

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 20, 2007 – 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 Reeves 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 (absent)  
Frank D. Somera, Jr.

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

**D. ANNOUNCEMENTS**

Council Member Gallen announced that the Pride of Cove Marching Band will be conducting several fundraisers to subsidize a trip to Washington, D.C. On March 3 to 4, 10:00 a.m. to 10:00 a.m., they will be having a "Rockathon" for a 24-hour period at Wal-Mart. On March 31 they will have a 4-player scramble at the Hills of Cove Golf Course. He asked everyone to get out and support the Pride of Cove Band.

Council Member Sheppard said that the funeral for the three members of the Cruz family will be held on Monday, February 26, at 11:00 a.m. at the Clear Creek Baptist Church. He asked that everyone please remember this family in their prayers.

Council Member Reeves said that the City has been talking to TXDOT about the Reliever Route and he encouraged citizens who were interested in the construction of the Reliever Route or think the Reliever Route is a good idea, to write to their State representatives and U.S. Congressmen and let them know how important this project is to the City of Copperas Cove. There has been some unsettling news over the last few days and we are trying to make sure that the project stays on track. We would appreciate any assistance we can get from the citizens would be greatly appreciated.

City Manager, Steve Alexander, said that there was an article in today's Killeen Daily Herald that discussed transportation enhancement dollars. These dollars are grant funds that the City applied for and try to get projects done, such as the sidewalks along 1113. The article said that the State has pulled those funds, approximately \$300M for the entire State. Those enhancement dollars are meant to go toward alternative mobility, such as sidewalks, trails, etc. This will impact the City, because we applied for another sidewalk project not too long ago, when the State made a call for projects. At this point,

with those funds pulled back, we won't be able to go after that project, which is approximately \$2M. He asked that as citizens think about writing letters to your State and Federal legislators make comments also about how important those dollars are to our community. The City cannot afford to install millions of dollars in sidewalks because we do not have the local funding. It is very important to let them hear our voices regarding the need for those funds in our community, and in surrounding communities as well.

1. Introduction of new employees – Phyllis Johnson, Emergency Management Coordinator and Robert Gilyard, Bailiff. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director introduced and welcomed Phyllis Johnson and Robert Gilyard. These two positions were newly funded in this fiscal year's budget.

#### **E. PUBLIC RECOGNITION**

1. Proclamation: Severe Weather Awareness Week, March 4-10, 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation. He mentioned that the City Council has held some discussions in workshops recently about alert systems and Ft. Hood has done some testing. The media covered the testing done by Ft. Hood. This testing took place to alert people when a any kind of catastrophe, including bad weather, was about to take place. He also mentioned that weather alert radios are available for about \$16.

2. Presentation to the Copperas Cove Joint Image Campaign in recognition for their participation to the Morale Welfare Recreation 2007 "Welcome Home Heroes Tribute" Fort Hood. **Nicholas Johnsen, MWR Director**

MWR Director, Nicholas Johnsen, presented Mayor O'Dwyer, School Board President, Joan Manning, and Economic Development Board President, Dan Yancey of the Joint Image Campaign, plaques of appreciation. He thanked Copperas Cove Joint Image Campaign for their support and contributions to the "Welcome Home Heroes Tribute" in welcoming home all the soldiers and their families who have returned in the past year or so, of which most were from the 4<sup>th</sup> Infantry Division. He said that the support throughout the deployment of OEF/OIF contributed greatly to the morale of the soldiers, their families and the Ft. Hood community.

**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.

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

1. Consideration and action on approval of minutes from January 23, 2007. **Jane Lees, City Secretary**

2. Consideration and action on approval of minutes from January 25, 2007. **Jane Lees, City Secretary**

3. Consideration and action on approval of minutes from February 6, 2007. **Jane Lees, City Secretary**

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

#### H. PUBLIC HEARINGS/ACTION

1. Public hearing on Ordinance 2007-02, establishing a curfew for minors, Article I, Section 13-3 of the City's Code of Ordinances; providing for a hearing; providing a savings clause; providing a severability clause; and declaring an effective date. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief gave an overview of agenda item H-1.

Mayor O'Dwyer opened the Public Hearing.

Speaking for: None.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing

2. Public hearing, consideration and action on Ordinance No. 2007-05, changing the zoning of Lot 2, Block 14 of the Original Town, From R-1 Single-Family Residential 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: John Grass, owner of the subject property currently residing in Dallas. He stated that some of the houses on the lot are in poor shape and his plans would improve and revitalize the property. He plans to build two four-plexes. He said that the people who were opposed were worried about their property decreasing in value, however, he believes his plans would not decrease anyone's property values, but more than likely increase the values.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

This item required a three-quarters vote of the entire City Council because more than 20 percent of the property owners within the required 200 ft. radius who were notified were opposed to the rezoning. Since two council members were absent, Mayor O'Dwyer

voted, per Sec. 2.03 of the City Charter which states, "The mayor shall vote at council meetings only when his/her vote will affect the result of the voting in progress in the following manner: he/she shall vote to break a tie, and he/she shall vote when his/her vote will cause the number of votes required elsewhere in this charter to cause a valid or binding action of the council."

Council Member Gallen made a motion to approve agenda item H-2. Council Member Stockman seconded the motion, and with a unanimous vote of the six council members present, which included Mayor O'Dwyer, motion carried.

The Ordinance caption reads as follows:

**ORDINANCE NO. 2007-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING OF LOT 2, BLOCK 14 OF THE ORIGINAL TOWN, FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL, PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.**

**I. ACTION ITEMS**

1. Consideration and action on proposed candidates for serving on the Coryell County Appraisal Review Board. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of agenda item I-1.

Mayor O'Dwyer nominated Jim Kantzenbach and Marcel Hull to be considered for this Board.

Council Member Sheppard made a motion to approve both as nominees to the Coryell County Appraisal Review Board. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on Resolution No. 2007-11, authorizing the City Manager to donate various items of radio equipment to the Central Texas Council of Governments. **Andrea Gardner, Assistant City Manager/Director of Finance**

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

Council Member Somera made a motion to approve agenda item I-2 and amending the resolution that the remaining equipment going to CTCOG. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

**RESOLUTION NO. 2007-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO DONATE VARIOUS ITEMS OF RADIO EQUIPMENT TO THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS.**

3. Consideration and action on Resolution No. 2007-08, declaring support for the Constitution Court, Ltd., a joint Housing Tax Credit and HOME Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2007. **John C. Adel, AICP, City Planner**

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

Council Member Sheppard 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. 2007-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, DECLARING SUPPORT FOR THE CONSTITUTION COURT, LTD., A JOINT HOUSING TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2007.**

**J. STAFF REPORTS**

1. Financial Report for the month ended October 31, 2006. **Andrea M. Gardner, Assistant City Manager/Director of Finance**

Andrea M. Gardner, Assistant City Manager/Director of Finance gave the Financial Report for the month ended October 31, 2006.

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

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

3. Annual investment report for the fiscal year ending September 30, 2006 per the investment policy. **Andrea M. Gardner, Assistant City Manager/Director of Finance**

Andrea M. Gardner, Assistant City Manager/Director of Finance gave the annual investment report for the fiscal year ending September 30, 2006.

4. Ordering early voting on a weekend during the early voting period. **Jane Lees, City Secretary**

Jane Lees, City Secretary gave a report on adding May 5, 2007, to early voting for the upcoming May elections. Any voter that the judges could not assist due to registration problems, would be able to vote by provisional ballot, since the County Voter Registrar's office would be closed on Saturday.

5. Annual report of the Copperas Cove Animal Control Department. **Tim Molnes, Police Chief**

Mike Heintzelman, Deputy Chief of Police gave the annual report for the Copperas Cove Animal Control Department.

6. Annual report of the Copperas Cove Police Department. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief gave the annual report for the Copperas Cove Police Department.

#### **K. REPORTS OF ADVISORY COMMITTEES AND BOARDS**

1. Impact Fee Advisory Committee. **Larry D. Sheppard, Council Member**

Larry D. Sheppard, Council Member gave a report of the Impact Fee Advisory Committee. The members of the committee were: Fred Harris, Jimmy Clark, Judy Bowen, Sean Caplinger, Jay Manning, Sandor Vegh, Jim Schmitz, Justin Gibson and himself. The committee's unanimous recommendation to the council stated, "It is recommended that impact fees should be left as a future option and included in the comprehensive plan, but not implemented at this time. It is further recommended that the City engage in a public relations campaign regarding infrastructure cost and impact fees and that the City engage surrounding cities in discussions about a regional approach to impact fees."

#### **L. ITEMS FOR FUTURE AGENDAS**

#### **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 or 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; and (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).*

2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the evaluation of the City Secretary.

Mayor O'Dwyer announced the City Council would adjourn from the regular meeting to enter into executive session at 8:20 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 10:08 p.m., and stated that executive session items 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 10:09 p.m.

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Roger P. O'Dwyer, Mayor

ATTEST:

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Jane Lees, City Secretary