

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 5, 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

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

C. ROLL CALL

ALSO PRESENT

Bob Reeves
Larry D. Sheppard
John Gallen
James Stockman
R. Ray Gatewood
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS

Council Member Harris:

He received information from the Downtown Association on the total number of vendors attending City events last year. There were a total of 97 vendors, of which 53 came from other counties in Texas, 33 traveled over 100 miles to get here, and 5 were from out of state. So far this year there have been a total of 18 vendors, of which 14 came from other counties in Texas, 9 traveled over 100 miles to get here, and 2 were from out of state. He said that this shows that people do come to Copperas Cove from out of state to work and play.

E. PUBLIC RECOGNITION

1. Presentation to the City of Copperas Cove for 20 years of continuous corporate membership in the Association of the United States Army. **LTG Don Jones**

LTG Don Jones presented the City with a certificate of corporate membership. Former Mayor Jim French was present to accept this certificate along with Mayor O'Dwyer.

2. Presentation of plaque and check to the City of Copperas Cove from the Estate of Ursula Shirts. **Riley Simpson**

Riley Simpson presented the Mayor and City Council with a plaque and donation of \$54,915.94 from the Estate of Ursula Shirts. She requested that the money be used for children's books in the public library and for the shelter for animals.

- 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.

Speaking:

Diane Steele, 905 North 4th Street. She announced that there was an election coming up in November and that it was important for senior citizens to vote. The ballot will have a question on it pertaining to whether or not to freeze taxes for senior citizens at the county level.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from August 15, 2006.
Jane Lees, City Secretary

2. Consideration and action on approval of minutes from August 24, 2006.
Jane Lees, City Secretary

3. Consideration and action on approval of minutes from August 29, 2006.
Jane Lees, City Secretary

4. Consideration and action on awarding RFP (Request for Proposal) No. 2006-09-75, Uniform Services, to Unifirst Corporation of Hewitt, Texas, for a two (2) year period, and for an optional two (2), one (1) year period. **Christine M. Julius, Assistant Director of Finance**

5. Consideration and action on authorizing the City Manager to enter into an agreement with Hill Country Community Action Association, Inc. to occupy a designated area of the Human Resource Center for a period of two years with an option to renew one additional year. **Ken Wilson, Director of Community Services**

6. Consideration and action on authorizing the City Manager to enter into an agreement with Central Counties Center for MHMR (Mental Health and Mental Retardation) Services to occupy a designated area of the Human Resource Center for a period of two years with an option to renew one additional year. **Ken Wilson, Director of Community Services**

Council Member Gallen made a motion to approve consent items G-1, G-2, G-3, G-4, G-5 and G-6. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2006-27, changing the zoning designation for House Creek North, Phases II and III from AG-1 Agricultural to R-

1 Single Family Residential, containing a savings clause and an effective date.
John C. Adel, 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: None.

Mayor O'Dwyer closed the Public Hearing.

1b. Consideration and action on Ordinance No. 2006-27, changing the zoning designation for House Creek North, Phases II and III from AG-1 Agricultural to R-1 Single Family Residential, containing a savings clause and an effective date.
John C. Adel, 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.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE ZONING DESIGNATION FOR HOUSE CREEK NORTH, PHASES II AND III FROM AG-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

2a. Public Hearing on Ordinance No. 2006-28, changing the zoning designation for Tonkawa Village, Phases II and III from AG-1 Agricultural to R-1 Single Family Residential, containing a savings clause and an effective date.
John C. Adel, City Planner

John C. Adel, City Planner gave an overview of agenda item H-2a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for: None.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

2b. Consideration and action on Ordinance No. 2006-28, changing the zoning designation for Tonkawa Village, Phases II and III from AG-1 Agricultural to R-1 Single Family Residential, containing a savings clause and an effective date.
John C. Adel, City Planner

John C. Adel, City Planner gave an overview of agenda item H-2b.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING DESIGNATION FOR TONKAWA VILLAGE, PHASES II AND III FROM AG-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

3a. Public Hearing on Ordinance No. 2006-29, changing the zoning designation for 2.079 acres at the northwest corner of US Hwy. 190 and Robertson Avenue, also known as Walgreen's Subdivision, from B-2 Local Retail, B-4 Business and B-5 Business to B-3 Local Business, containing a savings clause and an effective date. ***John C. Adel, City Planner***

John C. Adel, City Planner gave an overview of agenda item H-3a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Mike Beevers, the broker representing Moriah Development. He said that they are excited about this project. It has been in the works for a year and a half. He said he would be happy to answer any questions from the Council.

Diane Steele, 905 North 4th Street. She stated that she was happy to hear that a Walgreens is coming to Copperas Cove.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

3b. Consideration and action on Ordinance No. 2006-29, changing the zoning designation for 2.079 acres at the northwest corner of US Hwy. 190 and Robertson Avenue, also known as Walgreen's Subdivision, from B-2 Local Retail, B-4 Business and B-5 Business to B-3 Local Business, containing a savings clause and an effective date. ***John C. Adel, City Planner***

John C. Adel, City Planner gave an overview of agenda item H-3b.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING DESIGNATION FOR 2.079 ACRES AT THE NORTHWEST CORNER OF US HWY 190 AND ROBERTSON AVENUE, ALSO KNOWN AS WALGREEN'S SUBDIVISION, FROM B-2 LOCAL RETAIL, B-4 BUSINESS AND B-5 BUSINESS TO B-3 LOCAL BUSINESS, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

4a. Public Hearing on a final plat identified as Thousand Oaks Addition III, City of Copperas Cove, Coryell County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-4a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Otto Wiederhold, the engineer representing the developer.
Mr. Wiederhold stated that median priced housing would be built in Addition III.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

4b. Consideration and action on a final plat identified as Thousand Oaks Addition III, City of Copperas Cove, Coryell County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-4b.

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

5a. Public Hearing on a final plat identified as Walker Place Phase 7, Section 2, City of Copperas Cove, Coryell County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-5a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Mike Kriegel, the engineer representing the developer. .
Mr. Kriegel answered several questions from Mayor O'Dwyer regarding surveys.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

5b. Consideration and action on a final plat identified as Walker Place Phase 7, Section 2, City of Copperas Cove, Coryell County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-5b.

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

6a. Public Hearing on a final plat identified as The Valley at Great Hills, Phase 1, City of Copperas Cove, Lampasas County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-6a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Jimmy Clark, 1510 Chaparral.

Mr. Clark stated that he is one of the owners of this property. Right now they are just drawing lines on paper. He said that they cannot record this plat until everything is in place and approved. They also cannot sell any parcels until everything is approved.

Speaking against:

Diane Steele, 905 North 4th Street.

Ms. Steele asked if Mr. Clark was also the same builder for Mesa Verde. Mr. Clark stated that he was involved in that development.

Mayor O'Dwyer closed the Public Hearing.

6b. Consideration and action on a final plat identified as The Valley at Great Hills, Phase 1, City of Copperas Cove, Lampasas County, Texas. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-6b.

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

7a. Public Hearing concerning a petition for voluntary annexation of a portion of the proposed subdivision identified as The Valley at Great Hills, Phase 1. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-7a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Jimmy Clark.

He said he was in favor of the annexation.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

7b. Consideration and action concerning a petition for voluntary annexation of a portion of the proposed subdivision identified as The Valley at Great Hills, Phase 1. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item H-7b.

Council Member Somera made a motion to approve agenda item H-7b. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

8. Public Hearing on the changes to the City Manager's proposed budget for the 2006-2007 fiscal year. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item H-8a. She stated that the one change to the proposed budget was an increase to the Copperas Cove Chamber of Commerce & Visitors Bureau in the amount of \$15,000 in the hotel/motel tax fund.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Marty Smith, President, Copperas Cove Chamber of Commerce & Visitors Bureau, 204 East Robertson Avenue.

She thanked the City Council for putting this change into the budget and hoped that it would be approved.

Diane Steele, 905 North 4th St.

Ms. Steele said she agrees with giving the chamber more money. She said she believed a budget could only be amended for reasons of grave, public necessity, and for unforeseen reasons. She said that increasing the Chamber's funds is a foreseen circumstance. She asked the Council if they are including in the budget things like gas prices rising. She said she does not understand this. Steve Alexander explained that this budget has not been adopted yet. She is referring to a budget that has already been adopted. She said she is not for the water increase, but she is for the increase that would be across the board.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

I. ACTION ITEMS

1. Consideration and action to approve the Copperas Cove Economic Development Corporation (CCEDC) budget for 2006-2007. **Jerry Conner, Economic Development Corporation Director**

Jerry Conner, Economic Development Corporation Director gave an overview of agenda item I-1.

Council Member Gatewood 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 to approve the Copperas Cove Economic Development Corporation (CCEDC) amended Guidelines. **Jerry Conner, Economic Development Corporation Director**

Jerry Conner, Economic Development Corporation Director gave an overview of agenda item I-2.

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

M. EXECUTIVE SESSION

1. Pursuant to §551.087 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session for deliberations regarding Economic Development Negotiations. *(1) to discuss or deliberate regarding commercial of financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.*

Mayor O'Dwyer announced the City Council would adjourn from the regular meeting to enter into executive session at 8:46 p.m.

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

Mayor O'Dwyer announced the City Council had reconvened at 9:32 p.m., and stated that executive session item M-1 was for information purposes only and no action would be taken.

3. Consideration and action on Ordinance No. 2006-09, amending Personnel Policy 120. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director gave an overview of agenda item I-3.

Council Member Gatewood made a motion to approve agenda item I-3. Council Member Gallen seconded the motion. A vote was taken with the following results:

Bob Reeves For
Larry D. Sheppard Against
John Gallen For
James Stockman For
Ray Gatewood For
Fred Harris For
Frank Somera For

Motion passed, six to one.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY 120.

4. Consideration and action on Ordinance No. 2006-24 approving and adopting a budget for operating the municipal government of the City of Copperas Cove for fiscal year 2006-07. ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-4.

Council Member Gallen made a motion to approve agenda item I-4. Council Member Reeves seconded the motion. A vote was taken with the following results:

Bob Reeves For
Larry D. Sheppard Against
John Gallen For
James Stockman For
Ray Gatewood For
Fred Harris For
Frank Somera For

Motion passed, six to one.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR FISCAL YEAR 2006-07.

5. Consideration and action on Ordinance No. 2006-25 adopting the tax rate for fiscal year 2006-07. ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-5.

Council Member Gatewood made a motion to increase property taxes by the adoption of a tax rate of 74 cents. Council Member Harris seconded the motion. A vote was taken with the following results:

Bob Reeves	For
Larry D. Sheppard	Against
John Gallen	For
James Stockman	For
Ray Gatewood	For
Fred Harris	For
Frank Somera	For

Motion passed, six to one.

6. Consideration and action on approving Ordinance No. 2006-30 authorizing the issuance and sale of City of Copperas Cove, Texas, Tax Notes, Series 2006, in the aggregate principal amount of \$1,260,000; levying a tax in payment thereof; prescribing the form of said notes; approving execution and delivery of a purchase agreement; and enacting other provisions relating to the subject. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-6. Garry Kimball, First Southwest Company, the financial advisory firm for the City, was on hand to answer questions.

Council Member Gatewood made a motion to approve agenda item I-6. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, TAX NOTES, SERIES 2006, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,260,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID NOTES; APPROVING EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

7. Consideration and action on Ordinance No. 2006-31 amending Section 11-25, Article II, Chapter 11 and amending Section 11-33(1)(a), Article II, Chapter 11 of the City Code of Ordinances. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-7.

Council Member Gatewood made a motion to adopt Ordinance 2006-31 amending it to have an across the board increase of 16 cents and increase the contractor and bulk rate to \$4.45. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING SECTION 11-25, ARTICLE II, CHAPTER 11 AND AMENDING SECTION 11-33(1)(A), ARTICLE II, CHAPTER 11 OF THE CITY CODE OF ORDINANCES.

8. Consideration and action on authorizing the City Manager to execute a Retainer Agreement between the City of Copperas Cove and Catalano & Plache, PLLC. ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-8.

Council Member Gallen made a motion to approve agenda item I-8. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

9. Consideration and action on Ordinance No. 2006-32 amending the City's "Fee Schedule". ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-9.

Council Member Stockman made a motion to approve agenda item I-9. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-32

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

10. Consideration and action on Ordinance No. 2006-33 amending Article IV, Section 11-71(2)(c) of the City Code of Ordinances. ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-10.

Council Member Gatewood made a motion to approve agenda item I-10. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING ARTICLE IV, SECTION 11-71(2)(C) OF THE CITY CODE OF ORDINANCES.

11. Consideration and action on Ordinance No. 2006-26 ordering the denial of Atmos Energy rate increase request. ***Steven J. Alexander, City Manager***

Steven J. Alexander, City Manager gave an overview of agenda item I-11.

Council Member Harris made a motion to approve agenda item I-11. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ORDERING THE DENIAL OF ATMOS ENGERGY RATE INCREASE REQUEST.

12. Consideration and action on re-appointment of members to the Copperas Cove Hospital Authority Board of Directors. ***Jane Lees, City Secretary***

Jane Lees, City Secretary gave an overview of agenda item I-12.

Council Member Gatewood made a motion to re-appoint Diane Connell and Charles Reinhardt to the Copperas Cove Hospital Authority Board of Directors. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Household Hazardous Waste Collection Event, September 16, 2006. ***Mike Mundell, Solid Waste Superintendent***

Mike Mundell, Solid Waste Superintendent gave a report on the upcoming Household Hazardous Waste Collection Event which will be held on September 16, 2006.

2. Financial Report for the Month ended June 30, 2006. ***Andrea Gardner, Assistant City Manager/Director of Finance***

Andrea Gardner, Assistant City Manager/Director of Finance gave the Financial Report for the month ended June 30, 2006.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

None.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer stated the meeting adjourned at 10:57 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary