

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 17, 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 7:10 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Harris 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

- March 27 Copperas Cove will be 125 years old. Come and celebrate with us in downtown Copperas Cove!

Steven Alexander, City Manager

- Introduced Mr. Dennis Haas, recently hired Fire Chief and stated he was glad to have Mr. Haas on board.

Mayor Pro Tem Diaz

- Extended a welcome to all of the 1/CAV soldiers attending this evening's council meeting.
- The City of Copperas Cove will be holding a General Election on Saturday, May 15, 2004 to elect Council Member Positions: Three, Four, and Five. Candidate packets are now available from the City Secretary's office at City Hall. Candidates may file for one of the three positions 8 a.m. thru 5 p.m. February 17, 2004 thru March 15, 2004. If you require additional information on the City Election, please contact Pamela Russell, City Secretary at 547-4221.

E. PUBLIC RECOGNITION – None.

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.

No one spoke at Citizens' Forum.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from February 3, 2004 Regular City Council Meeting. **Pamela J. Russell, City Secretary**

Council Member Gallen made a motion to approve consent item 1. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2004-08 changing the Zoning Designation for a 1.9 acre tract out of a 281.02 acre tract in the J.M. Clements Survey and John W. Ogletree Survey, also identified as 1006 Pecan Cove Drive, Copperas Cove, from R-1 Single Family to B-3 Local Business. **David Lilley, CBO/City Planner**

David Lilley, City Planner/CBO stated: The City of Copperas Cove Planning and Zoning Commission held a public hearing on February 2, 2004. No one appeared before the commission to speak against the request. Only one person within 200 feet responded to the mail notification, and that response was favorable. The Planning and Zoning Commission forwards this request to the Copperas Cove City Council with a recommendation to approve the request.

Mayor Pro Tem Diaz opened the Public Hearing:

Speaking For: Mr. Don Steel, 801 West Lincoln Avenue, Copperas Cove.

Speaking Against: None.

Mayor Pro Tem Diaz closed the Public Hearing.

1b. Consideration and action on Ordinance No. 2004-08 changing the Zoning Designation for a 1.9 acre tract out of a 281.02 acre tract in the J.M. Clements Survey and John W. Ogletree Survey, also identified as 1006 Pecan Cove Drive, Copperas Cove, from R-1 Single Family to B-3 Local Business. **David Lilley, CBO/City Planner**

Council Member Gallen made a motion to approve Ordinance No. 2004-08. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING FOR A 1.9 ACRE TRACT OUT OF A 281.01 ACRE TRACT IN THE J.M. CLEMENTS SURVEY AND THE JOHN W. OGLETREE SURVEY

FROM R-1 SINGLE FAMILY RESIDENTIAL TO B-3 LOCAL BUSINESS, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

2a. Public Hearing on the acceptance of a petition requesting the voluntary annexation of 6.727 acres in the Tonkawa Village Subdivision. **David Lilley, CBO/City Planner**

David Lilley, City Planner/CBO stated: At this time 6.727 acres of the 18.195 acre development that is Tonkawa Village subdivision is not within the city limits. However the subdivision was developed to city standards and all lots will be on city utilities. The owners of the property have submitted a petition for voluntary annexation of the 6.727 acres outside the city. Section 43.028 of the Local Government Code provides for this type of annexation by petition of the property owner. The process is (1) the City Council holds a public hearing concerning the acceptance of the petition; and (2) the City Council takes action concerning acceptance of the petition; and (3) if the petition is accepted the annexation will occur by ordinance at a subsequent council meeting.

Mayor Pro Tem Diaz opened the Public Hearing:

Speaking For: No one.

Speaking Against: No one.

Mayor Pro Tem Diaz closed the Public Hearing.

2b. Consideration and action on the acceptance of a petition requesting the voluntary annexation of 6.727 acres in the Tonkawa Village Subdivision. **David Lilley, CBO/City Planner**

Council Member Smith made a motion to approve Agenda Item H-2b. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2004-04 – canvassing returns and declaring the results of a Special Election for positions Mayor, and Council Member Position 1 (unexpired terms). **Pamela J. Russell, City Secretary**

Mayor Pro Tem Diaz announced that the Election Results would be read by Mary Howell, Election Judge, and the newly elected officials will be sworn in at the next regular meeting on March 2, 2004. Mary Howell, Election Judge gave the following announcement: After careful consideration of the returns of the City election held on the 7th day of February, 2004, for the purpose of electing the hereinafter named and appearing from said returns, duly and legally made, that there were cast at said election by 449 valid and legal voters; that each of the candidates in said election received the following votes:

Mayor

Bradi D. Diaz

Early Voting 199 Election Day 198 Total Votes 397

City Council Position 1

Bob Reeves

Early Voting 109 Election Day 124 Total Votes 233

James Stockman

Early Voting 110 Election Day 103 Total Votes 213

Council Member Gallen made a motion to approve Resolution No. 2004-04. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried

2. Consideration and action on Ordinance No. 2004-09 amending Personnel Policy No. 416, Dress and Personal Appearance. *Kelli Sames, Human Resources Director*

Kelli Sames, Director of Human Resources stated: The changes that are proposed are appropriate for a conventional, conservative workplace. While employees have the freedom of self-expression through appearance choices when they are off duty, the City of Copperas Cove can set standards for business dress and personal appearance while employees are at work.

Council Member Harris made a motion to approve Ordinance No. 2004-09. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-09

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. 416, (DRESS AND PERSONAL APPEARANCE) AND REPLACING THE EXISTING POLICY WITH A REVISED PERSONNEL POLICY, NO. 416, (DRESS AND PERSONAL APPEARANCE) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.

3. Consideration and action on appointment of members and alternates to fill vacancies on the Board of Adjustment. **David Lilley, City Planner/CBO**

Council Member Owsley made a motion to appoint Jack Widdup to the Board of Adjustment, and Patricia Thomas as the Alternate Board of Adjustment member. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on authorizing the City Manager to execute a partnership agreement with the Armed Services YMCA (YMCA) to provide and administer a skate park located at the YMCA in Copperas Cove. **Linda B. Tyler, Director of Community Services**

Linda Tyler, Director of Community Services stated: The Director of Community Services, Assistant City Manager/Finance Director and the YMCA Executive Director have met on several occasions and discussed the possibility of a joint partnership between the City and the YMCA to create a skate park located at the YMCA, in Copperas Cove. The YMCA would provide space and house the equipment as well as provide supervision for the activities. The City would utilize the \$25,000 identified for a skate park to purchase the equipment and then place it on loan to the YMCA. Council Member Gallen stated he had the skaters look the equipment over at the YMCA and they were very enthusiastic and excited. Council Member Gallen stated he asked the kids about the cost and they were very willing to pay \$2 to skate. This is a win-win situation. Council Member Harris stated this arrangement relieves the City from insurance liability because the YMCA covers this and we get a skate board park for \$25,000 instead of \$75,000.

Council Member Gallen made a motion to approve agenda item I-4. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on authorizing the City Manager to enter into a Reimbursement Contract with HCN, a Texas general partnership, for the over-size construction of Ashley Drive. **Paul M. Boyer, P.E., City Engineer**

Paul Boyer, City Engineer stated: The developers agreed to deduct the City's expenses for providing water mains to their property from the City's share of paving costs. The City provided three water connections on Summers Road with road crossings and one on Lutheran Church Road that is adjacent to their property. These connections or stub-outs were add-ons to the North Water Line Loop Project that the City constructed. Staff has determined that the change order costs of the stub-outs on Summers Road were \$7,556.40. HCN Partners has determined that their additional costs less the cost of the stub-outs are \$43,223.55. The Reimbursement Agreement is patterned after the City of Killeen's. This reimbursement contract will cost the City a net amount of \$43,223.55. Of this amount, \$41,280.55 will be paid from the Street Department budget and \$1,943.00 will be paid from Water and Wastewater Department budgets.

Council Member Clayton made a motion to approve agenda item I-5. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the months ended November 30, 2003 and December 31, 2003. *Robert Camareno, Assistant City Manager/Director of Finance*

Mayor Pro Tem Diaz announced that this item had been pulled from the agenda.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Harris – City Council Retreat item or Workshop item on the Proposed ladder truck. City Council gave consensus for this request.

Council Member Gallen – Workshop item the car port and set back issue. City Council gave consensus for this request.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the employment terms of an Associate Municipal Judge.

Mayor Pro Tem Diaz adjourned the regular meeting at 7:48 p.m.

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

Mayor Pro Tem Diaz re-opened the regular meeting at 8:11 p.m., and announced that Executive Session item M-1 was for information purposes only, and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Pro Tem Diaz stated the meeting was adjourned at 8:12 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, City Secretary