

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JULY 5, 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 Clayton gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves
Larry D. Sheppard
John Gallen
Charlotte Heinze
Ray Don Clayton
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS

Council Member Reeves thanked Chief Haas for the work that he did with FEMA. His efforts were crucial in helping get FEMA designation that the City received.

Phyllis Johnson, Emergency Management Coordinator. Ms. Johnson announced that FEMA and the SBA have arrived and have already set up a mobile Disaster Recovery Center (DRC). They opened the Center at Noon today and will be here for about seven days. She introduced Ron Foss, the SBA Public Information Officer, and Joe England from FEMA. Mr. England stated that anyone who was affected by water, flooding, or tornadoes, may call 800-621-3362 and start the registration process. After registration, if anyone still has questions or concerns, they are welcome to stop by the DRC and speak to someone face-to-face. The DRC is located at 1012 North Drive at the Senior Citizen's Center. The hours are from 8:00 a.m. to 6:00 p.m.

Mr. Foss said that he was with the Office of Disaster Assistance for the Small Business Administration. His division deals only with disaster loans. He said that those who register with FEMA may be referred to him and loans may also be made to homeowners and renters through his division. If the SBA cannot help someone, they are referred back to FEMA.

E. PUBLIC RECOGNITION

1. Presentation and recognition of service to the City of Copperas Cove to John Gallen, Council Member Position Three. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer presented John Gallen with a key to the city paperweight and thanked him for his many years of dedicated service to the City of Copperas Cove. Mayor O'Dwyer said that he and Mr. Gallen have worked on many projects and boards together over the years.

Outgoing Council Member John Gallen thanked the citizens for allowing him to represent them over the last 6½ years. He said it has been a pleasure and an honor. He said that the Army brought him here to Copperas Cove. He said we have an outstanding community, and the citizens are the ones who make the community. He thanked his wife and boys for their patience with him over the years he has been on the Council. He thanked the many people on the City Staff who work for those in the community, as well as the City Manager's Office, City Secretary's Office, City Attorney's Office and Municipal Court. He also thanked the Economic Development Corporation saying that they work hard for the City. He said that through their efforts, the next five years in Copperas Cove will have a lot of new development. He thanked City Manager Steve Alexander for his hard work and dedication to the City, saying that he will be missed when he leaves for Greenville. He thanked each of the Council Members and said that it was a pleasure serving with them. He wished all of them the best of luck.

2. Oath of Office – Mark E. Peterson, Council Member Position Three. **Jane Lees, City Secretary**

Jane Lees, City Secretary administered the Oath of Office to Mark E. Peterson, newly elected Council Member Position Three. Council Member Peterson took his place on the dais.

3. Proclamation: Watch Your Car Awareness Month, July 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Lt. James Burson, of the Heart of Texas Auto Theft Task Force. Lt. Burson thanked the Council for supporting the Task Force.

4. Proclamation: Code Compliance Month, July 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Deputy Chief Robert O'Dell, who thanked the Council for supporting the Department. He said this is the third annual code compliance month. The focus is to educate citizens so they will know what is and what isn't a violation of the City's codes. He introduced the two newest code officers, Autumn Downing and Don Denniston.

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.

Debbie Murphy, 1010 W. Avenue B. Ms. Murphy is concerned about the drainage areas not having enough depth to hold water in order to prevent flooding. She said that if the drains are not kept clear of dirt and debris flooding will continue to occur.

Ralph Roberts, 2983 Grimes Crossing Road. Mr. Roberts said that his road has no drainage, blacktop has disappeared in some areas, fire hydrants are not visible because the weeds are so high, and the road is only 16 feet wide. Many cement and lumber trucks that use the road regularly are tearing up the road even more. He requested that the road be fixed.

James Trevino, Public Works Superintendent, gave an update on the Big Divide road project. He indicated that construction was 45 to 50 days behind schedule because of weather. The project should be completed in late August or early September.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from June 19, 2007.
Jane Lees, CMC City Secretary

Item G-2 was removed from the Consent Agenda to be discussed separately.

3. Consideration and action on award of Bid No. 2007-11-42, Police Uniforms to Miller Uniforms & Emblems, Inc. of Austin, Texas. **Tim Molnes, Police Chief**

4. Consideration and action on Resolution No. 2007-34, authorizing and supporting the submission of a grant application to the Texas State Health Services 2008 Competitive Grant Program up to the amount of \$7,709 and authorizing the Grants Administrator/Budget Analyst to act on behalf of the City in all matters related to the application. **Jeri Denniston, Grants Administrator/Budget Analyst**

5. Consideration and action on Resolution No. 2007-36, authorizing the submission of an application to the Bureau of Justice Assistance through the Edward Byrne Memorial Justice Assistance Grant (JAG) approving the necessary Memorandum of Understanding necessary to apply for funding and authorizing persons to act on behalf of the City in all aspects of the grant. **Jeri Denniston, Grants Administrator/Budget Analyst**

6. Consideration and action on Resolution No. 2007-33, authorizing the submission of an application to the Cal Ripken Sr. Foundation, authorizing persons to act on behalf of the City in all aspects of the grant. **Ken Wilson, Director of Community Services**

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

The Resolution caption reads as follows:

RESOLUTION NO. 2007-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING AND SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS STATE HEALTH SERVICES 2008 COMPETITIVE GRANT PROGRAM UP TO THE AMOUNT OF \$7,709 AND AUTHORIZING THE GRANTS ADMINISTRATOR/BUDGET ANALYST TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION.

The Resolution caption reads as follows:

RESOLUTION NO. 2007-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPROVING THE NECESSARY MEMORANDUM OF UNDERSTANDING NECESSARY TO APPLY FOR FUNDING AND AUTHORIZING PERSONS TO ACT ON BEHALF OF THE CITY IN ALL ASPECTS OF THE GRANT.

The Resolution caption reads as follows:

RESOLUTION NO. 2007-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CAL RIPKEN SR. FOUNDATION, AUTHORIZING PERSONS TO ACT ON BEHALF OF THE CITY IN ALL ASPECTS OF THE GRANT.

2. Consideration and action on disbanding the Council Rules of Order and Procedures Committee. ***Charlotte Heinze, Council Member***

Council Member Sheppard asked why the Council wanted to disband this Committee. Council Member Heinze explained that at the June 19 Council workshop the Council agreed that the Council Rules of Order and Procedures would be updated by the Council in a workshop.

Council Member Clayton made a motion to disband this Committee and do the updates in a workshop. Council Member Somera seconded the motion. The Council voted as follows:

Bob Reeves	Aye
Larry D. Sheppard	Nay
Mark E. Peterson	Aye
Charlotte Heinze	Aye
Ray Don Clayton	Aye
Fred Harris	Aye
Frank D. Somera, Jr.	Aye

Motion carried six to one.

H. PUBLIC HEARINGS/ACTION

1. Public hearing, consideration and action on Ordinance No. 2007-18, changing the zoning designation for Lots 4, 5, & 6, Block 3, Cove Park Subdivision, also known as 107-207 Gibson Street, from R-3 (Multi-Family Residential District) to B-3 (Local Business District). **John C. Adel, City Planner**

John C. Adel, City Planner 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.

Council Member Heinze made a motion to deny 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. 2007-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING DESIGNATION FOR LOTS 4, 5, & 6, BLOCK 3, COVE PARK SUBDIVISION, ALSO KNOWN AS 107-207 GIBSON STREET, FROM R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT).

2. Public hearing, consideration and action on Ordinance No. 2007-19, amending the 2007 Copperas Cove Future Land Use Plan; changing the future land use designation of Lot 3, Block1; Lots 1-6, Block 6; Lots 1-15, Block 5; Lots 1-18, Block4; Lots 4-15, Block 3, and Lots 1-9, Block 2 of Cove Park Subdivision from "Retail" to "Medium Density Residential". **John C. Adel, City Planner**

John C. Adel, City Planner opened the public hearing.

Speaking for: None.

Speaking against: None.

Mayor O'Dwyer closed the public hearing.

Council Member Heinze 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. 2007-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE 2007 COPPERAS COVE FUTURE LAND USE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF LOT 3, BLOCK1; LOTS 1-6, BLOCK 6; LOTS 1-15, BLOCK 5; LOTS 1-18, BLOCK4; LOTS 4-15, BLOCK 3, AND LOTS 1-9, BLOCK 2 OF COVE PARK SUBDIVISION FROM “RETAIL” TO “MEDIUM DENSITY RESIDENTIAL”.

I. ACTION ITEMS

1. Consideration and action on the 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.

Mayor O'Dwyer opened nominations. Council Member Somera nominated Council Member Reeves. Council Member Harris seconded the motion. There were no further nominations.

Council Member Clayton made a motion to appoint Council Member Reeves as Mayor Pro Tem for a period of one year. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on the appointment of one member to the Planning and Zoning Commission to fill a vacancy. **John C. Adel, City Planner**

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

Council Member Somera made a motion to appoint John Gallen to the Planning and Zoning Commission for a term of three years, July 2007 through June 2010. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on the final plat for Lots 1RA and Lot 1RB, Copperas Cove Business & Industrial Park Phase One, Copperas Cove, Texas. **John C. Adel, City Planner**

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

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

4. Consideration and action on Resolution No. 2007-37, accepting the 2007 long-range plan for the Copperas Cove Public Library. **Peg Fleet, Library Director**

Peg Fleet, Library Director gave an overview of agenda item I-4.

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

J. STAFF REPORTS

1. Year-To-Date Grant Activity Report for Fiscal Year 2007. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance gave an overview of the grant activity and she summarized each grant the City has received so far this fiscal year.

2. Government Finance Officers Association (GFOA) Budget Award for Fiscal Year beginning October 1, 2006. **Andrea Gardner, Assistant City Manager/Director of Finance**

Andrea Gardner, Assistant City Manager/Director of Finance said that this award has been received by the City for 11 consecutive years. The award represents a significant achievement and reflects the commitment of the governing body and the staff to meeting the highest principles of governmental budgeting. In order to receive this award, the City had to satisfy nationally recognized guidelines for effective budget presentation in four categories.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Peterson requested that an item be placed on the next agenda to move the first meeting in August from the 7th to the 9th so as not to interfere with National Night Out. The Council concurred.

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 Manager; (b) Mayor; (c) Council Position Place Two.

Mayor O'Dwyer and Council Member Sheppard both requested that items M-1 (b) Mayor and M-1 (c) Council Position Place Two be discussed in open session.

Mayor O'Dwyer adjourned the open meeting at 8:33 p.m. to discuss item M-1 (a) City Manager.

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

Mayor O'Dwyer reconvened the open meeting at 8:54 p.m.

Council Member Peterson made a motion to appoint Andrea Gardner as Interim City Manager, effective immediately, with the understanding that the current City Manager is

still here through July 20, 2007. The motion was seconded by Council Member Heinze, and with a unanimous vote, motion carried.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer stated the meeting adjourned at 10:24 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary