

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 15, 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

Council Member Reeves 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 Reeves – Congratulations to the Copperas Cove Bull Dawgs on their victory last Saturday.

Council Member Gallen – Welcome Bethesda Ministries to Copperas Cove, and their pastor, Ray Gatewood; welcome to the family of Copperas Cove!

Mayor Pro Tem, Gatewood – Thanks to the Mayor, City Manager, and Council Members Somera, Gallen and Stockman for attending the dedication at the Bethesda Ministries.

Mayor Diaz – Congratulations to the Alexander family for the new addition of a baby girl!

E. PUBLIC RECOGNITION

1. "Blue Santa Program". – ***Kelly Dix, Executive Secretary***

Kelly Dix, Executive Secretary gave an overview of the "Blue Santa Program". Last year 612 children were serviced through the program and registrations are available at the Salvation Army for this years' Blue Santa program. Anyone wishing to volunteer with this program will be most welcome. Mid Tex Corvette Club representative, Earl Anthony donated a check for the sum of one thousand dollars to the Blue Santa Program.

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, Copperas Cove – Expressed concerns over Impact Fees, and stated she thought this was something that needed to be implemented by the City Council.

G. CONSENT ITEMS

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

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

H. PUBLIC HEARINGS

1a. Public Hearing on Ordinance No. 2005-26 amending the 2004-05 fiscal year budget for the City of Copperas Cove. **Christine Julius, Interim Finance Director**

Christine Julius, Interim Finance Director gave an overview of Ordinance No. 2005-26.

Mayor Diaz opened the Public Hearing.

Speaking for: None.

Speaking against: None.

Mayor Diaz closed the Public Hearing.

1b. Consideration and action on Ordinance No. 2005-26 amending the 2004-05 fiscal year budget for the City of Copperas Cove. **Christine Julius, Interim Finance Director**

Mayor Pro Tem, Gatewood made a motion to approve Ordinance No. 2005-26. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-26

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE 2004-05 FISCAL YEAR BUDGET FOR THE CITY OF COPPERAS.

2a. Public Hearing on Ordinance No. 2005-28 creating a conditional use permit allowing the keeping of large animals in the R-1 Single Family One Residential Zone and establishing conditions for the use permit. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-28.

Mayor Diaz opened the Public Hearing.

Speaking for: None.

Speaking against: Diane Steele – 905 N. 4th Street, Copperas Cove.

Mayor Diaz closed the Public Hearing.

2b. Consideration and action on Ordinance No. 2005-28 creating a conditional use permit allowing the keeping of large animals in the R-1 Single Family One Residential Zone and establishing conditions for the use permit.
David Lilley, City Planner/CBO

Mayor Pro Tem, Gatewood made a motion to approve Ordinance No. 2005-28. Council Member Gallen seconded the motion.

Mayor Diaz requested a roll call vote:

Council Members voting for the motion: Reeves, Clayton, Gallen, Stockman, Gatewood.

Council Members voting against the motion: Harris, Somera.

With 5 Council Members voting for the motion, and two Council Members voting against the motion, the motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-28

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, CREATING A CONDITIONAL USE PERMIT ALLOWING THE KEEPING OF LARGE ANIMALS IN THE R-1 SINGLE FAMILY ONE RESIDENTIAL ZONE AND ESTABLISHING CONDITIONS FOR THE USE PERMIT.

3a. Public Hearing on Ordinance No. 2005-31 changing the zoning designation on a .689 acre tract identified as 2102 south FM 116 from B-2 Local Retail to B-4 General Business. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-31.

Mayor Diaz opened the Public Hearing

Speaking for: Charles Wenmohs, 2004 Pleasant Lane, Copperas Cove.

Rodney Nauert, 1202 Collins, Copperas Cove.

Diane Steele, 905 N. 4th Street, Copperas Cove.

Speaking against: None.

Mayor Diaz closed the Public Hearing.

3b. Consideration and action on Ordinance No. 2005-31 changing the zoning designation on a .689 acre tract identified as 2102 South FM 116 from B-2 Local Retail to B-4 General Business. **David Lilley, City Planner/CBO**

Council Member Clayton made a motion to approve Ordinance No. 2005-31. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-31

AN ORDINANCE TO THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING DESIGNATION ON A .689 ACRE TRACT IDENTIFIED AS 2102 SOUTH FM 116 FROM B-2 LOCAL RETAIL TO B-4 GENERAL BUSINESS.

4a. Public Hearing concerning acceptance of a petition for the voluntary annexation of a subdivision identified as The Meadows Phase II. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item H-4a.

Mayor Diaz opened the Public Hearing.

Speaking for: Jack Purcell, 1375 W. Avenue D., Copperas Cove (Staff Engineer for the Developer).

Speaking against: None.

Mayor Diaz closed the Public Hearing.

4b. Consideration and action concerning the acceptance of a petition for voluntary annexation of a tract of land containing 23.200 acres to be identified as The Meadows Phase II. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item H-4b.

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

4c. Consideration and action on Ordinance No. 2005-29 concerning the voluntary annexation of 23.200 acres in The Meadows Phase II. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-29.

Council Member Stockman made a motion to approve Ordinance No. 2005-29. Mayor Pro Tem, Gatewood seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-29

AN ORDINANCE TO THE CITY OF COPPERAS COVE, TEXAS CONCERNING THE VOLUNTARY ANNEXATION OF 23.200 ACRES IN THE MEADOWS PHASE II.

5a. Public Hearing on Ordinance No. 2005-30 assigning permanent zoning designations to The Meadows Phase II. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2005-30.

Mayor Diaz opened the Public Hearing.

Speaking for: Jack Purcell, 1375 W. Avenue D., Copperas Cove (Staff Engineer for the Developer).

Speaking against: None

Mayor Diaz closed the Public Hearing.

5b. Consideration and action of Ordinance No. 2005-30 assigning permanent zoning designations to The Meadows Phase II. **David Lilley, City Planner/CBO**

Council Member Harris made a motion to approve Ordinance No. 2005-30. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-30

AN ORDINANCE TO THE CITY OF COPPERAS COVE, TEXAS ASSIGNING PERMANENT ZONING DESIGNATIONS TO THE MEADOWS PHASE II.

6a. Public Hearing on a replat identified as Tonkawa Village Phase II, Replat I. **David Lilley, City Planner/CBO**

Mayor Diaz announced she had filed the appropriate affidavit with the City Secretary to abstain from voting or participating on this matter.

David Lilley, City Planner/CBO gave an overview of agenda item H-6a.

Mayor Diaz opened the Public hearing.

Speaking for: Jack Purcell, 1375 W. Avenue D., Copperas Cove.

Diane Steele – 905 N. 4th Street, Copperas Cove.

Speaking against: None.

Mayor Diaz closed the Public Hearing.

6b. Consideration and action on a replat identified as Tonkawa Village Phase II, Replat I. **David Lilley, City Planner/CBO**

Council Member Gallen made a motion to approve agenda item H-6b. Council Member Reeves seconded the motion, and with a unanimous vote, motioned carried.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2005-34 authorizing updates to the City's Master Plan for Parks, Recreation and Open Space, and authorizing submissions of the updated Master Plan to the Texas Parks and Wildlife Department. **Ken Wilson, Director of Community Services**

Ken Wilson, Director of Community Services gave an overview of Resolution No. 2005-34.

Mayor Pro Tem, Gatewood made a motion to approve Resolution No. 2005-34. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2005-34

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING UPDATES TO THE CITY'S MASTER PLAN FOR PARKS, RECREATION AND OPEN SPACES, AND AUTHORIZING SUBMISSIONS OF THE UPDATED MASTER PLAN TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT.

2. Consideration and action on approving payment of required annual Consolidated Water Quality Assessment Fees to the Texas Commission on Environmental Quality (TCEQ) in the amount of \$39,550.00. **Robert M. McKinnon, Director of Water/Wastewater**

Robert M. McKinnon, Director of Water/Wastewater gave an overview of agenda item I-2.

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

3. Consideration and action on approving the purchase of a new Chevrolet One-Ton vehicle from Classic Chevy/GMAC through Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing program in the amount of \$27,086.46. **Robert M. McKinnon, Director of Water/Wastewater**

Robert M. McKinnon, Director of Water/Wastewater gave an overview of agenda item I-3.

Mayor Pro Tem, Gatewood made a motion to approve agenda item I-3. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on Ordinance No. 2005-33 renewing the designated area identified as the Copperas Cove 2001 Reinvestment Zone which is located within the taxing jurisdiction of the extraterritorial jurisdiction of the City of Copperas Cove, Texas. **Steven J. Alexander, City Manager**

Steven J. Alexander, City Manager gave an overview of Ordinance No. 2005-33.

Council Member Gallen made a motion to approve Ordinance No. 2005-33. Council Member Reeves seconded the motion, and with a unanimous vote motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, RENEWING THE DESIGNATED AREA IDENTIFIED AS THE COPPERAS COVE 2001 REINVESTMENT ZONE WHICH IS LOCATED WITHIN THE TAXING JURISDICTION OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COPPERAS COVE, TEXAS.

5. Consideration and action on approving Ordinance No. 2005-32 providing for the issuance and sale of City of Copperas Cove, Texas, General Obligation Refunding Bonds, Series 2005, in the aggregate principal amount of \$5,915,000; levying a tax in payment thereof; authorizing the execution and delivery of a purchase agreement, a paying agent/registrar agreement and an escrow agreement; calling certain bonds for redemption; and enacting other provisions relating thereto. **Christine Julius, Interim Director of Finance**

Christine Julius, Interim Director of Finance gave an overview of Ordinance No. 2005-32. Gary Kimball, Financial Advisor to the City, First Southwest Company gave an overview of the bond documents.

Council Member Stockman made a motion to approve Ordinance No. 2005-32. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,915,000; LEVYING A TAX IN PAYMNET THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A

PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; CALLING CERTAIN BONDS FOR REDEMPTION; AND ENACTING OTHER PROVISIONS RELATING THERETO.

6. Consideration and action on the appointment of one (1) position to fill an unexpired term to the Board of Directors of the Copperas Cove Economic Development Corporation. **Carol Mills, Executive Director**

Carol Mills, EDC Executive Director gave an overview of agenda item I-6.

Council Member Gallen made a motion to appoint Tom Boren as a board member to the EDC. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Report on Code Compliance Month. **Robert O'Dell, Deputy Fire Chief**

Robert O'Dell, Deputy Fire Chief gave a report on Code Compliance Month. Deputy Chief O'Dell stated that 1,070 code enforcement inspections were conducted during the month of September, and stated that the department was basically looking for citizens to voluntarily comply with the ordinances, and hopefully through the awareness month program to educate the public their goals will be met. Council Members expressed appreciation to the Code Enforcement department for all of their hard work and dedication, especially as they have a very limited amount of staff.

2. Report on inspection by Texas Commission of Fire Protection. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief gave a report on the inspection by the Texas Commission of Fire Protection. On October 11, 2005, the Texas Commission of Fire Protection randomly inspected the Copperas Cove Fire Department and reviewed 19 specific items. The Fire Department received a perfect score with zero citations!

Mayor Diaz and Mayor Pro Tem, Gatewood stated congratulations and "hats off" to the Fire Department.

3. EDC Financial Report for the month ended September 30, 2005. **Carol Mills, EDC Executive Director**

Carol Mills, EDC Executive Director gave the financial report for the month ended September 30, 2005.

Mayor Diaz thanked Carol Mills for her years of service to the Copperas Cove Economic Development Corporation, and wished her the best for her future new position with the City of Belton. Ms. Mills thanked the Mayor and City Council for their support during her employment with the Copperas Cove EDC and said she had thoroughly enjoyed her time in Copperas Cove.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Mayor Diaz announced the meeting adjourned to enter into executive session at 8:10 p.m.

M. EXECUTIVE SESSION

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 Municipal Judge.

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

Mayor Diaz announced the meeting reconvened at 9:27 p.m., and stated 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 Diaz stated the meeting adjourned at 9:27 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary