

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
OCTOBER 2, 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 Peterson gave the Invocation and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

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

Andrea Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

Council Member Peterson congratulated the Bull Dawgs for their victory over John Taylor this past weekend. Keep up the good work!

Council Member Heinze also congratulated the Bull Dawgs. She said that during her attendance at several youth conferences in the past few weeks in different cities around the State, there were posters placed at the side of the roads by various local businesses showing support for their local sports teams. She challenged the Chamber to do something similar to this in Copperas Cove. She also mentioned that Safe Downtown Halloween will be on October 31, 2007. The Downtown Association and the City put on this activity and she encouraged people to participate in this event.

Council Member Heinze thanked Mayor O'Dwyer for coming to the Youth Advisory Commission Conference and speaking. The conference was held to educate our youth on how to get involved in their community through the five resources of America's Promise. Our Copperas Cove students put on a workshop on how to give back to the community. They demonstrated how to volunteer and how to find needed resources. She thanked the Copperas Cove students for working hard and making the workshop a success.

Council Member Somera reminded everyone that the Friends of the Library will have a book sale on October 13, from 8:00 a.m. to 3:00 p.m. at the Avenue E school.

Mayor O'Dwyer announced that there will be a play this coming weekend at the Lea Ledger Auditorium titled, Into the Woods on October 5 and 6 at 7:00 p.m. and on October 7 at 2:00 p.m.

## E. PUBLIC RECOGNITION

1. Proclamation: Boys & Girls Clubs of Copperas Cove, Lights on Afterschool Program. **Roger P. O'Dwyer, Mayor**

Mayor O'Dwyer read the proclamation and presented it to the Boys & Girls Club representatives. They thanked the City for supporting the Boys & Girls Clubs.

2. Proclamation: Crime Prevention Month, October 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Lt. Daniel Austin of the Copperas Cove Police Department. Lt. Austin said that the City's success in crime prevention starts with its' citizens, especially through organizations such as the Citizens Police Academy, Citizens on Patrol, House Watch Programs and the Crime Stoppers Program.

3. Proclamation: Community Planning Month, October 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to John C. Adel, Interim Assistant City Manager/City Planner. Mr. Adel said that Copperas Cove joins with other communities across the nation in recognizing this month. Planning impacts our community tomorrow. He stated that the Planning and Zoning Commission is a fine group of people who volunteer their time for our City for the betterment of the future.

4. Proclamation: Fire Prevention Month, October 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Robert Martin, City of Copperas Cove Fire Marshal. Mr. Martin said that during the past year the Fire Department spoke with 8,000 kids and 4,000 adults about fire prevention. Their goal this coming year is to talk to even more people.

5. Proclamation: National DECA Week, October 18-15, 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Renny Garcia, 2007-08 DECA President. Council Member Heinze, Marketing Education Coordinator and DECA Advisor at Copperas Cove High School, thanked all the local businesses who support the DECA program and employ many of the students. Mr. Garcia said that the Copperas Cove DECA Chapter has been very involved in their school and city. They have assisted in Safe Downtown Halloween, Toys for Tots, Food Drives, Christmas Parade, Adopt-A-Student and many more events.

6. Retirement: Phyllis Jacobs, Municipal Court Supervisor, effective October 30, 2007. **Mayor Roger P. O'Dwyer**

Phyllis Jacobs began working for the City of Copperas Cove in October 1977. In September 1986, she transferred to Municipal Court. In April 1988, she was promoted to court administrator. Ms. Jacobs retires as of October 2, 2007 and the City wishes her all the best and a long and enjoyable retirement. Mayor O'Dwyer thanked her for her many years of service to the City of Copperas Cove and presented a retirement gift to Ms. Jacobs from the City.

**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.

Diane Steele, 905 North 4th Street. She spoke regarding the petition filed with the City to amend the recall section of the City Charter. Ms. Steele asked why nothing was said to her regarding the wording on her petition prior to her filing it with the City. She believes she should have been contacted sooner about the problems with the wording and the conflict with the remaining portion of the section she requests to be amended. Ms. Steele said that the Charter Review Committee is just an advisory body and that is all it can do. The Council can take their advice or not. She said that a petition cannot be ignored by the Council.

**G. CONSENT ITEMS**

1. Consideration and action on approval of minutes September 18, 2007. **Jane Lees, CMC, City Secretary**

2. Consideration and action on approval of minutes from September 27, 2007. **Jane Lees, CMC, City Secretary**

4. Consideration and action on authorizing the release of funds in the amount of \$3,713.96 from the Hotel Occupancy Tax Fund to the Boys & Girls Club of Coryell County. **Andrea Gardner, City Manager/Director of Finance**

Council Member Sheppard requested that Item G-3 be removed from the Consent Agenda for discussion.

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

3. Consideration and action on granting a leave of absence for Council Member Bob Reeves for two consecutive City Council Meetings, September 18, 2007 and October 2, 2007. **Jane Lees, CMC, City Secretary**

Mayor O'Dwyer gave an overview of Consent Item G-3.

Council Member Peterson made a motion to postpone action on this item until the Council obtains further clarification. Council Member Clayton seconded the motion. Motion carried with five votes and one abstention from Council Member Sheppard.

## H. PUBLIC HEARINGS/ACTION

1. Public hearing concerning a petition for voluntary annexation of a 26.755 acre tract of land from the Elizabeth Jones Survey, located along the east side of Summers Road. **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: Jamie Clark, agent for HCN partnership and for future purchasers of the subject property.

Speaking against: None.

Mayor O'Dwyer closed the Public hearing.

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

## I. ACTION ITEMS

1. Consideration and action on authorizing the City Manager to execute a contract with Hearn Engineering, Inc. to provide all Professional Engineering Services for the Reliever Route Utility Relocation Projects, in the amount of \$33,800.00. **Robert M. McKinnon, Director of Water/Wastewater**

Robert M. McKinnon, Director of Water/Wastewater gave an overview of agenda item I-1.

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

2. Consideration and action on Resolution No. 2007-45, nominating a candidate(s) to serve on the Lampasas County Appraisal District Board of Directors. **Andrea Gardner, City Manager/ Director of Finance**

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

Council Member Heinze made a motion to nominate Ray Don Clayton and Raymond Upp and approve Resolution No. 2007-45. Council Member Peterson seconded the motion. Motion carried with five votes and one abstention from Council Member Clayton.

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, NOMINATING A CANDIDATE (S) TO SERVE ON THE LAMPASAS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.**

3. Consideration and action on Resolution No. 2007-46, nominating a candidate(s) to serve on the Coryell County Appraisal District Board of Directors. **Andrea Gardner, City Manager/ Director of Finance**

Andrea Gardner, City Manager/Director of Finance gave an overview of agenda item I-3.

Council Member Peterson made a motion to nominate Annabelle Smith, Jay Manning, Bob Weiss and approve Resolution No. 2007-46. Council Member Clayton seconded the motion.

Council Member Sheppard made a motion to amend the motion by adding Frank DiMuccio as a nominee. Council Member Heinze seconded the motion and with a unanimous vote, motion carried.

The vote on the original motion was taken and carried unanimously.

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, NOMINATING A CANDIDATE (S) TO SERVE ON THE CORYELL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.**

4. Consideration and action on authorizing the City Manager to enter into an agreement with Lott, Vernon & Company, P.C. for the 2006-07 fiscal year audit. **Andrea Gardner, City Manager/Director of Finance**

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

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

5. Consideration and action on Ordinance No. 2007-27, denying the rate increase proposed by the Atmos Energy Corporation, Mid-Tex Division; authorizing participation in a coalition of cities known as Atmos Texas Municipalities ("ATM"); authorizing the hiring of lawyers and rate experts; requiring the reimbursement of municipal rate case expenses. **Andrea Gardner, City Manager/Director of Finance**

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

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

The Ordinance caption reads as follows:

**ORDINANCE NO. 2007-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, DENYING THE RATE INCREASE PROPOSED BY THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION; AUTHORIZING PARTICIPATION IN A COALITION OF CITIES KNOWN AS ATMOS TEXAS MUNICIPALITIES (“ATM”); AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES.**

6. Consideration and action on authorizing the City Manager to purchase real property for the police facility. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief gave an overview of agenda item I-6.

Council Member Somera made a motion to approve agenda item I-5 and purchase the property for the sum of \$50,000. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

7. Consideration and action on appointing an alternate to the Central Texas Council of Governments Executive Committee. **Jane Lees, CMC, City Secretary**

Jane Lees, CMC, City Secretary gave an overview of agenda item I-7.

Council Member Harris made a motion to appoint Bob Reeves as the alternate member to the Central Texas Council of Governments Executive Committee. Council Member Heinze seconded the motion. Motion passed with a vote of four. Council Members Sheppard and Somera abstained.

8. Consideration and action on the dedication of the Municipal Court building in honor of Judge Riley J. Simpson. **Andrea Gardner, City Manager/Director of Finance**

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

Council Member Clayton made a motion to approve the dedication of the Municipal Court building in honor of Judge Riley J. Simpson. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

**J. STAFF REPORTS**

1. Update on the submission of the Hazard Mitigation Grant Program (HMGP). **Andrea Gardner, City Manager/Director of Finance**

Andrea Gardner, City Manager/Director of Finance gave an update on the submission of the Hazard Mitigation Grant Program (HMGP). The applications the City plans to submit are Ogletree Gap detention, 31<sup>st</sup> Street drainage, and Summers Road drainage. These are the three projects that would be most likely to be funded.

2. Update on the FEMA Public Assistance Pilot Program. **Andrea Gardner, City Manager/Director of Finance**

Andrea Gardner, City Manager/Director of Finance gave an update on the FEMA Public Assistance Pilot Program. We are nearing completion with our participation in this program. Ms. Gardner clarified the difference between public assistance and individual assistance. When referring to “public assistance” it means a governmental entity and does not mean individual assistance. Citizens may still apply for individual assistance through FEMA by contacting Kelly Dix in the City Manager’s Office for procedures on how to apply. The total of project work sheets submitted was \$253,915.43. The City has received total funding of \$125,979.03. The amount that has been approved so far is \$162,000. FEMA paid 75% and the City was to provide the remaining 25% match. Administrative costs are reimbursed 100% up to a threshold and the City is nowhere near that threshold, which means that to date, the City has received 100% reimbursement on administrative costs. Those costs were \$4,246.21.

The specific projects that the City submitted were projects that the FEMA staff members recommended and include debris removal, UV equipment and lighting replacement, fence replacement, replacement of lost shoulder material on various roads in the City, restoration of a creek bank and replacement of asphalt material on various roads. Other projects were re-pavement of City Park parking areas and the City Park pedestrian bridge.

**K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.**

**L. ITEMS FOR FUTURE AGENDAS**

**M. EXECUTIVE SESSION**

1. 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.

The Council went into Executive Session at 8:37 p.m. to discuss item M-1.

**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 8:46 p.m. Mayor O’Dwyer announced that Executive Session was cancelled per request of the city manager.

**O. ADJOURNMENT**

There being no further business, Mayor O'Dwyer adjourned the meeting at 8:46 p.m.

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Roger P. O'Dwyer, Mayor

ATTEST:

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Jane Lees, City Secretary