

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 21, 2007 – 7:00 P.M.**

A. CALL TO ORDER

Mayor 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 Somera gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

Bob Reeves
Larry D. Sheppard
Mark Peterson
Charlotte Heinze
Ray Don Clayton
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 Heinze announced that Leigh Frishman has held the position of Information Specialist with the City of Copperas Cove since October 2003, almost four years. He has accepted another position and tonight is the last night he would be recording a council meeting. The council would like to thank you for your service and we will greatly miss you. She also reminded everyone that on September 15 in Copperas Cove City Park, National Kids Day will be celebrated. She asked for everyone to join in this event saying that it is a time for families to get together and enjoy each others company, as well as food and games.

Mayor O'Dwyer added that Leigh Frishman is a very congenial worker who always has a smile on his face. The City will have a hard job replacing him and he thanked Leigh for everything he has done.

E. PUBLIC RECOGNITION

1. Savannah Wells, State winner for the October 2006 Fire Prevention Poster Contest. ***Robert Martin, Fire Marshall and James Bednar, Fire Inspector***

Robert Martin, Fire Marshall, stated that the Copperas Cove Independent School District is producing state champions. In addition to athletic champions, as we are all aware of, he has the privilege tonight to introduce a state champion to you, and her name is Savannah Wells. Every October our nation celebrates Fire Prevention Week and in most

communities it goes through the entire month. During that time there is a Fire Prevention Poster Contest. In the middle of September 2006, flyers went out to all the schools. The theme for 2006 was prevention of cooking fires, watch what you heat. Savannah took first place in the intermediate division, which is fourth grade at Martin-Walker Elementary School. In May 2007, Savannah took first place at the Central District Convention held in Cameron, Texas. This consisted of posters from 23 counties within the district. In June 2007, her poster took first place for the intermediate division at the 131st Annual State Firemen and Fire Marshals Association Convention held in Amarillo, Texas. Savannah's first place poster is currently on display at the Texas State Fire Museum in Beaumont, Texas, and it will be there until 2008. He told Savannah that she has made a difference in this community. He said that a lot of people consider fire fighters their heroes, but to the fire fighters here in Copperas Cove, she is their hero. Ms. Wells came to the podium and brought with her the trophies that she won from the City of Copperas Cove, the Central Texas District, and the State. Ms. Wells thanked the Copperas Cove Fire Department for letting her do the fire poster contest and that it was fun. She said it was an honor and couldn't wait for the next contest.

2. Proclamation: National Payroll Week, September 3-7, 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation which was requested by the Central Texas Chapter of the American Payroll Association.

Mayor O'Dwyer made the following two announcements:

Notice of Public Hearings. The City of Copperas Cove, Texas, is scheduled to conduct a public hearing on a proposal to increase the total tax revenues of the City of Copperas Cove for properties on the tax roll on August 21, 2007 at 7:00 p.m., at City Hall, 507 South Main Street, Copperas Cove, Texas. In addition, a special meeting will be held at 6:00 p.m. on August 28, 2007 to discuss amendments or supplements to the City Manager's proposed budget for fiscal year 2007-2008. This will also be held at City Hall.

Notice of Vote on the Tax Rate. The City of Copperas Cove, Texas, is scheduled to vote on the tax rate that will result in a tax increase in a public meeting to be held on September 4, 2007 at 7:00 p.m., at City Hall, 507 South Main Street, Copperas Cove, Texas.

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 August 2, 2007.
Jane Lees, CMC City Secretary

2. Consideration and action on Resolution No. 2007-40, authorizing and supporting the submission of a grant application to the Texas Commission on Fire Protection Emergency Program, in the amount of \$14,900 and authorizing the Fire

Chief to apply for to act on behalf of the City in all matters related to the application. **Dennis Haas, Fire Chief**

3. Consideration and action on Resolution No. 2007-41, accepting the quarterly investment report as presented for the quarter ending June 2007 per the Investment Policy. **Andrea Gardner, Interim City Manager/Director of Finance**

Council Member Peterson 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.

The Resolution caption reads as follows:

RESOLUTION NO. 2007-40

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 COMMISSION ON FIRE PROTECTION EMERGENCY PROGRAM, IN THE AMOUNT OF \$14,900 AND AUTHORIZING THE FIRE CHIEF TO APPLY FOR TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION.

The Resolution caption reads as follows:

RESOLUTION NO. 2007-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE QUARTERLY INVESTMENT REPORT AS PRESENTED FOR THE QUARTER ENDING JUNE 2007 PER THE INVESTMENT POLICY.

H. PUBLIC HEARINGS/ACTION

1. Public hearing, consideration and action on Ordinance No. 2007-21, providing a zoning change for Lot 4 and the west 30 feet of Lot 3, Block 3, S.P. Gilmore Addition, from R-3 Multi-Family Residential District to B-4 Business district, providing a savings clause; and declaring an effective date. **John C. Adel, AICP, Interim Assistant City Manager/City Planner**

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

Mayor O'Dwyer opened the Public hearing.

Speaking for: John Clark, of Gatesville, said he represented the owner in the matter of this rezoning, and was willing to answer any questions the council may have regarding this item.

Speaking against: None.

Mayor O'Dwyer closed the Public hearing.

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

The Ordinance caption reads as follows:

ORDINANCE NO. 2007-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING A ZONING CHANGE FOR LOT 4 AND THE WEST 30 FEET OF LOT 3, BLOCK 3, S.P. GILMORE ADDITION, FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO B-4 BUSINESS DISTRICT, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

2. Public hearing, consideration and action on Ordinance No. 2007-18, providing a zoning change for the north ½ of Lot 3, Block 6, S.P. Gilmore Addition, from R-3 Multi-Family Residential District to B-3 Local Business District, providing a savings clause; and declaring an effective date. ***John C. Adel, AICP, Interim Assistant City Manager/City Planner***

John C. Adel, AICP, Interim Assistant City Manager/City Planner gave an overview of agenda item H-2.

Mayor O'Dwyer opened the public hearing.

Speaking for: None.

Speaking against: None.

Mayor O'Dwyer closed the Public hearing.

Council Member Peterson made a motion to disapprove agenda item H-2. Council Member Heinze 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, PROVIDING A ZONING CHANGE FOR THE NORTH ½ OF LOT 3, BLOCK 6, S.P. GILMORE ADDITION, FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO B-3 LOCAL BUSINESS DISTRICT, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

3. Second and final Public Hearing on a tax increase for the 2007-2008 fiscal year. ***Andrea M. Gardner, Interim City Manager/Finance Director***

Andrea M. Gardner, Interim City Manager/Finance Director gave an overview of agenda item H-3. Ms. Gardner said that at the regular council meeting on August 2, 2007, the council took a record vote and proposed a tax rate of \$.74. The effective tax rate that was calculated by the Coryell County Tax Assessor was \$.68 per \$100 of assessed

valuation. With the proposed tax rate being higher than the effective tax rate, that triggers the need for two public hearings. The first public hearing was conducted on August 16, 2007 at 7:00 p.m. here in the council chambers, and tonight we are conducting the second and final public hearing on the tax increase. These are required per Section 26.05 (d) of the Property Tax Code. The vote on the tax rate will take place on September 4, 2007 at 7:00 p.m., 507 South Main Street, here in Council Chambers.

Mayor O'Dwyer opened the public hearing.

Speaking for: None.

Speaking against: None.

Mayor O'Dwyer closed the Public hearing.

I. ACTION ITEMS

1. Consideration and action on the final plat application for Wallace Vernon Addition. **John C. Adel, AICP, Interim Assistance City Manager City Planner**

John C. Adel, City Planner gave an overview of agenda item I-1. Mr. Adel informed the council that the applicant has requested this item be postponed until the next council meeting. The applicant has some modifications that they would like to make to the plat and respond to the requirements for detention and a few other items as well. City Staff supports this request.

Council Member Heinze made a motion to postpone agenda item I-1 until the next council meeting. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on appointment of five (5) new members, and re-appointments of three (3) returning members to the Keep Copperas Cove Beautiful Commission. **Silvia Rhoads, Supervisor Recycling/Administration**

Silvia Rhoads, Supervisor Recycling/Administration gave an overview of agenda item I-2.

Council Member Heinze made a motion to re-appoint Annabelle Smith, James Lehmkuhler and Robert Schumacher and Teresa Chavez, Kim Conner, Trudy Bolton, Joann Courtland and Gary Lehmkuhler to the Keep Copperas Cove Beautiful Commission. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

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

Jane Lees, CMC, City Secretary gave an overview of agenda item I-3.

Council Member Clayton made a motion to re-appoint Randy Sutton, Harold Irlbeck, Jack Hemingway, Earl Trabue and Janie French for a two year terms, and Randy Curtis

for a one year term to the Copperas Cove Hospital Authority Board of Directors. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on authorizing the release of funds in the amount of \$2,750 from the Hotel Occupancy Tax Fund to the Copperas Cove Country Opry to satisfy the quarterly installments due for the period ending June 30, 2007. **Andrea M. Gardner, Interim City Manager/Director of Finance**

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

Council Member Peterson made a motion to withhold releasing funds until conflicting information is clear. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on Resolution No. 2007-42, authorizing a property reappraisal in accordance with section 23.02 of the Texas Tax Code for any property in the City of Copperas Cove, Coryell County that received damage during the 2007 weather event declared to be a natural disaster by the Governor of Texas. **Andrea M. Gardner, Interim City Manager/Director of Finance**

Andrea M. Gardner, Interim City Manager/Director of Finance gave an overview of agenda item I-5. Ms. Gardner reported that on July 17, 2007, the Coryell County Chief Appraiser notified the City Staff that all property in the City of Copperas Cove, Coryell County, that was damaged and deemed a natural disaster by a Governor of Texas declaration, is eligible for a re-appraisal of their property. In addition, there was discussion at the August 16, 2007 council budget workshop in which council indicated their desire to proceed forward with the authorization to allow the re-appraisals to be conducted. City Staff recommends the city council approve this resolution.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2007-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING A PROPERTY REAPPRAISAL IN ACCORDANCE WITH SECTION 23.02 OF THE TEXAS TAX CODE FOR ANY PROPERTY IN THE CITY OF COPPERAS COVE, CORYELL COUNTY THAT RECEIVED DAMAGE DURING THE 2007 WEATHER EVENT DECLARED TO BE A NATURAL DISASTER BY THE GOVERNOR OF TEXAS.

J. STAFF REPORTS

1. Financial Report for the Month ended June 30, 2007. **Andrea M. Gardner, Interim City Manager/Director of Finance**

Andrea M. Gardner, Interim City Manager/Director of Finance gave the financial report for the month ended June 30, 2007.

2. Code Compliance Month. *Robert F. O'Dell, Deputy Fire Chief*

Dennis Haas, Fire Chief gave a report on Code Compliance Month, July 2007. He said that the objective was to have residents self-comply with the codes. The Fire Department headed an information campaign and distributed 11,000 flyers to residents and 800 to commercial properties. Information in the flyers provided code requirements and expectations with an emphasis on educating the residents. The last half of the month was spent doing inspections. There were 159 complaints via telephone, 45 complaints from city employees, and 79 complaints initiated through the department. The top two violations were high grass (166) and trash or refuse on property (45). The education efforts paid off because by the end of the month, the majority of efforts were taken care of through self compliance. In total there were only 15 citations issued and 21 mowing liens issued. Chief Haas thanked the Solid Waste Department for their assistance in offering free Saturday collections and passing out brochures. There was almost 37 tons of solid waste picked up during the month of September.

3. Texas Commission on Environmental Quality (TCEQ) Public Drinking Water Recognition Program. *Robert F. McKinnon, Director of Water/Wastewater*

Robert F. McKinnon, Director of Water/Wastewater gave a report on the Texas Commission of Environmental Quality (TCEQ) Public Drinking Water Recognition Program. Mr. McKinnon said that every year, water systems in the State are recognized for their outstanding performance for the preceding calendar year. The City of Copperas Cove received the "Total Coliform Rule Program Award" for 2006. In order to receive this recognition, the public water system must meet certain criteria, which includes that it was an active public water system for each of the 60 consecutive months through the preceding December and that it had no Total Coliform Rule violations during that 60-month period. The City of Copperas Cove has received this award because it was active and had no violations from January 2002 through December 2006. Mr. McKinnon said that the City receives this award because of the dedication and diligence of the people in the water department.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Clayton said that he would like to address the current ordinance regarding parking vehicles on the grass. Jim Thompson, City Attorney, suggested this be a workshop item because he has been working on a junk vehicle ordinance for about 18 months and parking cars on grass would be addressed in the same ordinance. Council Members Peterson and Heinze concurred for holding this workshop. Mr. Thompson said he would like input from the council at this workshop so that he can finish up this ordinance.

Council Member Reeves said he would like a workshop to find out where the City is regarding the planning for the new police facility.

Mayor O'Dwyer said that the council needs to declare by resolution that it is still under a state of emergency within the City. Ms. Gardner said that she would look into this and if it needed to be done, an item would be placed on the next meeting agenda.

M. EXECUTIVE SESSION

1. Pursuant to §551.072 of the Open Meetings Act, *Tex. Gov't Code*, the City Council may deliberate the purchase of real property.

2. 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 or employee. The following public officer (s) may be discussed: (a) City Secretary.

The Council went into Executive Session at 8:16 p.m. to discuss items M-1 and M-2.

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

The Council reconvened the open meeting at 9:40 p.m.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer adjourned the meeting at 9:41 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary