

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
JULY 11, 2006 – 7:00 P.M.**

**A. CALL TO ORDER**

Mayor, Roger P. O'Dwyer 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 Stockman gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

Bob Reeves  
Ray Don Clayton  
John Gallen  
James Stockman  
R. Ray Gatewood (excused absence)  
Fred Harris  
Frank D. Somera, Jr.

**ALSO PRESENT**

Steven J. Alexander, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

Council Member Harris

- On Saturday, July 22, 2006, the Copperas Cove Golf Course will have a "Fallen Heroes" fundraiser golf tournament. This tournament is to benefit the "Fallen Heroes" fund. The goal is to raise \$10,000 before August 1, 2006. Anyone wishing to participate in the tournament should call Kelly Dix at City Hall or the Chamber of Commerce.

Mayor O'Dwyer

- He has an invitation for the City or any entity for someone who has done an innovation in American Government awards. This would be submitted and can be done by the Council, City Staff, this is a program that has to be created by and administered by one or more entities and must serve the public interest. He said that Ms. Lees will have a copy of the brochure in her office if anyone is interested.
- The Texas Municipal League has called for resolutions to be submitted no later than September 11, 2006. Mayor O'Dwyer asked the Council if there were any resolutions they would like to see submitted. He also told the audience that if there was anything they would like to see done, let the Council know about it.
- A luncheon will be held on July 12, 2006 at the Outback for a Santa program out of Ft. Hood. He has tickets for an 11:15 seating. The ticket is free, but donations will be requested for their toy program.

## E. PUBLIC RECOGNITION

1. Presentation and Recognition of Service to the City of Copperas Cove for Ray Don Clayton, Council Member Position 2. **Roger P. O'Dwyer, Mayor**

Mayor O'Dwyer presented Council Member Ray Don Clayton with a paperweight key to the City and stated: Mr. Clayton has been a City Councilman for six years. During that time, he has not only spent his time here on the dais, but he has always done his homework on any issue that was on the agenda. That is what we are supposed to do, but we all know that some Council Members arrive at a meeting unprepared. Ray Don was not that kind of a person. He has served this City faithfully and worked hard and diligently and always provided good input for the Council.

Council Member Clayton stated: I decided to run for council because the city manager at that time kept the city in turmoil and used fear of being fired to rule over the city employees. His management method was to divide and conquer. We have made light years of improvement with our current city manager who has a personal interest in making Copperas Cove a safe and good place to live.

I want to thank all the people in Copperas Cove for allowing me to serve as a voice for you the last six years. It has been an honor to work with the council and Mayors Rodney Nauret and Bradi Diaz. The council has made many decisions that will help the city grow for years to come. During the six years I have been on the council we have developed solid relationships with our surrounding communities and friends at Fort Hood. I hope this continues to be a priority.

Copperas Cove has one of the lowest crime rates and the highest case clearing statistics in the area, or in the United States for that matter. This is not by accident; it is because we have a police chief and police force that is very dedicated to the job at hand. Thank you.

We moved from Killeen to Copperas Cove in 1962. After leaving and living elsewhere for several years, in 1983 I returned to the east end of Lampasas County, two and one half miles west of Copperas Cove where I built my home and a business. In 1997 my property was annexed by the City of Copperas Cove. I was not happy, but I want you to know no one took my property, I was not forced to sell to developers and my family's lifestyle did not change. I paid city taxes in exchange for city services. One incident made it all worth it. My mother fell and broke her hip. Copperas Cove EMS was there in less than 10 minutes. One year prior to that, we could have waited an hour for an ambulance to come over from Lampasas.

The City has many dedicated employees in every department that do their best to keep this City functioning, no matter what the challenge. They do a good job and I want to thank them.

Now, for the Mayor and my successor. You both ran your campaign on change in City government. I welcome change if it is healthy for the City and improves the well being of the citizens. If you can lower taxes, water rates and provide the

same or better service, I welcome that as well. Copperas Cove does not run on good intentions, it takes financial responsibility to make this thing work. The decisions you make will cost money. Sitting in those seats, you will be vulnerable to anyone who does not like your vote on any issue. It allows people to say anything they want about your decision, whether it is fact or fiction. It will be different for you now. But you have the future as well as the present to consider. I believe in democracy and the people who elected you. Now it is your turn to make a difference. Thank you.

2. **Oath of Office – Larry D. Sheppard, Council Member Position 2. *Jane Lees, City Secretary***

Jane Lees, City Secretary administered the oath of office to Larry D. Sheppard, Council Member Position 2.

Mr. Sheppard stated: I appreciate the taxpayers and voters of this City and I will do my best to do what they want. Thank you.

**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.

Elizabeth Laird—Bradford Oaks area. Mrs. Laird voiced her concerns regarding code enforcement in the Bradford Oaks area, which was annexed last year by the City. She stated that when the area was annexed the residents were told they would be grandfathered in and that things they did before annexation could be continued. Code enforcement visited their valley last week and told the residents they would have to change things, which upset many people. Mrs. Laird mentioned several specific items of concern.

Mr. Alexander said that the City would have the Fire Chief meet with Mrs. Laird to discuss these problems. A letter would be sent to the City Council informing them what was being done in the Bradford Oaks area. He mentioned that the law requires cities to allow lawful land uses to continue that existed prior to annexation and that the City will make sure it is compliant with that law.

Ray Laird—Bradford Oaks area. Mr. Laird spoke regarding the tax appraisals that have recently taken place for Coryell County, saying that many properties have more than doubled. He said this is uncalled for. He stated that because the City plans to build a new police station and recreational facility and add \$80 million to the tax rolls is no reason for appraisals to go up this high.

Mayor O'Dwyer interjected at this point and stated that discussion during public forum should be about something that the Council has authority over. He said that the Council is unable to do anything about appraised taxes other than petition as a county citizen like he could. Mr. Laird said he was aware of this and he was stating this to the Council for their education because they are involved with money matters, tax matters, as we all are. Mayor O'Dwyer said that Mrs. Laird spoke regarding code enforcement, which is something the Council has power to do something about. The subject of property appraisals is done at the

County level and the City is not able to control the appraisal district, other than appoint someone to the board. He asked Mr. Laird to focus his comments to something the Council is able to take action on. Mr. Laird said he knows that the Council has no direct control, however, the Council lives in the same world he does and this should be a concern to all of us.

Mr. Laird went on to state that he received a letter recently from the City of Copperas Cove asking for an easement on his land. He said that the City received easement from him a year ago to put in a water line. That contract stated that he would be given \$10.00 for consideration. Mr. Laird said that he has never seen the \$10.00. Now he has received another proposal for a sewer line. He said he is less than enthusiastic about considering the extra easement. Mr. Alexander said that the City will certainly research the \$10.00 and make good on it.

Diane Steele—905 North 4<sup>th</sup> Street. Ms. Steele stated that because of the opposition to skyrocketing increases in property taxes, the subject of impact fees are more important than ever. She contacted 52 of the 122 cities in Texas, as well as some outside the State, and impact fees have not halted growth. She said that in some cases, impact fees have been working to the developers' benefit. She suggested that impact fees be implemented based on the cost of the house, not based on the number of bedrooms the house has. Ms. Steele said that it is time to change with the world and implement these fees to give our taxpayers some relief. She hopes this subject will be placed on the agenda soon and that the Council has studied impact fees.

Council Member Fred Harris stated that frequent readers of the Texas Municipal League Legislative Update know that behind appraisal cap proposals there is a widespread belief that property taxes are skyrocketing out of control. He referred to an article in the TML Legislative Update saying that, it is argued that appraisal caps allow the State to protect citizens from sinister local government that exert undue influence on appraisers in order to pump up values. But the fact is that the State of Texas itself exerts great effort to influence appraisal district values. What authority does the State of Texas have on local appraisals? Quite a bit according to this article. By law, central appraisal districts that score poorly on certain statistical measures in the annual property value study must be audited by the State. The central appraisal districts that fail two consecutive review cycles are deemed to have not remedied their problem and are visited by specially appointed masters who supervise district operations. Further, a statute amended in 2003 requires State reviews of certain underperforming central appraisal districts in order to issue reports that all the districts can use to make changes that promote compliance of generally accepted appraisal standards and practices. Why is the State so thirsty for higher local property tax appraisals? Because lack of State contribution to education makes the State hypersensitive to any local district perceived to be taxing less than its share. As the State's share of school funding has shrunk from 60 to 38 percent, no local stone gets left unturned. There are two delicious ironies in this scheme: 1) While appraisal cap supporters accuse local governments of secretly urging appraisers to pump up values, the State engages in the very same behavior in broad daylight; 2) The State spends citizens' tax dollars to make sure that appraised values are as close to market value as possible, or at least not too far below market value.

Meanwhile, influential State leaders support appraisal caps that have the intended effect of moving appraisals away from market value. So which way does the State want it—market value appraisals, or artificially inaccurate appraisals. Council Member Harris said that the bottom line for him speaking on this subject was that going to Gatesville, just like the Mayor stated earlier, was not going to do any good. We have to go to the State legislators if we want the appraisals to go down. The State of Texas is saying that if the appraisals don't come up to State standards, they will get reviewed and audited.

On another subject, Council Member Harris said that he heard something at the last Council meeting that caused him to want to set the record straight. Back in 2002 there was an article in the Texas Legislative Update, which he did not personally read, but was told about by his colleagues. There was a State Representative named Shapiro who was floating a bill to not allow any city in the State of Texas with less than 100,000 people and located within three counties, to have a local option agreement on beer and wine alcohol. Council Member Harris said that when he heard this, he went down to talk to our local representative about it. Our local representative then went to visit Shapiro and told her that she was trying to stifle Copperas Cove and we didn't need that. She pulled the bill. If it wasn't for me going to our representative, and if it wasn't for our representative going to Representative Shapiro, there would never have been a petition to get alcohol in this City. So, sometimes when you take credit for what you do, there are some underlying processes that take place long before you've decided to do whatever it is you want to do.

#### **G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from June 20, 2006, Regular City Council Meeting. **Jane Lees, City Secretary**

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

#### **H. PUBLIC HEARINGS/ACTION**

1a. Public Hearing on a final plat identified as Walker Place Phase 7, Section 1, City of Copperas Cove, Coryell County, Texas. **John C. Adel, AICP/City Planner**

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

Mayor O'Dwyer opened the Public Hearing.

Speaking for: None.

Speaking against: Diane Steele, 905 North 4<sup>th</sup> Street. Ms. Steele stated that she was not against approval of this plat, provided that there is adequate water and fire protection.

Mayor O'Dwyer closed the Public Hearing.

1b. Consideration and action on a final plat identified as Walker Place Phase 7, Section 1, City of Copperas Cove, Coryell County, Texas. **John C. Adel**  
**AICP/City Planner**

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

2a. Public Hearing on Water/Wastewater projects to be submitted to the Texas Community Development Program (TCDP) to apply for funding through the Community Development Block Grant (CDBG) program. **Andrea Gardner,**  
**Asst. City Manager/Director of Finance**

Andrea Gardner, Asst. City Manager/Director of Finance gave an overview of agenda item H-2a. She introduced the grant writer, Gandolf Burris, of Grant Development Services, who opened the Public Hearing.

Speaking for: None.

Speaking against: None.

Mr. Burris closed the Public Hearing.

2b. Consideration and action on approval of Resolution No. 2006-29, authorizing the submission of a grant application to the Texas Community Development Program (TCDP) to apply for funding through the Community Development Block Grant (CDBG) program and identifying a person to act on the city's behalf in all matters pertaining to the City's participation in the Community Development Program. **Andrea Gardner, Asst. City Manager/Director of Finance**

Andrea Gardner, Asst. City Manager/Director of Finance gave an overview of agenda item H-2b.

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

The Resolution caption reads as follows:

#### RESOLUTION NO. 2006-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) TO APPLY FOR FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND IDENTIFYING A PERSON TO ACT ON THE CITY'S BEHALF IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.**

## I. ACTION ITEMS

1. Consideration and action on appointment of a Mayor Pro Tem to serve for a period of one (1) year and who shall act as Mayor during the absence or disability of the Mayor. **Jane Lees, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-1.

Council Member Somera made a motion to nominate Council Member Stockman as Mayor Pro Tem. Council Member Sheppard seconded the motion. Council Member Harris made a motion to amend the motion and nominate Council Member Gallen as Mayor Pro Tem. The amended motion was seconded by Council Member Reeves.

A roll call vote was taken on the amended motion to elect Council Member Gallen as Mayor Pro Tem. The results are as follows: Council Member Reeves—aye, Council Member Sheppard—nay, Council Member Gallen—aye, Council Member Stockman—nay, Council Member Harris—aye, and Council Member Somera—nay. The resulting tie was broken by Mayor O'Dwyer who voted nay. Motion defeated three to four.

A roll call vote was taken on the original motion to elect Council Member Stockman as Mayor Pro Tem. The results are as follows: Council Member Reeves—nay, Council Member Sheppard—aye, Council Member Gallen—nay, Council Member Stockman—aye, Council Member Harris—nay, and Council Member Somera—aye. The resulting tie was broken by Mayor O'Dwyer who voted aye. Motion passed four to three.

2. Consideration and action on authorizing the City Manager to enter into a Letter of Agreement with Grant Development Services Inc. **Andrea Gardner, Asst. City Manager/Director of Finance**

Andrea Gardner, Asst. City Manager/Director of Finance gave an overview of agenda item I-2.

Council Member Gallen 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 Resolution No. 2006-30, accepting the terms of an offer from the Texas Department of Transportation to purchase two parcels of land from the City of Copperas Cove, Texas for needed right-of-way associated with the "Reliever Route" project within the City of Copperas Cove and authorizing the City Manager to execute the documents necessary to complete the transaction. **John C. Adel, AICP/City Planner**

John C. Adel, AICP/City Planner gave an overview of agenda item I-3.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2006-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS ACCEPTING THE TERMS TO AN OFFER FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO PURCHASE TWO PARCELS OF LAND FROM THE CITY OF COPPERAS COVE, TEXAS FOR NEEDED RIGHT-OF-WAY ASSOCIATED WITH THE "RELIEVER ROUTE" PROJECT WITHIN THE CITY OF COPPERAS COVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION.

4. Consideration and action on Ordinance No. 2006-19 ordering the dismissal of Atmos' Gas Reliability Infrastructure Program (GRIP) adjustment for 2005. **Steven J. Alexander, City Manager**

Steven J. Alexander, City Manager gave an overview of agenda item I-4.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS ORDERING THE DISMISSAL OF ATMOS' GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) ADJUSTMENT FOR 2005.

5. Consideration and action on authorizing the Mayor to issue a drilling permit on the Application of Scully Energy Corporation to drill for oil and gas 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-5.

Council Member Stockman made a motion to approve agenda item I-5. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Andrea Gardner reported that the City received a letter from the Office of Rural Affairs approving the revolving loan fund plan for the City. The plan was submitted to the Office of Rural Community Affairs, and they too have approved the plan.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council Member Harris requested that the Council appoint an Impact Fee Advisory Committee. Council Member Harris also requested that the City discuss

an ordinance to control mobile restaurants. In addition, Council Member Harris said that the City pays six to seven percent of the taxes for the county here in Copperas Cove and he would like to see an appraisal district office located here.

**M. EXECUTIVE SESSION**

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, The Council will meet in Executive Session to deliberate the duties and responsibilities of the City Council.

Mayor O'Dwyer adjourned the regular session of the meeting to go into Executive Session at 8:26 p.m.

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

Mayor O'Dwyer reconvened the meeting at 9:29 p.m. Mayor O'Dwyer announced that Executive Session item M-1 was for information purposes only, and no action would be taken.

**O. ADJOURNMENT**

Mayor O'Dwyer adjourned the meeting at 9:30 p.m.

\_\_\_\_\_  
Roger P. O'Dwyer, Mayor

ATTEST:

\_\_\_\_\_  
Jane Lees, City Secretary