

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
MAY 16, 2006 - 7:00 P.M.**

A. CALL TO ORDER

Mayor Diaz called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 pm.

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 (excused absence)
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

Mayor Pro Tem, Gatewood – Remind everyone to come out to “Rabbit Fest” this weekend!

Council Member, Fred Harris – The Fallen Heroes Veterans Fund, as of now we have received about \$5,000 in donations.

Mayor, Bradi D. Diaz – The Rabbit Fest Parade begins at 10:00 a.m. on Saturday morning.

E. PUBLIC RECOGNITION

1. Proclamation – “Law Enforcement Torch Run Day for Special Olympics Texas”. **Bradi D. Diaz, Mayor**

Mayor Diaz read the proclamation and presented it to Officer Keller, Copperas Cove Police Department. Officer Keller thanked the Mayor and City Council for the proclamation and encouraged citizens to come out and see the torch at the run through Copperas Cove.

2. Recognition “Dr. Glenn Acker, CCISD Superintendent”. **Bradi D. Diaz, Mayor**

Mayor Diaz stated Dr. Acker, became the CCISD Superintendent in April 2001, and wished him happiness and good luck in his forthcoming retirement. Mayor Diaz presented Dr. Acker with the Key to the City on behalf of the Citizens of Copperas Cove, City Council and City staff. Mayor Diaz thanked Dr. Acker for the many wonderful programs he had implemented during his tenure as CCISD superintendent.

Dr. Acker stated it had been a great honor and privilege to serve in this community, and for this school district. Dr. Acker stated he appreciated the ease of working with all current and past elected officials and city staff and stated that the ease of working with the entities in this area is unprecedented. Dr. Acker concluded with thanking the Mayor and City Council for the recognition and said it had been an honor.

- E. **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.

Susan Salabini – 217 S. Main Street. (Cobblestone) Presented a petition and letter to the City Council, requesting consideration of ceasing to authorize the closing of Avenue E. and Main Street for the Downtown Association events. Ms. Salabini listed the many inconveniences these closures caused for her business in the downtown area, and listed various options and alternative locations for holding the Downtown Association events.

Annabelle Smith – 904 Holly. Ms. Smith stated the Downtown Association held a meeting on May 8, 2006, and tried to reach a resolution regarding the street closures. Ms. Smith also stated the Downtown Association stands ready to assist with whatever we possibly can, and will strive to reach agreements.

Dan Sherbring - 202 West Avenue G. (Doggie Day Spa). Mr. Sherbring stated he was experiencing the same problems as the owner of the Cobblestone business, and was concerned when the Downtown Association prohibited animals from the downtown area during the last event.

James Kay 201 Hill Street – (7-Kay Photography). Mr. Kay stated he supported the businesses around him, and did not think that most businesses are being represented adequately by the Downtown Association, and also expressed his concern regarding the street closures.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from May 2, 2006, Special City Council Meeting and May 2, 2006, Regular City Council Meeting.
Pamela J. Russell, City Secretary

2. Consideration and action Resolution No. 2006-21, authorizing the submission of a grant application to Texas STEP for a grant enabling the City of Copperas Cove Police Department to reduce the use and distribution of tobacco products pertaining to minors. **Lt. Danny Austin, Crime Prevention Officer**

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

The Resolution caption reads as follows:

RESOLUTION NO. 2006-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO TEXAS STEP FOR A GRANT ENABLING THE CITY OF COPPERAS COVE POLICE DEPARTMENT TO REDUCE THE USE AND DISTRIBUTION OF TOBACCO PRODUCTS PERTAINING TO MINORS.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2006-11 changing the permanent zoning designation for Lot 4, Block 5, Whitsett Addition from R-3 Multi-Family to B-3 Local Business, containing a savings clause and an effective date. **John C. Adel, AICP/City Planner**

John Adel, City Planner gave an overview of agenda item H-1a.

Mayor Diaz opened the Public Hearing:

Speaking for: Judy Bowen – 2914 Post Office Road, Copperas Cove.
Mrs. Baldwin – Killeen, Texas.

Speaking against: None.

Mayor Diaz closed the Public Hearing.

1b. Consideration and action on Ordinance No. 2006-11 changing the permanent zoning designation for Lot 4, Block 5, Whitsett Addition from R-3 Multi-Family to B-3 Local Business, containing a savings clause and an effective date. **John C. Adel, AICP/City Planner**

Council Member Stockman made a motion to approve consent item H-1b. Council Member Clayton seconded the motion, with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE PERMANENT ZONING DESIGNATION FOR LOT 4, BLOCK 5, WHITSETT ADDITION FROM R-3 MULTI-FAMILY TO B-3 LOCAL BUSINESS, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

2a. Public Hearing on Ordinance No. 2006-12, amending the 2005-06 fiscal year budget for the City of Copperas Cove. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of Ordinance No. 2006-12. Mayor Diaz opened the Public Hearing:

Speaking for: No one spoke.

Speaking against: No one spoke.

Mayor Diaz closed the Public Hearing.

2b. Consideration and action on Ordinance No. 2006-12, amending the 2005-06 fiscal year budget for the City of Copperas Cove. **Andrea Gardner, Assistant City Manager/Director of Finance**

Council Member Gallen made a motion to approve consent item H-2b. Council Member Gatewood seconded the motion, with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE 2005-06 FISCAL YEAR BUDGET FOR THE CITY OF COPPERAS COVE.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2006-22 - canvassing returns and declaring the results of the General Election for Mayor, Council Member Position 1, and Council Member Position 2. **Pamela J. Megill, City Secretary**

Mary Howell, Election Judge gave the canvass of election for the May 13, 2006, General Election:

Mayor	Early Voting	Election Day	Total Votes
Roger "Odie" O'Dwyer	475 votes	239 votes	714 votes
Bradi D. Diaz	385 votes	198 votes	583 votes
Council Member Position One	Early Voting	Election Day	Total Votes
Bob Reeves	515 votes	228 votes	743 votes
Charlie Youngs	339 votes	204 votes	543 votes

Council Member Position Two	Early Voting	Election Day	Total Votes
Jean Durham	101 votes	65 votes	166 votes
Sean Caplinger	158 votes	76 votes	234 votes
Larry D. Sheppard	303 votes	145 votes	448 votes
Annabelle Smith	294 votes	146 votes	440 votes

Total number of ballots cast = 1,297

Council Member Clayton made a motion to approve Resolution No. 2006-22. Council Member Gallen seconded the motion, with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2006-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION FOR MAYOR, COUNCIL MEMBER POSITION 1, AND COUNCIL MEMBER POSITION 2.

2. Consideration and action on Resolution No. 2006-23 calling for a Runoff Election to elect Council Member Position 2; to be held on June 10, 2006; and outlining the election procedures, and the "Order of Election". ***Pamela J. Megill, City Secretary***

Pamela J. Megill, City Secretary stated: The Election Code states that in an election requiring a majority vote, if no candidate for a particular office receives more than 50 percent of the votes cast for the office, a Runoff election is required for that office. On May 13, 2006, a General Election was held to include election of Council Member Position 2. The official canvass of the ballots was held on May 16, 2006. The results of the election for Council Member Position 2 are:

Jean Durham	166 votes
Sean Caplinger	234 votes
Larry D. Sheppard	448 votes
Annabelle Smith	440 votes

The Copperas Cove City Charter Sec 3.04. Elections states the following: (a) to be elected for the office of council member or mayor, the candidate must receive a majority vote of qualified voters who voted in the general election. If no candidate receives a majority vote, the two (2) candidates with the highest number of votes will participate in a runoff election.

Candidate, Sheppard, and Candidate, Smith received the highest number of votes, and therefore will participate in a Runoff election to be held on June 10, 2006. The order of the names appearing on the ballot for the Runoff Election will be determined at a drawing of names to be held on May 17, 2006, at 9:00 a.m., in the Council Chambers of Copperas Cove City Hall. Staff recommends that the City Council approve Resolution No. 2006-23 calling for a Runoff Election to elect Council Member Position 2; to be held on June 10, 2006; and outlining the election procedures, and the "Order of Election".

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

The Resolution caption reads as follows:

RESOLUTION NO. 2006-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CALLING FOR A RUNOFF ELECTION TO ELECT COUNCIL MEMBER POSITION 2; TO BE HELD ON JUNE 10, 2006; AND OUTLINING THE ELECTION PROCEDURES, AND THE "ORDER OF ELECTION".

3. Consideration and action on Ordinance No. 2006-10 amending the City's "Fee Schedule". **Andrea Gardner, Assistant City Manager/Director of Finance**

Council Member Somera made a motion to approve agenda item I-3. Council Member Gallen seconded the motion, with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE CITY'S "FEE SCHEDULE".

J. STAFF REPORTS

1. Report of Certificate of Appreciation from the Texas Department of Health Services. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief stated that the Copperas Cove Fire Department holds a shot clinic, and reported to the City Council that he was proud to announce that the Copperas Cove Fire Department had been presented with a certificate of Appreciation from the Texas Department of Health Services and stated that Copperas Cove has provided the greatest number of vaccines for our County, 840 children had been immunized free of charge, and we will continue to provide this service to our community.

Mayor Diaz stated this was a phenomenal service to our community and congratulations on a great job to the Fire Department!

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Mayor Pro Tem, Gatewood – Workshop Street Closures for 2007.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. The following public officer (s) may be discussed:

- a. City Secretary
- b. City Council

Mayor Diaz announced the City Council would adjourn from the regular meeting to enter into executive session at 8:03 p.m.

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

Mayor Diaz announced the City Council had reconvened at 9:36 p.m.

Executive Session Item M-1

Council Member John Gallen stated it was with sadness and regret to make a motion to accept the resignation of City Secretary, Pamela Megill to be effective June 16, 2006. Council Member Somera seconded the motion.

Mayor Diaz asked the City Secretary to take a roll call vote.

For the motion: Gallen, Stockman, Gatewood, Somera.
Against the motion: Clayton, Harris.

With four votes in favor and two against, the motion carried.

Mayor Diaz announced that Executive Session Agenda item M-2 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 9:37 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Megill, TRMC, CMC, City Secretary

