

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 3, 2004 - 7:00 P.M.**

A. CALL TO ORDER

Mayor, Bradi D. 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 Reeves gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

Bob Reeves
Ray Don Clayton
John Gallen
James Stockman
R. Ray Gatewood
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

- Thank you to all of the volunteers who worked on the "National Night Out Kick Off", many thanks to Lt. Danny Austin and the Police Department.
- The final "Music at the Gap" takes place on Friday, August 13th
- The Ogletree Gap Folk Festival will be held in October, more details to come on this event.

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.

Diane Steele – 905 N. 4th Street. Stated: many citizens are upset by ugly comments that were recently made. "Statesmen stay, politicians are cast away".

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from July 20, 2004 Regular City Council Meeting. *Pamela J. Russell, City Secretary*

Council Member Stockman made a motion to approve consent item G-1. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on a minor replat identified as Lots 1 thru 4, Skyline Oaks Section One, including a reduced front setback. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item H-1a. Mayor Diaz opened the public hearing.

Speaking Against: Bernice Letzer, 2908 Oak Hill Drive, Copperas Cove.
Larry Letzer, 2908 Oak Hill Drive, Copperas Cove

Speaking For: Wes Atkinson, 1240 FM3170, Kempner.

Mayor Diaz closed the public hearing.

1b. Consideration and action on a minor replat identified as Lots 1 thru 4, Skyline Oaks Section One, including a reduced front setback. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of item H-1b. Council Member Owsley made a motion to approve agenda item H-1b. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

2a. Public Hearing on Ordinance No. 2004-17 changing Section 16.5-V of the Sign Ordinance of the City of Copperas Cove concerning maintenance of signs and components. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-27. Mayor Diaz opened the public hearing.

Speaking For: None.

Speaking Against: None.

Mayor Diaz closed the public hearing.

2b. Consideration and action on Ordinance No. 2004-17 changing section 16.5-V of the Sign Ordinance of the City of Copperas Cove concerning maintenance of signs and components. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of item H-1b. Council Member Smith made a motion to approve agenda item H-1b. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on the appointment of members to the Planning and Zoning Commission. **David Lilley, City Planner/CBO**

Council Member Gallen made a motion to appoint Billy Minton and James Kanzenbach to the Planning and Zoning Commission in the appropriate places. Council Member Smith seconded the motion. Council Member Owsley moved to amend the motion to include Ron Clark for Position Six. Council Member Clayton seconded the amended motion. City Attorney, James Thompson stated that the City Council had to vote on the amended motion.

Council Members Voting For: Reeves, Clayton, Gatewood, Owsley.
Council Members Voting Against: Gallen, Stockman, Smith

With four (4) voting for, and three (3) voting against, motion carried.

City Attorney, James Thompson stated that Ron Clark was now appointed to Position Six, and that as the first motion did not specify positions, the Council now needed to vote on Position One.

Council Member Owsley made a motion to appoint Billy Minton to Position One. Council Member Clayton seconded the motion.

Council Members Voting For: Clayton, Gatewood, Owsley
Council Members Voting Against: Reeves, Gallen, Stockman, Smith

With three (3) voting for, and four (4) voting against, motion failed.

Council Member Gallen made a motion to appoint James Kanzenbach to Position One on the Planning and Zoning Commission. Council Member Smith seconded the motion.

Council Members Voting For: Reeves, Gallen, Stockman, Smith
Council Members Voting Against: Clayton, Gatewood, Owsley

With four (4) voting for, and three (3) voting against, motion carried.

James Kanzenbach was appointed to serve an unexpired term August 3, 2004 thru June 30, 2006. Ron Clark was appointed to serve an unexpired term August 3, 2004 thru June 30, 2005.

J. STAFF REPORTS

1. Certification of a Petition requesting a proposition is submitted to a vote of the people of the City of Copperas Cove, at a Special Election to be held in accordance with the Texas Election Code and the Copperas Cove City Charter.
Pamela J. Russell, City Secretary

Pamela Russell, City Secretary stated: On May 18, 2004 the City Council adopted Ordinance No. 2004-11, an Ordinance relating to smoking in public places, creating offenses, and providing penalties. Ordinance No. 2004-11 had an effective date of July 1, 2004. On June 11, 2004, an affidavit of a petitioners committee was filed with my office. The circulated petition was filed with my office on June 28, 2004. I issued a letter to the certification committee on July 7, 2004, which stated the following: *"The petition you filed with my office on June 28, 2004, does not comply with the mandates provided*

in the Texas Election Code because: signers did not include the date of signing next to the signature. For this reason, I can not legally certify this petition for election. See Election Code § 277.002.” On July 14, 2004, the amended petition was filed with my office. The amended petition contained 343 signatures, of those 332 were found to be valid signatures of qualified voters of the City of Copperas Cove. On July 19, 2004, I issued a letter to the certification committee that stated the following: *“On July 14, 2004, you filed with my office an amended petition. The amended petition filed on July 14, 2004, meets all of the legal requirements in accordance with the City of Copperas Cove Charter, and the State Election Code. I am therefore certifying your petition.”*

James Thompson, City Attorney, stated: The City of Copperas Cove City Charter Section 3.11 states: *“When the Council receives a referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance within thirty (30) days; and if not repealed, it shall submit that ordinance to the qualified voters of the city at a regular or special election.* Mr. Thompson also stated that ordinance No. 2004-11 would be placed on the August 17, 2004 Council Agenda, and the council would be required to vote either for or against the ordinance, there would be no provision to amend the ordinance. If the ordinance is not repealed at the August 17 meeting, then the ordinance will go to a referendum election on November 2, 2004.

2. Financial Report for the month ended May 31, 2004. *Robert Camareno, Assistant City Manager/Director of Finance*

Robert Camareno, Assistant City Manager/Director of Finance gave the Financial Report for the month ended May 31, 2004.

3. EDC Financial Report for the month ended June 30, 2004. *Carol Mills, EDC Executive Director*

Carol Mills, EDC Executive Director gave the EDC Financial Report for the month ended June 30, 2004.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Owsley requested a Workshop on the recent Solid Waste Resolution, consensus was given by the City Council.

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 evaluation of the City Secretary.

Mayor Diaz closed the regular meeting to go into executive session at 7:58 p.m.

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

Mayor Diaz reconvened the regular meeting at 8:38 p.m. Mayor Diaz announced Executive Session item M-1 was for information purposes only, and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 8:39 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary