

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 20, 2004 - 7:00 P.M.**

A. CALL TO ORDER

Mayor Pro Tem Bradi Diaz called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Smith gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

Ray Don Clayton
John Gallen
Charlotte Heinze
Fred Harris
Bud Owsley
Annabelle Smith

ALSO PRESENT

Steven J. Alexander, City Manager
Pamela J. Russell, City Secretary
James R. Thompson, City Attorney

D. ANNOUNCEMENTS

Council Member Smith

- The 125th Birthday will be celebrated with a Street Party in the downtown area of Copperas Cove on March 27, 2004.

Council Member Owsley

- Congratulated Annette Kemp and her crew for the fine new Hope Pregnancy Center. They took an old building and made it very attractive with their restoration and renovations.

Council Member Harris

- Mrs. Kropp, the McDonalds mogul has announced that her company will be giving \$1.5 Billion to the Salvation Army for building new facilities. Our community needs to get involved, and have a new Salvation Army building here in Copperas Cove.

Council Member Heinze

- The Job Shadow Program will be taking place on February 2, 2004. I will be asking local businesses to participate in this very worthwhile project. If you need any further information on the program, please contact myself or the City Secretary.
- Thanks to Jack Welch and the Athletic department for the invitation to the Banquet. It was a very nice dinner, and I appreciated the invitation.

Council Member Gallen

- The 4th Annual Polar Bear Splash will be held at the City Park Pool on January 31, 2004 at Noon. Come out and watch!

E. PUBLIC RECOGNITION

1. Proclamation – “School Board Recognition Month”. **Bradi D. Diaz, Mayor Pro Tem**

Mayor Pro Tem Diaz read the proclamation and introduced Dr. Glenn Acker, CCISD Superintendent. Dr. Acker thanked the CCISD School Board for the many hours they put in, and said he had a wonderful Board of seven outstanding people to work with and stated that the community is very fortunate to have all four entities: City, Chamber, EDC and CCISD working together. Dr. Acker also gave thanks to the City Council and City Manager on behalf of the CCISD Board.

- #### **F. CITIZENS’ FORUM**
- citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Marshall Gregory - 304 East Hogan Drive, Copperas Cove. Mr. Gregory expressed concerns regarding the potential rezoning of the area behind East Hogan Drive and adjacent to the cemetery to accommodate a youth center and baseball fields. Mr. Gregory stated he had no concerns about the new facilities, but did foresee a problem with the expected increase in traffic in the neighborhood.

Steven Alexander, City Manager asked Mr. Gregory to speak with Paul Boyer, City Engineer, to discuss the issue further.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from January 6, 2004 Regular City Council Meeting. **Pamela J. Russell, City Secretary**

2. Consideration and action on awarding Bid No. 2004-02-55; Bi-Annual Fuel Supply and Fuel Management & Automation System to Fuelman of Austin, TX. **Christine Julius, Assistant Director of Finance**

Council Member Heinze made a motion to approve consent items 1 and 2. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on authorizing the City Manager to execute a contract with the Copperas Cove Youth Recreation Committee (CCYRC) to conduct and administer youth baseball and softball leagues in Copperas Cove. **Linda B. Tyler, Director of Community Services**

Linda Tyler, Director of Community Services, stated money generated through registration fees for the baseball and softball programs will be collected and distributed solely by CCYRC. They will cover all costs related to the operation of the programs including officials, scorekeepers, equipment awards and sports banquets. There is \$1,500 identified in the Youth Sports Fund for baseball and softball. These funds will be used for ball field dirt, bases, chalk for marking fields and scoreboard repairs. The estimated expenses to maintain facilities for this program are approximately \$5,000 for supplies and equipment. Linda Tyler introduced Tom Schlipp, President of CCYRC. Mr. Schlipp announced registration dates for baseball, softball and T-ball and stated that all guidelines would be met to ensure the safety of the children.

Council Member Gallen made a motion to approve agenda item I-1. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on authorizing the City Manager to enter into an agreement with Brinkley Sargent Architects to conduct a needs assessment study for a proposed new facility for the Police Department. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief, stated: On December 15, 2003, Dwayne Brinkley of Brinkley Sargent Architects met with City Staff and presented information concerning the needs assessment study. Mr. Brinkley was asked to submit a proposal concerning the needs assessment for review. On December 19, 2003, a service proposal was submitted to the City Manager. Brinkley Sargent Architects' proposal is divided into four (4) phases which will be completed in approximately three (3) months. The phases are as follows: Inventory/Audit of Existing Facilities, Departmental Needs Assessment (Concurrent with Inventory Phase), Development of Options with Budgets, Final Report. At the end of the needs assessment study a final report will be provided to City Staff and presented to the City Council at a later date. The attached "*Contract for Professional Architect Services*" has been reviewed by both the City Engineer and City Attorney. The total cost is \$27,200. A total of \$45,000 has been earmarked for this project and is contained in the General Fund's Non-Departmental budget.

Council Member Clayton made a motion to approve agenda item I-2. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on closing Avenue D between S. 7th Street and just east of S. 17th Street on January 24, 2004 between 2 p.m. and 4 p.m. **David Landmann, Executive Director, Chamber of Commerce**

David Landmann, Executive Director, Chamber of Commerce stated: The chamber is requesting that Avenue D be closed to motor traffic during that two-hour time span. There are virtually no residences served by that particular section of Avenue D, and those persons living in the housing area just west of the high school can enter and leave their subdivision via S. 17th St. railroad crossing and Avenue B.

Council Member Heinze made a motion to approve agenda item I-3. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on Ordinance No. 2004-06 eliminating the requirement of a three-fourths (3/4) majority vote to approve zoning requests with a negative recommendation from the City of Copperas Cove Planning and Zoning Commission to a simple majority vote. **James R. Thompson, City Attorney**

City Attorney, James Thompson, stated: The State of Texas, Local Government Code §211.006 (f) allows for, but does not require a three-fourths majority vote of the City Council to approve zoning change requests with a negative recommendation from the Planning and Zoning Commission. The City of Copperas Cove Code of Ordinances, Section 20-15(b)(5) currently states, "If the commission denies a rezoning request, an applicant may appeal to the city council. If city council decides to over-ride the commission's denial, it must do so by a three-fourths (3/4) majority vote of all voting members of council." The City Council wishes to approve or deny zoning requests with more flexibility. The City Staff believes appeals should automatically go to the City Council unless the applicant wishes to drop the request after the Planning and Zoning Commission fails to support the request. The vote should also be amended from a three-fourths majority vote to a simple majority vote.

Council Member Owsley made a motion to approve Ordinance No. 2004-06. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CHANGING SECTION 20-15 B.5 OF THE CITY OF COPPERAS COVE ZONING ORDINANCE ELIMINATING THE REQUIREMENT OF A THREE-FOURTHS (3/4) MAJORITY VOTE TO APPROVE ZONING REQUEST'S WITH A NEGATIVE RECOMMENDATION FROM THE CITY OF COPPERAS COVE PLANNING AND ZONING COMMISSION, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

5. Consideration and action on authorizing a lease agreement between the City of Copperas Cove and the Cove House Emergency Homeless Shelter, Inc. **Steven J. Alexander, City Manager**

Steven Alexander, City Manager, stated: The Cove House Board of Directors has continued to maintain the operation of providing emergency shelter and a food pantry for families in need in our community. In January 2001 the term of the lease increased to a three year term. The Board of Directors of the Cove House Emergency Shelter will continue to provide the much needed services of providing our citizens in need with shelter, food, job skills training and the tools needed to return to independent living by renewing the lease contract with the City of Copperas Cove for a three year term beginning on January 20, 2004 and ending on January 20, 2007.

Council Member Gallen made a motion to approve agenda item I-5. Council Member Clayton seconded the motion.

Mark Kemp, Chairman of the Board of the Cove House Emergency Shelter, stated that the Cove House has housed 371 people in the past year. Mr Kemp also stated that the Cove House had seen many success stories of helping individuals return to an independent life. Mr. Kemp requested page 10 section 32-3 religious instruction be removed from the contract.

Council Member Owsley made a motion to amend the contract to remove section 32-3. Council Member Harris seconded the motion.

A vote was taken on the motion to amend the motion. With a unanimous vote, motion carried.

A vote was taken on amending the contract to remove section 32-3. With a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the month ended October 31, 2003. **Robert Camareno, Assistant City Manager/Director of Finance**

Robert Camareno, Assistant City Manager/Director of Finance gave the financial report for the month ended October 31, 2004.

2. Fourth Quarter 2003 report on expenditure of Tourism Funds derived from Copperas Cove Hotel-Motel Tax receipts. **David Landmann, Executive Director, Chamber of Commerce**

David Landmann, Executive Director, Chamber of Commerce gave the Fourth Quarter 2003 report on expenditure of Tourism Funds derived from Copperas Cove Hotel-Motel Tax receipts.

3. Texas Commission on Fire Protection report. **Robert O'Dell, Deputy Fire Chief**

Robert O'Dell, Deputy Fire Chief, stated: The Texas Commission on Fire Protection (TCFP) is required by law to inspect fire departments every two years. This inspection is a surprise routine inspection, conducted by a TCFP Compliance Officer, from the Fire Service Standards and Certification Division. On 01-14-04 Jonathan W. Weidemann, Compliance Officer with the TCFP arrived at Central Fire Station at approximately 1126 hours and announced his intention to conduct an inspection of our facilities and records. I am pleased to inform you that our department passed the inspection with two very favorable written comments from the inspector. The written comments are "Outstanding Inspection and Fantastic Inspection". We had one deficiency noted and this was corrected immediately, which is reflected in the Inspectors report. This is a positive accomplishment for our department and all of our personnel for the combined-continued effort of keeping in strict compliance with the standards set forth by the TCFP. Many thanks to the Copperas Cove Fire Department for doing an excellent job.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Mayor Pro Tem Diaz

- The Special Election to elect a Mayor and Council Member Position One; both to fill unexpired terms will be held on February 7, 2004 at the Copperas Cove Civic Center. Early voting will be held at the Copperas Cove City Hall beginning Thursday, January 29, 2004 thru Wednesday, February 4, 2004. 8 a.m. thru 5 p.m. Election Day voting will be held at the Civic Center on Saturday, February 7, 2004. 7 a.m. thru 7 p.m. The unofficial tabulation of the results of the election will be announced by Mary Howell, Election Judge, at City Hall, once the ballots have been counted and secured. If anyone has any questions regarding the forthcoming Special Election, please contact the City Secretary's office at 547-4221.

M. EXECUTIVE SESSION - None.

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

O. ADJOURNMENT

There being no further business, Mayor Pro Tem Diaz stated the meeting was adjourned at 8:15 p.m.

Bradi D. Diaz, Mayor Pro Tem

ATTEST:

Pamela J. Russell, TRMC, City Secretary