

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 21, 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 Gallen gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves
Ray Don Clayton
John Gallen
James Stockman
R. Ray Gatewood
Bud Owsley
Annabelle Smith

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

D. ANNOUNCEMENTS

Council Member Owsley

- Appealed to the Citizens of Copperas Cove that have brush and tree limbs to be very careful where they place the items, and stated that children have to walk in the street due to tree limbs and brush blocking sidewalks.
- Requested that citizens do not park their cars on the sidewalks for the same reasons as stated above.

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.

Mr. Patterson, 101, Easy Street, Copperas Cove. – Complained to the City Council that the City does not have an ordinance to prohibit non resident parking on Friday nights on the street he lives on, and warned the Council they were on a slippery slope.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the September 7, Regular City Council meeting and the September 14, 2004 Special City Council Meeting. ***Pamela J. Russell, City Secretary***

2. Consideration and action on rescheduling the date of the first regular City Council meeting in November from November 2, 2004 to November 9, 2004.
Pamela J. Russell, City Secretary

3. Consideration and action on authorizing the City Manager to enter into an agreement with Lott, Vernon & Company, P.C. for the 2003-04 fiscal year audit.
Robert Camareno, Assistant City Manager/Director of Finance

Council Member Gallen made a motion to approve consent items G-1, G-2, and G-3. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2004-18 adding Section 18-46, Resident-Only Permit Parking. **Paul M. Boyer, P.E., City Engineer**

Paul Boyer, P.E., City Engineer gave an overview of Agenda Item H-1a and Ordinance No. 2004-18.

Mayor Diaz opened the Public Hearing.

Speaking Against: Mrs. Baker, 710 W. Avenue E, Copperas Cove.
Mary Kempt, 502 S. 11th Street, Copperas Cove.
Gerda Balderas, 603 S. 15th Street, Copperas Cove.

Speaking For: Tommy Foster 507 S. 13th Street, Copperas Cove.

Mayor Diaz closed the public hearing.

1b. Consideration and action on Ordinance No. 2004-18 adding Section 18-46, Resident-Only Permit Parking. **Paul M. Boyer, P.E., City Engineer**

Council Member Gallen made a motion to approve Ordinance No. 2004-18. Council Member Stockman seconded the motion. Discussion followed.

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

With 4 Council Members voting for, and 3 Council Members voting against, Ordinance No. 2004-18 was passed and approved.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS ADDING SECTION 18-46, RESIDENT-ONLY PERMIT PARKING; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS AMENDMENT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

2a Public Hearing on Ordinance No. 2004-25 concerning changes to Section 17.5-93(d)(9)b changing the lot size and frontage in subdivisions where rural street design is used, clarifying cul-de-sac frontage, providing an effective date and containing a saving clause. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-25.

Mayor Diaz opened the Public Hearing.

Speaking For: Jack Purcell - 1375 W. Avenue D. Copperas Cove
Victor Turley - 301 N. 3rd Temple, Texas

Speaking Against: None.

Mayor Diaz closed the public hearing.

2b Consideration and action on Ordinance No. 2004-25 concerning changes to Section 17.5-93(d)(9)b changing the lot size and frontage in subdivisions where rural street design is used, clarifying cul-de-sac frontage, providing an effective date and containing a saving clause. **David Lilley, City Planner/CBO**

Council Member Owsley made a motion to approve Ordinance No. 2004-25. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING SECTION 17.5-93 (d) (9) b, OF THE CODE OF ORDINANCES CONCERNING SUBDIVISIONS AND CONCERNING LOT SIZES WHERE RURAL STREET DESIGN IS USED, PROVIDING AN EFFECTIVE DATE AND CONTAINING A SAVING CLAUSE .

3a Public Hearing on Ordinance No. 2004-26 concerning abandonment of a portion of the Walker Place Blvd. right-of-way in the Walker Place Subdivision, providing an effective date and containing a saving clause. **David Lilley, City Planner/CBO**

Mayor Diaz announced she had signed and filed the appropriate affidavit with the City Secretary.

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-26.

Mayor Diaz opened the Public Hearing.

Speaking For: None.

Speaking Against: None.

Mayor Diaz closed the public hearing.

3b. Consideration and action on Ordinance No. 2004-26 concerning abandonment of a portion of the Walker Place Blvd. right-of-way in the Walker Place Subdivision, providing an effective date and containing a saving clause. **David Lilley, City Planner/CBO**

Council Member Gallen made a motion to approve Ordinance No. 2004-26. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ABANDONING A SECTION OF WALKER PLACE BLVD, PROVIDING AN EFFECTIVE DATE AND CONTAINING A SAVING CLAUSE .

I. ACTION ITEMS

1. Consideration and action on Ordinance No. 2004-24 amending Personnel Policy No. 120, Salary Program Administration. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director gave an overview of Ordinance No. 2004-24. Council Member Stockman made a motion to approve Ordinance No. 2004-24. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-24

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. 120, (SALARY PROGRAM ADMINISTRATION) AND REPLACING THE EXISTING POLICY WITH A REVISED PERSONNEL POLICY, NO. 120, (SALARY PROGRAM ADMINISTRATION) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.

2. Consideration and action on amending Ordinance No. 2004-20 calling a Special Election to submit a proposition to the vote of the people of the City of Copperas Cove; to be held on November 2, 2004, and outlining the election procedures, and the "Order of Election". **Pamela J. Russell, City Secretary**

James Thompson, City Attorney, gave an overview of agenda item I-2. Council Member Owsley made a motion to amend the caption of Ordinance No. 2004-20. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

The amended Ordinance caption reads as follows:

AMENDED ORDINANCE NO. 2004-20

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, TO SUBMIT A PROPOSITION TO THE VOTE OF THE PEOPLE OF THE CITY OF COPPERAS COVE TO BE HELD IN ACCORDANCE WITH THE TEXAS ELECTION CODE AND THE CHARTER OF THE CITY OF COPPERAS COVE, TEXAS AND ESTABLISHING ELECTION PROCEDURES. THE PROPOSITION TO READ AS FOLLOWS:

ORDINANCE NO. 2004-11, AN ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES, CREATING OFFENCES AND PROVIDING PENALTIES.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

3. Consideration and action on authorizing the award of Bid No. 2004-09-76, Georgetown Road Drainage Improvement Project, and authorizing the City Manager to execute a contract in the amount of \$210,052.90 with McLean Construction. ***Paul M. Boyer, P.E., City Engineer***

Paul Boyer, City Engineer gave an overview of agenda item I-3. Council Member Gallen made a motion to approve agenda item I-3. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on Ordinance No. 2004-29 amending the city's "Fee Schedule". ***Robert Camareno, Assistant City Manager/Director of Finance***

Robert Camareno, Assistant City Manager/Director of Finance gave an overview of Ordinance No. 2004-29. Council Member Gatewood made a motion to approve Ordinance No. 2004-29. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING THE FEE SCHEDULE FOR THE CITY OF COPPERAS COVE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

J. STAFF REPORTS

1. Financial Report for the month ended July 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 July 31, 2004.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

1. Car Port Committee Report. *David Lilley, City Planner/CBO*

David Lilley, City Planner/CBO reported that the Car Port Committee Members (Council Member, John Gallen, Council Member, James Stockman, Planning and Zoning Commissioner, James Kanzenbach, and himself) had met on two occasions, the final meeting taking place on September 8, 2004. After lengthy discussions the Committee came to a consensus that no changes or action needed to be recommended to the ordinance. John Gallen, Car Port Committee Chairperson stated that the issue had been well researched before the recommendation was made.

Mayor Diaz thanked the Committee members for serving.

L. ITEMS FOR FUTURE AGENDAS

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 Manager.

Mayor Diaz adjourned the regular session of the meeting at 8:14 p.m.

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

Mayor Diaz re-opened the regular session of the meeting at 8:29 p.m. Mayor Diaz announced that Executive Session agenda item M-1 was for information purposes only, and that no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 8:30 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary