

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 19, 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 Gallen 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 (excused absence)
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS

Council Member Somera:

He announced that the Copperas Cove Area Seniors and Law Enforcement will hold a Health and Safety Day on September 20, 2006 from 11:00 a.m. to 2:00 p.m. at the Civic Center.

Council Member Harris:

He reported that Kids Day in the Park, which was held on Saturday, September 16, 2006, was very successful with over 600 kids participating. He thanked Kelly Dix and Sandor Vegh for organizing the event and the Police Department for their help. He said that he has asked the YMCA to give the City Manager a report on how many people they hire from Copperas Cove and how much child care they provide in Copperas Cove.

Council Member Gallen:

He stated that based on a request from his principal in Copperas Cove Independent School District, a committee is being formed to look into developing a sexual predator ordinance and some distances where known sex offenders can live based on relative location to a school.

Council Member Sheppard:

He is concerned about the amount of water running down the street coming from the YMCA and requested that the City look into this problem.

City Attorney Thompson:

Stated that there has recently been an Attorney General's opinion requested regarding sex offenders and the distance they may be required to live from a

school. Generally, we can expect an attorney general's opinion to take up to six months. This means it may be a while before we can formalize anything on this committee, but at least we will be ready when the attorney general makes the ruling.

City Manager Alexander:

The City is gathering information on the consumption of water at the YMCA and the Council will receive a copy of it.

Mayor O'Dwyer:

He announced that a Town Hall Meeting will be held on September 20, 2006 in the Council Chambers at City Hall, 507 South Main Street, Copperas Cove, Texas. The meeting is to discuss a proposed ordinance that will govern the feeding of deer within the City limits. The ordinance would allow the City Council to designate certain no-feeding zones. A map showing a presently proposed no-feeding zone will be available for the public to view. Citizens are invited to attend and comment on the proposed ordinance. The meeting will begin at 5:30 p.m.

E. PUBLIC RECOGNITION

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.

Speaking:

Diane Steele, 905 North 4th Street. Ms. Steele said she believes that there is not enough code enforcement for the restaurants in Copperas Cove. She thought restaurants were inspected once a month, but has since found out it is really about once a year. She said that current conditions in some restaurants are unhealthy. She also stated that the water usage by the YMCA should be capped.

Michael Parsons, 704 Morris Drive. Mr. Parsons stated that he read that there is an \$85,000 shortfall for the golf course, or about a loss of \$7,000 a month. He also mentioned he read in the newspaper where the City supports the Economic Development Corporation and the Copperas Cove Independent School District, but there was no mention of City support for the Chamber of Commerce, who promotes the City of Copperas Cove continuously.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from September 5, 2006. **Jane Lees, City Secretary**

2. Consideration and action on authorizing the City Manager to extend the Interlocal Agreement with Central Texas Council of Governments for Public Safety Answering Points (PSAPs) maintenance. **Tim Molnes, Police Chief**

3. Consideration and action on authorizing the City Manager to extend the contract with the Copperas Cove Independent School District (CCISD). **Tim Molnes, Police Chief**

4. Consideration and action on authorizing the City Manager to extend the Interlocal Assistance Agreement between the City of Copperas Cove and the Counties of Bell, Milam and Coryell, and the Cities of Temple, Killeen, Gatesville and Harker Heights allowing the Copperas Cove Police Department's continued participation in the Central Texas Narcotics Task Force. **Tim Molnes, Police Chief**

5. Consideration and action on Resolution No. 2006-35 authorizing and supporting the submission of a grant application to the Department of Homeland Security through the Commercial Equipment Direct Acquisition Program (CEDAP) for geographic information system software and training; and authorizing the Grants Administrator/Budget Analyst to act on behalf of the City in all matters related to the application. **Dennis K. Haas, Fire Chief**

6. Consideration and action on Resolution No. 2006-36 authorizing and supporting the submission of a grant application to the Texas Commission on Fire Protection Emergency Program, up to \$10,000 and authorizing the Grants Administrator/Budget Analyst to apply for and act on behalf of the City in all matters related to the application. **Dennis K. Haas**

Council Member Gallen made a motion to approve the consent items, minus item G-5. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public hearing, consideration and action on Ordinance No. 2006-34, providing a zoning change for a portion of Block 1 of the proposed subdivision known as The Valley at Great Hills, Phase1, from B-5 Business to R-1 Single Family Residential, providing a savings clause; and declaring an effective date. **John C. Adel, AICP, City Planner**

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

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Jimmy Clark, 1510 High Chapparral. He stated that he is one of the owners of this subdivision and speaks in favor of this zone change and offered to answer questions from the Council.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING A ZONING CHANGE FOR A PORTION OF BLOCK 1 OF THE PROPOSED SUBDIVISION KNOWN AS THE VALLEY AT GREAT HILLS, PHASE 1, FROM B-5 BUSINESS TO R-1 SINGLE FAMILY RESIDENTIAL, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

2. Public hearing, consideration and action on Ordinance No. 2006-35, providing a zoning change for a portion of Lot 1, Block 5 of the proposed subdivision known as The Valley at Great Hills, Phase 1, from B-5 Business to R-3 Multi-Family Residential, providing a savings clause; and declaring an effective date. ***John C. Adel, AICP, City Planner***

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

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Jimmy Clark, 1510 High Chapparral. He stated once again that he is one of the owners of this subdivision and speaks in favor of this zone change and offered to answer questions from the Council.

Pete Martinez. He stated that he was the spokesman for the letter the Council received from residents of Suja Lane and who reside 300 feet from the proposed zoning and are not in favor of rezoning to R-3. Mr. Martinez said he was originally going to speak against this zone change, but he now speaks in favor after discussing the project with Jimmy Clark. He felt that Mr. Clark expressed a very conscientious concern of the aesthetic values, about the impact and the selection of the type of apartment complex that would fit best in our community.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING A ZONING CHANGE FOR A PORTION OF LOT 1, BLOCK 5 OF THE PROPOSED SUBDIVISION KNOWN AS THE VALLEY AT GREAT HILLS,

PHASE 1, FROM B-5 BUSINESS TO R-3 MULTI-FAMILY RESIDENTIAL, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

3a. Public hearing on Ordinance No. 2006-36, annexing 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-3a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for:

Jimmy Clark, 1510 High Chapparral. He stated that he is in favor of this annexation request and offered to answer questions from the Council.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

3b. Consideration and action on Ordinance No. 2006-36, annexing 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-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. 2006-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING OF A PORTION OF THE PROPOSED SUBDIVISION IDENTIFIED AS THE VALLEY AT GREAT HILLS, PHASE 1.

I. ACTION ITEMS

1. Consideration and action on taking from the table Resolution No. 2006-31, supporting the Copperas Cove Downtown Association. **Jane Lees, CMC, City Secretary**

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

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

2. Consideration and action on Resolution No. 2006-31, supporting the Copperas Cove Downtown Association. **Council Member Fred Harris**

Fred Harris, Council Member gave an overview of agenda item I-2.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2006-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, SUPPORTING THE COPPERAS COVE DOWNTOWN ASSOCIATION.

3. Consideration and action on the appointment/re-appointment of the lay representative to the Central Texas Library System (CTLS). ***Peg Fleet, Library Director***

Peg Fleet, Library Director gave an overview of agenda item I-3.

Council Member Gallen made a motion to appoint Marion Palumbo as the lay representative to the Central Texas Library System for a two-year term. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on appointing members to the Copperas Cove Economic Development Corporation (CCEDC) Board. ***Jerry Conner, Executive Director, Copperas Cove Economic Development Corporation***

Jerry Conner, Executive Director of the Copperas Cove Economic Development Corporation gave an overview of agenda item I-4.

Council Member Reeves made a motion to appoint Dan Yancey and Fred Chavez as members to the Copperas Cove Economic Development Corporation Board. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on authorizing the City manager to execute a contract with Bury+Partners, Engineering Solutions to provide all Professional Engineering Services associated with the design and construction of the East Pump Station, in the amount of \$169,000. ***Robert M. McKinnon, Director of Water/Wastewater***

Robert M. McKinnon, Director of Water/Wastewater gave an overview of agenda item I-5.

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

6. Consideration and action on authorizing the City Manager to execute a contract with Central Texas Utility Services for the installation of the golf course irrigation pump station, in the amount of \$200,000. ***Robert M. McKinnon, Director of Water/Wastewater***

Robert M. McKinnon, Director of Water/Wastewater gave an overview of agenda item I-6.

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

7. Consideration and action on Ordinance No. 2006-08 adopting an ordinance allowing current and future Copperas Cove Economic Development Corporation employees (EDC) to participate in the Texas Municipal Retirement System (TMRS) with an effective date of October 1, 2006. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director gave an overview of agenda item I-7.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ALLOWING CURRENT AND FUTURE COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION EMPLOYEES (EDC) TO PARTICIPATE IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) WITH AN EFFECTIVE DATE OF OCTOBER 1, 2006.

8. Consideration and action on Resolution No. 2006-37 adopting the investment policy of 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 agenda item I-8.

Council Member Reeves 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 date changes for previously approved street closures or traffic control during 2006 for the Copperas Cove Chamber of Commerce & Visitors Bureau. **Ben Davis, Tourism Chair, Copperas Cove Chamber of Commerce**

Ben Davis, Tourism Chair, Copperas Cove Chamber of Commerce gave an overview of agenda item I-9.

Council Member Harris made a motion to table this item pending a report from the Police Department on the safety issues of holding a Christmas Parade at night. There was no second.

Council Member Gallen made an amended motion to place on the table the decision of holding a Christmas Parade at night until safety issues could be resolved and to approve

the request for street closures/traffic control for the State Bike Race on October 15, 2006. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

10. Consideration and action on Resolution No. 2006-38 of the City Council of the City of Copperas Cove, Texas approving the application of Chapter 394 (The Texas Housing Finance Corporations Act) of the *Texas Local Government Code*, in the City of Copperas Cove, Texas, for the purpose of making property located within the City of Copperas Cove, Texas, eligible for single family housing for persons of low and moderate income financed by loans made from the proceeds of the Central Texas Housing Finance Corporation Single Family Mortgage Revenue Bonds (Mortgaged Backed Securities Program), Series 2006A-1 (AMT) and Series 2006A-2 (AMT). **James R. Thompson, City Attorney**

James R. Thompson, City Attorney gave an overview of agenda item I-10.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2006-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE APPLICATION OF CHAPTER 394 (THE TEXAS HOUSING FINANCE CORPORATIONS ACT) OF THE TEXAS LOCAL GOVERNMENT CODE, IN THE CITY OF COPPERAS COVE, TEXAS, FOR THE PURPOSE OF MAKING PROPERTY LOCATED WITHIN THE CITY OF COPPERAS COVE, TEXAS, ELIGIBLE FOR SINGLE FAMILY HOUSING FOR PERSONS OF LOW AND MODERATE INCOME FINANCED BY LOANS MADE FROM THE PROCEEDS OF THE CENTRAL TEXAS HOUSING FINANCE CORPORATION SINGLE FAMILY MORTGAGE REVENUE BONDS (MORTGAGED BACKED SECURITIES PROGRAM), SERIES 2006A-1 (AMT) AND SERIES 2006A-2 (AMT).

11. Consideration and action on "Official Ballot" selections for the Texas Municipal League (TML) Intergovernmental Risk Pool Board of Trustees Election and authorizing the City Secretary to certify the ballot certificate. **Jane Lees, CMC, City Secretary**

Jane Lees, City Secretary gave an overview of agenda item I-11.

Council Member Harris made a motion to authorize the City Secretary to certify the ballot certificate and make the following appointments:

Place 11 America Gonzales
Place 12 Harold Dominguez
Place 13 Lamar Gillian, Jr.
Place 14 Peter Vargas

Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

12. Consideration and action on rescheduling the date of the first regular City Council meeting in November. **Jane Lees, City Secretary**

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

Council Member Somera made a motion to change the date of the first regular meeting in November to November 9, 2006. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the Month ended July 31, 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 July 31, 2006.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

Council Member Harris stated he had an additional announcement at this time. He thanked the Police Department earlier for doing a great job last Saturday with Kids Day in the Park. He also wanted to thank the Parks and Recreation Department for working hard to keep the park clean all day for the event.

L. ITEMS FOR FUTURE AGENDAS

Council Member Sheppard stated he would like a workshop to discuss the water situation at the YMCA. His request was supported by Council Members Somera and Stockman.

M. EXECUTIVE SESSION

1. Pursuant to §551.087 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the offer or other incentive to a business prospect regarding economic development negotiations.

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 City Manager.

Mayor O'Dwyer announced the City Council would adjourn from the regular meeting to enter into executive session at 8:53 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 9:18 p.m., and stated that executive session item M-1 and M-2 were for information purposes only and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer stated the meeting adjourned at 9:19 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary