Trunking System manufactured by M/A-Com. **Gary Young, Deputy Fire Chief**
- 6 Consideration and action on authorizing the City Manager to execute an Inter-Local Assistance Agreement between the City of Copperas Cove and the Bell County Organized Crime Unit. **Tim Molnes, Police Chief**
- 7 Consideration and action on a resolution authorizing the City Manager to donate used body armor to the Nolanville Police Department. **Tim Molnes, Police Chief**
- 8 Consideration and action on authorizing a lease agreement between the City of Copperas Cove and the Cove House Emergency Homeless Shelter, Inc. **Ken Wilson, Division Head of Parks and Leisure Services**
- 9 Consideration and action on Acadian Ambulance Service, Inc. application for renewal of a non-emergency ambulance franchise. **Gary D. Young, Deputy Fire Chief**

Council Member Kent requested removal of Item G-7 from the Consent Agenda.

Council Member Palmer made a motion to approve Consent Agenda Items G-1 through G-6 and G-8 through G-9. Council Member Smith seconded the motion, which passed unanimously.

**CONSENT AGENDA - Item G-7:**

Consideration and action on a resolution authorizing the City Manager to donate used body armor to the Nolanville Police Department. **Tim Molnes, Police Chief**

Council Member Kent stated as the Police Chief for Nolanville Police Department that his department was very appreciative of this donation and he thanked the City and the Copperas Cove Police Department. He recused himself from voting on Item G-7.

Council Member Smith made a motion to approve Item G-7 as presented. Council Member Palmer seconded the motion.

Cheryl L. Meredith	Aye
Charlie D. Youngs	Aye
Gary L. Kent	Recused
Danny Palmer	Aye
Kenn Smith	Aye

Jim Schmitz            Aye  
Frank Seffrood        Aye

Motion passed with six Ayes.

**RESOLUTION NO. 2011-50**

**A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO DONATE USED BODY ARMOR TO THE NOLANVILLE POLICE DEPARTMENT.**

**H PUBLIC HEARINGS/ACTION**

- 1 Public hearing and action on a resolution to tax goods-in-transit in accordance with Texas Property Tax Code, Section 11.253. **Ryan D. Haverlah, Assistant Director of Financial Services/Budget Director**

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

Speaking: None.

Mayor Hull closed the public hearing at 7:21 p.m.

Council Member Schmitz made a motion to approve Resolution No. 2011-51 as presented. Council Member Seffrood seconded the motion.

Council Member Youngs requested further clarification on what goods in transit are. Mr. Haverlah stated that it is anything that is manufactured or warehoused in Texas that is stored in a warehouse not owned by the company storing the goods. Those types of items can be taxed as personal property. Council Member Youngs also asked if a serviceman's goods stored in a storage unit would be taxed. Mr. Haverlah said no.

Motion passed unanimously.

**RESOLUTION NO. 2011-51**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, TO SUBJECT GOODS-IN-TRANSIT TO AD VALOREM TAXATION BEGINNING ON JANUARY 1, 2012.**

- 2 Public hearing and action on a request to abandon the drainage easement located partially on Lot 3, Block 6, Turkey Creek Estates, Section 2. **Chris Stewart, Stewart Planning Consulting**

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

Speaking: Mike Kriegel of Mitchell & Associates spoke in favor of the abandonment. Council Member Youngs asked if the abandonment would allow the property owner to rebuild his fence. Mr. Stewart said yes. Council Member Palmer asked what the alternative plan was if the easement is given up. Mr. Stewart said that there is an alternate easement location that may be utilized by the City. Council Member Seffrood asked if the City could reestablish easements in the future if needed and whether the abandonment could be conditional. Mr. Stewart said the easement could be reestablished if needed in the future, however, the City would have to re-purchase the easement. City Attorney Zech stated that he did not have a definitive answer regarding the question on conditional abandonment. Mr. Stewart stated that the alternate easement is expected to serve the needs of the City. Council Member Schmitz asked why this was being handled as an abandonment rather than an encroachment as has been done in the recent past. Ms. Gardner explained that the abandonment process was requested by the property owners as a result of following the direction of City staff. Mr.

Wright commented that an encroachment would not work in this particular situation because the easement runs parallel with the fence and the City ordinance states that the fence needs to be perpendicular to the easement.

Mayor Hull closed the public hearing at 7:33 p.m.

Council Member Palmer made a motion to approve the request to abandon the drainage easement located partially on Lot 3, Block 6, Turkey Creek Estates, Section 2. Council Member Meredith seconded the motion.

Council Member Kent said that he would prefer to obtain a legal opinion from the City Attorney before voting.

Council Member Palmer made a motion to lay Item H-2 on the table until a legal opinion is obtained. Council Member Kent seconded the motion.

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

Motion to lay Item H-2 on the table passed five to two.

3 Public hearing and action on a preliminary/final plat for Colonial Plaza Addition Phase One.  
**Chris Stewart, Stewart Planning Consulting**

Mayor Hull opened the public hearing at 7:36 p.m.

Speaking: Council Member Palmer asked if accessible sidewalks are in the plans. Mr. Stewart replied that the building plans have to comply with the building code during the accessibility review, but this is not something covered when reviewing and approving the plat.

Mayor Hull closed the public hearing at 7:39 p.m.

Council Member Seffrood made a motion to approve the preliminary/final plat for Colonial Plaza Addition Phase One. Council Member Kent seconded the motion, which passed unanimously.

Council Member Palmer made a motion to remove Item H-2 from the table. Council Member Kent seconded the motion, which passed unanimously.

City Attorney, Charlie Zech, reviewed the City ordinance, Sec. 17.5-11 and reported to the Council that there is language regarding fences running parallel to drainage easements, but it is not applicable to City Council's authority. At the end of the section there is a paragraph that discusses improvements in drainage easements and what is allowed with respect to landscaping concrete, asphalt, parking lots, driveways and so on. There is a sentence or two that states fences may cross drainage easements with underground facilities but may not run parallel. The item before you tonight does not have an underground facility.

The ordinance also states that fences may not cross or run parallel with drainage easements designed for surface flow. There is another sentence that gives separate authority in his

opinion which states that the encroachment of fences or other structures permitted by City Council may be permitted after individual consideration as appropriate through a fully executed encroachment agreement approved by City Council. Those two sentences do not limit how City Council can approve encroachments in the right of way because the purpose of the encroachment agreement is to negotiate how the fence can be placed. In this instance there is no underground facility and the easement has not even been used for drainage. This would be an applicable and appropriate place to use an encroachment agreement if the Council would prefer, rather than abandon the easement.

A vote on the main motion, made previously by Council Member Palmer and seconded by Council Member Meredith, to approve the request to abandon the drainage easement located partially on Lot 3, Block 6, Turkey Creek Estates, Section 2, was passed unanimously.

## I **ACTION ITEMS**

### 1 **Consideration and action on evaluating the services of Municipal Court Judge. **Joseph Pace, Municipal Court Administrator****

Judge Price stated that he has been doing this for 18 years. He believes the court to be in good condition. Staff has shrunk in size, but increased in efficiency under Mr. Pace's supervision. He said that other Municipal Courts often seek advice from them to improve their courts. Council Member Kent asked Judge Price how he felt about security in the court. Judge Price answered that security is moderately good. There are some ingress/egress issues, but the court is working to resolve these problems. Judge Price stated that there is a peace officer in the courtroom when court is in session. He would like to see one in the building at all times, but budget constraints do not allow for this.

Each Council Member commented to Judge Price as follows:

Council Member Youngs stated that Judge Price conducts all tasks listed on the evaluation form, therefore, he allows the City to meet its mission, vision and budget. He said that the City is lucky to have Judge Price, and considering the amount of cases listed on the activity report, he is doing a good job.

Council Member Seffrood stated that Judge Price is doing a substantial job and doing it well.

Council Member Schmitz said that he has heard nothing but positive things about Municipal Court, including a very successful Teen Court.

Council Member Smith said he believes Judge Price is doing a good job.

Council Member Palmer said that the Judge is doing a great job. He has been to Municipal Court and observed and said the court looks well organized.

Council Member Kent said he has had an opportunity to sit in court and that Judge Price is doing a great job. He said that the Judge treats people with respect. The court atmosphere is good. He is concerned about security in court for the Judge and staff.

Council Member Meredith asked several questions about Teen Court and stated that Judge Price is doing a great job and thanked him.

Mayor Hull stated that the Council appreciates all that he does in Municipal Court.

No action necessary for this agenda item.

- 2 Discussion on submitting a grant application for Housing and Urban Development (HUD) Funds administered by the Texas Department of Agriculture for the Downtown Revitalization Program and the completion of a Request for Proposals for professional services related to the administration of the grant contract in the event funds are awarded after application submittal. **Andrea M. Gardner, City Manager**

Ms. Gardner stated that competition for this grant is not as great as it has been in the past and that the City's chances may be better this time around. She asked for direction from the Council on whether or not to move forward with an application. The estimated budget amendment for the grant application is \$7,500. The design cost would be around \$15,000. If the City is awarded the grant, then a match of 30 percent would be required. The maximum award is \$150,000.

After discussion, the Council gave the City Manager direction by consensus to move forward with the grant application and submittal of a Request for Proposal for the administration of the grant.

- 3 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**

Council Member Youngs made a motion to authorize the City Manager to enter into the Development and Annexation Agreement with Mesa Verde Partners. Council Member Meredith seconded the motion, which passed unanimously.

- 4 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**

Council Member Meredith made a motion to authorize the City Manager to enter into a Sewer Construction Agreement with Mesa Verde Partners. Council Member Palmer seconded the motion. During discussion, Jimmy Clark of Mesa Verde Partners, was asked how long it would be before the new homes would be occupied and the price range. Mr. Clark answered that construction for the 60 lots would run around three years and the price range would be \$300,000 to \$600,000. Ms. Gardner noted that the signature line on the agreement would be changed to reflect her signature. The motion passed unanimously.

- 5 Consideration and action on authorizing the City Manager to execute an reimbursement (interlocal) agreement with the Copperas Cove Industrial Foundation to provide funding for the Advanced Funding Agreement between the City of Copperas Cove and the Texas Department of Transportation for the construction of signalization and a crossover for the Shops at Five Hills Development. **Andrea M. Gardner, City Manager**

Council Member Kent made a motion to authorize the City Manager to execute the agreement with the Copperas Cove Industrial Foundation. Council Member Palmer seconded the motion. Council Member Schmitz mentioned that all funds used to complete the construction would come from private sources. Motion passed unanimously.

- 6 Consideration and action on authorizing the City Manager to execute an Advanced Funding Agreement with the Texas Department of Transportation for the construction of signalization into the area known as the Shops at Five Hills. **Andrea M. Gardner, City Manager**

Council Member Smith made a motion to authorize the City Manager to execute an Advanced Funding Agreement with the Texas Department of Transportation, in an amount not to exceed \$627,000. Council Member Palmer seconded the motion, which passed unanimously.

**J        REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS**

- 1        CCEDC update on active pending projects, Shops at Five Hills, Heritage Plaza (Starbucks), Business Park Expansion, Oncor Substation, Shop Local (ShopQA), Copperas Cove Red Team. **Polo Enriquez, CCEDC Executive Director**

Mr. Enriquez updated the Council on the above-mentioned projects.

**K        ITEMS FOR FUTURE AGENDAS - None.**

**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 8:44 p.m.

**ATTEST:**

\_\_\_\_\_  
John Hull, Mayor

\_\_\_\_\_  
Jane Lees, City Secretary