

**MINUTES
TOWN OF COPPER CANYON
REGULAR TOWN COUNCIL MEETING
MONDAY, MARCH 11, 2024
7:00 P.M.**

The Town Council of the Town of Copper Canyon met in regular session on Monday, March 11, 2024, at 7:00 p.m. in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, whereupon the following items were considered:

I. CALL TO ORDER

Mayor Robertson called the regular meeting of the Copper Canyon Town Council to order at 7:00 on the 11th day of March 2024.

Council Present

Rudy Castillo	Deputy Mayor Pro Tem
Dale Andrews	Council Member
Chase Lybbert	Council Member
Larry Johnson	Council Member

Staff Present

Troy Meyer	Town Administrator
Sheila Morales	Town Secretary

A quorum of the Town Council was established.

Mayor Robertson and **Council Members** led meeting attendees in the Pledge of Allegiance to the U.S. and Texas Flags.

II. PUBLIC INPUT

Citizens can make comments to the Town Council during this section of the meeting agenda. We ask citizens who wish to speak on agenda items to sign in on the sheet provided on the table at the back of the Council Chambers. There is a 3-minute time limit for each speaker. Pursuant to State Open Meetings law, the Town Council cannot discuss or take action on items not posted on the agenda. Therefore, the Council cannot take action on or discuss any issues or items brought up during public input.

No one spoke.

III. STAFF, MAYOR, AND COUNCIL REPORTS ON ITEMS OF COMMUNITY INTEREST

(Pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations, or condolences; (2) information about holiday schedules, (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety. No deliberations and actions will be taken.

No items were raised.

IV. PUBLIC HEARING

1. The Town Council will conduct a Public Hearing for the purpose of hearing any and all comments and consider a recommendation from the Copper Canyon Planning and Zoning Commission regarding the replat of Canyon Oaks II, Phase II Lot 1-R1 and Lot 1-R2, Block G being a replat of Lot 1, Block G, Canyon Oaks II, Phase II, in the Town of Copper Canyon's Extra-Territorial Jurisdiction (ETJ).

Mayor Robertson opened the public hearing at 7:05 p.m.

Fred Klotz, resident of Canyon Oaks Subdivision, inquired as to the reason behind the replat.

Mayor Robertson closed the public hearing at 7:07 p.m.

2. The Town Council will continue a Public Hearing (originally began on February 12, 2024) for the purpose of hearing any and all comments and consider a recommendation from the Planning and Zoning Commission regarding the Jernigan Estates Conceptual Plan, allowing for the development of approximately 12 acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077.

(Public Hearing continued; originally began on February 12, 2024)

Mayor Robertson briefed the Council on the history of Jernigan Estates and stated that the item being considered at the meeting is the Concept Plan. The Development Plan and Preliminary Plat will be considered by the Town's Planning and Zoning Commission on March 25, 2024.

Mayor Robertson asked if anyone else wanted to speak regarding the Jernigan Estates Concept Plan.

Council Member Johnson (previously completed a Conflict-of-Interest form), thanked the members of the Council and P&Z Commissioners who took time to physically inspect the Jernigan Estates properties. He also mentioned that the Town has scheduled a joint Council and P&Z Commission Workshop (April 15, 2024, at 6 p.m.) to discuss the Town's development process and to discuss ways in which the process could be improved.

Julia Anderson (811 Lonesome Dove Ln) submitted an email with her comments regarding the proposed development (see attached).

Mayor Robertson closed the Public Hearing at 7:11 p.m.

V. STAFF REPORT

Town Administrator

- County Meetings
- Town Website
- Future Police Department
- Town Hall Additions and Parking Lot Expansion
- Permits Issued

Town Engineer

- Stormwater Reviews
- Subdivision Construction Reviews
- Permit Reviews
- Miscellaneous Meetings

Fire Department

- Community CPR Classes
- Carry The Load Community Event
- ALERRT Active Shooter Training

Town Administrator Meyer briefly highlighted a few items detailed in the Staff Report.

VI. CONSENT

Items on the Consent Agenda are routine and administrative in nature. As such, these items are considered for approval by a single motion and vote generally without discussion. Council Members can remove an item or items from the agenda, so it can be considered separately and/or add action or discussion agenda posted as part of the Consent Agenda.

1. Approve February 12, 2024, Minutes of Council Meeting

2. Approve February 2024 Financials
3. Approve Resolution 24-05 (Canceling May 4, 2024, Copper Canyon General Election)

Council Member Andrews made a motion to approve Consent Items #1-3 as presented.

Deputy Mayor Pro Tem Castillo seconded the motion.

Ayes: Deputy Mayor Pro Tem Castillo, and Council Members Andrews, Johnson, and Lybbert

Nays: None

Mayor Robertson announced that the motion passed unanimously.

VII. ACTION & DISCUSSION ITEMS

1. Discuss, consider and take action regarding a recommendation from the Planning and Zoning Commission regarding the replat of Canyon Oaks II, Phase II Lot 1-R1 and Lot 1-R2, Block G being a replat of Lot 1, Block G, Canyon Oaks II, Phase II, in the Town of Copper Canyon's Extra-Territorial Jurisdiction (ETJ).

Deputy Mayor Pro Tem Castillo made a motion to approve the replat of Canyon Oaks II, Phase II Lot 1-R1 and Lot 1-R2, Block G being a replat of Lot 1, Block G, Canyon Oaks II, Phase II, in the Town of Copper Canyon's Extra-Territorial Jurisdiction (ETJ).

Council Member Lybbert seconded the motion.

Ayes: Deputy Mayor Pro Tem Castillo, and Council Members Andrews, Johnson, and Lybbert

Nays: None

Mayor Robertson announced that the motion passed unanimously.

2. Discuss, consider, and take action regarding a recommendation from the Planning and Zoning Commission regarding the Jernigan Estates Conceptual Plan, allowing for the development of approximately 12 acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077

Council Member Johnson left the dais due to a conflict of interest since he lives next door to the Jernigan Estates property.

Deputy Mayor Pro Tem Castillo stated that he has concerns regarding the proposed development (unrelated to the Concept Plan).

Mayor Robertson asked for a motion.

Deputy Mayor Pro Tem Castillo made a motion to approve Jernigan Estates Conceptual Plan based on the paperwork submitted and also that the subdivision meets the Town's zoning requirements.

Council Member Andrews seconded the motion, although he stated he has concerns about the proposed development, particularly those relating to drainage (which will be addressed during the future development submittal process).

Ayes: Deputy Mayor Pro Tem Castillo, and Council Members Andrews and Lybbert

Nays: None

Abstained: Council Member Johnson (due to conflict of interest)

Mayor Robertson announced that the motion passed unanimously.

VIII. DISCUSSION OF FUTURE AGENDA ITEMS (A Councilmember may request that an item be placed on a subsequent agenda for consideration. Any deliberation shall be limited to the proposal to place the subject on a subsequent agenda.)

Mayor Robertson stated that the Council and P&Z Commission will hold a joint workshop meeting on Monday, April 15, 2024, at 6 p.m. to discuss the Town's current development process and consider future changes to the processes.

IX. ADJOURN

Deputy Mayor Pro Tem Castillo made a motion to adjourn.

Council Member Lybbert seconded the motion.

Meeting adjourned at 7:20 p.m.

APPROVED BY THE TOWN COUNCIL THIS

1st

DAY OF

April 2024



Ron Robertson, Mayor
Town of Copper Canyon



Sheila B. Morales, TRMC – Town Secretary
Town of Copper Canyon

Sheila Morales

From: Contact form at Copper Canyon, TX <cmsmailer@civicplus.com>
Sent: Monday, March 11, 2024 6:43 PM
To: Sheila Morales
Subject: [Copper Canyon, TX] Singh property proposed development (Sent by Julia Anderson, juliaglennanderson@gmail.com)

Hello smorales,

Julia Anderson (juliaglennanderson@gmail.com) has sent you a message via your contact form (<https://www.coppercanyon-tx.org/user/105/contact>) at Copper Canyon, TX.

If you don't want to receive such e-mails, you can change your settings at <https://www.coppercanyon-tx.org/user/105/edit>.

Message:

Hi Sheila,

I am not going to be able to make the Town Council meeting tonight. My elderly cat is dying and I want to spend some time with him before he is euthanized tomorrow.

Is it possible for someone to read my statement about the Singh development? I would like the Town Council to oppose the concept of the development for the following reasons:

1. Based on what I heard at the last Town Council meeting, the developer and his consultant do not have an adequate or appropriate plan for water run off from this proposed development.

a. As you know, runoff from the Singh property has gotten worse and worse especially as they have brought in piles of dirt. Currently the Singh pond has joined up with the pond on the Davis property and is one giant swampy mess.

b. The map/plan provided by the developer showed all of the water runoff from the proposed development being directed at the Singh pond - which is currently over its banks and flooding onto the Davis property.

b. Adding 6 big houses and the driveways, pool decks, road, etc. that will go with them is going to cause even more water to run off into the Singh pond then into the Davis pond. The Davis property will be constantly flooded by this development.

c. The only plan I heard presented by the developer to control the flooding the Singh land is currently causing, and will cause even more of, was to somehow make the Singh pond larger and add some kind of retaining wall or bank on the north property line to hold the water back onto the Singh property.

*****I do not see how it is possible for the Singh family to pay for the amount of work that needs to be done to keep the water from this development on their property. It is extremely expensive to build this

kind of wall to keep the water in and I do not see how one family can afford to build it AND to be trusted to maintain it in perpetuity. What happens when they want to move away? Are we going to go after the new owner of the Singh house when the dam keeping the water back starts to leak or crumble or needs repairs?

****I especially do not see how the Singh's will have any incentive to keep up the pond and banks/dam once the money from selling their property is exhausted. As I see the situation currently, the people who buy lots will have no incentive or obligation to maintain this pond and keep it from flooding the Davis land because they do not own the pond. I did not hear the developer say anything about an HOA assessment or something along those lines to pay to keep the development run-off on the development.

I believe the better course of action for the Town Council to take is to (1) decrease the number of lots from 6 to no more than 2 and (2) obligate the developer to build a detention pond located IN THE DEVELOPMENT to handle run off from the lots within the development (which I believe should be limited to no more than 2).

2. I am also opposed to the concept because of the lot placement. It is not in keeping with the town's look and feel to having a lot that backs up to the retaining wall that the Singh's house sits on and also abuts their horse barn on the west side. It will look crowded and messy to have a house shoved in this small space. This lot should be completely eliminated from the development plan.

3. I have reviewed the Army Corps of Engineers regulations and I believe the small pond south of the Singh's house is within the Corps' jurisdiction as a wetland. I should note that the developer has piled up dirt on the edge and partially in this pond. If I am correct the developer is violating the Clean Water Act right now. This disregard for the law is troubling, even more so given that he has disregarded town ordinances by piling up dirt without a permit, dragging dirt out on Jernigan road, bringing in trucks and damaging Jernigan road, etc.

4. It is my understanding from the last Town Council meeting that this particular developer did not complete another development within the town, leaving residents without promised amenities. If this is true, he should not be allowed to develop anything else in Copper Canyon. The town should not be duped by a shady businessman, especially given that someone has to be responsible in perpetuity for keeping run-off from the development from flooding others in town.

Thank you for providing my opinion to the Town Council. I am sorry I could not make it but I cannot leave my old cat.