

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 11, 2005 – 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

Mayor Pro Tem, Gatewood 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
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS

- Council Member, John Gallen – Thank you to the Citizens Police Academy Alumni Association for collecting food and clothes for the Hurricane Rita effort and for manning shelters in Copperas Cove and also thank you to the CERT group, both organizations are always ready to volunteer.
- Mayor Pro Tem, R. Ray Gatewood – Thank you to the Leadership of the Emergency Operations Center during the Hurricane Rita disaster; your efforts are truly appreciated.
- Council Member, Fred Harris – A big thank you to the CERT and Police Academy Alumni Association; you are always there when we need volunteers.

E. PUBLIC RECOGNITION

1. Proclamation – “DECA (Distributive Education Clubs of America) Week”.
Bradi D. Diaz, Mayor

Mayor Diaz read the proclamation and presented it to DECA President, Christina Altum and Vice President, Amber Watson. The students thanked the Mayor and City Council for the proclamation and their support and presented the Mayor with a certificate stating recognition of support.

2. Proclamation – “Fire Prevention Month”. **Bradi D. Diaz, Mayor**

Mayor Diaz read the proclamation and presented to Deputy Chief, Robert O’Dell and Fire Marshall, Johnny Caraway. Fire Marshall Caraway listed the many events taking place during Fire Prevention Month, and said the theme for this year was “Use Candles with Care”. Deputy Chief O’Dell thanked the Mayor for the proclamation and thanked the City Council for their support of the Fire Department.

3. Proclamation – “Crime Prevention Month”. **Bradi D. Diaz, Mayor**

Mayor Diaz read the proclamation and presented it to Police Chief, Tim Molnes. Chief Molnes listed the programs and events taking place during “Crime Prevention Month” and thanked the Mayor and City Council for the proclamation and for their support of the Police Department.

4. Presentation – “To the Leadership of the Emergency Operations Center”.
R. Ray Gatewood, Mayor Pro Tem

Mayor Diaz announced this item had been pulled from the agenda, and would be placed on the next regular City Council meeting agenda.

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. Questioned the funding of water/wastewater improvements, and stated that the water tank on Hogg Mountain had been inspected and found to be in violation of State requirements. Mrs. Steele stressed the need impact fees, and questioned why Central Texas College has reduced water rates.

Steven Alexander, City Manager stated that the City had not been fined by TCEQ for the water tank and the funds to replace it are in the certificates of obligation the council will take action on at the October 18, regular meeting.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from September 20, 2005 Regular City Council Meeting. **Pamela J. Russell, City Secretary**

2. Consideration and action on Resolution 2005-30 amending authorized Texas Local Government Investment Pool (TexPool) representatives for the City of Copperas Cove. **Christine Julius, Interim Director of Finance**

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

The Resolution caption reads as follows:

RESOLUTION 2005-30

A RESOLUTION OF THE CITY OF COPPERAS COVE TEXAS, AMENDING AUTHORIZED TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL) REPRESENTATIVES FOR THE CITY OF COPPERAS COVE.

H. PUBLIC HEARINGS

1a. Public Hearing on Ordinance No. 2005-22 changing the zoning designation for Lot 10, Block 4, Canyon Side Subdivision from R-1 Single Family to B-2 Local Retail District. **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 For: Marcus Mickan – 602 Alfred Drive, Copperas Cove.

Speaking Against: None.

Mayor Diaz closed the public hearing.

1b. Consideration and action on Ordinance No. 2005-22 changing the zoning designation for Lot 10, Block 4, Canyon Side Subdivision from R-1 Single Family to B-2 Local Retail District. **David Lilley, City Planner/CBO**

Council Member Reeves made a motion to approve agenda item H-1b. Council Member Clayton seconded the motion. A discussion of the item took place.

With a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE ZONING DESIGNATION ON LOT 10, BLOCK 4, CANYON SIDE SUBDIVISION FROM R-1 SINGLE FAMILY RESIDENTIAL TO B-2 LOCAL RETAIL DISTRICT, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

I. ACTION ITEMS

1. Consideration and action on acceptance of an administrative plat for Tonkawa Village Phase 1. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item I-1.

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

2. Consideration and action on authorizing the Mayor to issue a drilling permit on the Application of Scully Energy Corporation to drill for oil within the corporate limits of the City of Copperas Cove. **James R. Thompson, City Attorney**

James R. Thompson, City Attorney gave an overview of agenda item I-2.

Council Member Harris made a motion to approve agenda item I-2. Council Member Clayton seconded the motion.

Mr. Wes Atkinson, Bellpas Incorporated, President addressed the Mayor and City Council and asked for consideration for the property owner. A discussion followed. Mr. David Fry of Tyler, Texas, stated his concerns for heavy drilling equipment and the damage they can cause within a community. Council Member, Ray Don Clayton asked Council Member Harris to amend his motion, and table the item. Mayor Diaz stated the item could not be tabled as the application had a 30 day requirement to act on, once it had been submitted to the City. Mr. Skipper Lay, Attorney for Scully Energy Corporation and Salado Oil Company; stated he has been working with the City of Denton and the ordinance they have in place in that city is very similar to the one the City of Copperas Cove has, and commented that the ordinance currently in place requires the company to adhere to all environmental standards set forth by the Railroad Commission, TCEQ and the EPA. City Attorney, Jim Thompson stated that all of the requirements for the permit have been fulfilled by Scully including the posting of a \$10,000 letter of credit to cover any damages to City property.

Council Members voting in favor of the item: Gallen, Stockman, Gatewood, Harris and Somera.

Council Members voting against the item: Reeves, Clayton

With five (5) Council Members voting for the item, and two (2) voting against, motion carried.

3. Consideration and action on appointment of two (2) Commissioners and reappointment of three (3) Commissioners to the Keep Copperas Cove Beautiful Commission. **Amy Anderson, Supervisor Recycling Coordinator**

Amy Anderson, Supervisor Recycling Coordinator gave an overview of agenda item I-3.

Council Member Gatewood made a motion to appoint Annabelle Smith and James Lehmkuhler to the Keep Copperas Cove Beautiful Commission. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on appointment of two (2) Commissioners to the Housing Authority of the City of Copperas Cove. **Pamela J. Russell, City Secretary**

Council Member Gatewood made a motion to re-appoint Shiela Clurksy (Resident Member) and Patricia Thomas to the Housing Authority of the City of Copperas Cove. Council Member Harris seconded the motion, and with a unanimous vote motion carried.

J. STAFF REPORTS

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| <ol style="list-style-type: none">1. Financial Reports for the months ended July 31 and August 31, 2005.
<i>Christine Julius, Interim Director of Finance</i> |
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Christine Julius, Interim Director of Finance gave the Financial Reports for the months ended July 31 and August 31, 2005.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council Member Reeves – Requested a review of the oil and gas drilling ordinance in a workshop, and also requested a briefing on the BRAC report from the Heart of Texas Defense Alliance. The City Council gave consensus for both items to appear on workshop agendas.

Mayor Diaz announced the regular session of the agenda adjourned at 8:46 p.m. to enter into Executive Session.

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.
2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of the Municipal Judge.

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 10:25 pm. Mayor Diaz announced that Executive item M2 was for information purposes only and no action would be taken.

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| <ol style="list-style-type: none">1. Pursuant to §551.074 of the Open Meetings Act. <i>Tex. Gov't Code</i>, Council will meet in executive session to discuss the evaluation of the City Manager. |
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Mayor Pro Tem Gatewood made a motion to adjust the City Manager's compensation package to include an increase in base pay and car allowance. Council member Somera seconded the motion, and with a unanimous vote, motion carried.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 10:27 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary