

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 3, 2008 – 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

Mayor O'Dwyer gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Roger P. O'Dwyer
Bob Reeves
Larry D. Sheppard
Mark E. Peterson
Charlotte Heinze
Ray Don Clayton
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS – None.

E. PUBLIC RECOGNITION – None.

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.

None.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from December 11, 2007 regular council meeting. **Jane Lees, CMC, City Secretary**

2. Consideration and action on approval of Resolution No. 2008-01, amending authorized Texas Local Government Investment Pool (TexPool) representatives for the City of Copperas Cove, Texas. **Andrea M. Gardner, City Manager**

3. Consideration and action on approving the change order to the professional services contract with Hearn Engineering in the amount of \$4,722.43. **Andrea M. Gardner, City Manager**

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING AUTHORIZED TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL) REPRESENTATIVES FOR THE CITY OF COPPERAS COVE, TEXAS.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action authorizing the City Manager to execute a contract with Keystone Construction, Inc. to construct the East Side Pump Station in the amount of \$1,337,093.00. **Robert M. McKinnon, Public Works Director**

Robert M. McKinnon, Public Works Director, gave an overview of agenda item I-1.

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

2. Consideration and action on the appointment of members to the Code Enforcement Ordinance Review Committee. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an overview of agenda item I-2.

Council Member Heinze made a motion to appoint Robert C. Schumacher, Annabelle L. Smith, and Gilbert T. Hancock to the Code Enforcement Ordinance Review Committee. Council Member Harris seconded the motion. Motion passed with a vote of six to one. Council Member Sheppard voted against the motion.

J. STAFF REPORTS

1. Financial Report for the month ended September 30, 2007. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave the Financial Report for the month ended September 30, 2007.

2. Update on Emergency Management Performance Grant (EMPG). **Andrea M. Gardner, City Manager**

Andrea Gardner, City Manager gave an update on Emergency Management Performance Grant (EMPG). Ms. Gardner said that the City has applied for funding

through the EMPG. She explained that although it was typical for the Council to approve this application through the Consent Agenda, the decision was made to go ahead with the application because there was not a second council meeting scheduled in December and because the grant does not require a match of City funds. Therefore, the application was submitted by December 14, 2007. The position is fully funded, therefore, there will be no impact on the budget other than the fact that if awarded the grant, the City will have some savings, which can be utilized in other areas.

3. Update on Fort Hood USO activities. **Robin Crouse, Program Manager**

Ms. Gardner explained that a change was recently made for the way this item will be funded. During the budget process, it was included in the Hotel/Motel Occupancy Tax Fund. After further review on the use of these funds, it was determined that this was not the most appropriate use of Hotel/Motel Funds for the support of the USO. The decision was made to fund the Fort Hood USO activities more appropriately through the General Fund. Ms. Gardner said there is sufficient funding available and wanted the Council and the citizens to be aware of this change.

Robin Crouse, Executive Director, gave an update on Fort Hood USO activities for the last six months. She reported that the USO Center is 4,000 sq. ft., located in the heart of Fort Hood in an original 1941 barracks. On a weekly basis, between 900 to 1300 soldiers use the Center. The Fort Hood USO services all inbound and outbound flights, providing meals, snacks and water. She thanked the Copperas Cove residents who participate. Recently the first annual luncheon was held for transitioning warriors, those who are being medically released from the military. She thanked the Council for the dollars given and said that the money will be used 100 percent for the soldiers.

4. Results of Keep Copperas Cove Beautiful's First Annual Christmas Decorating Contest. **Silvia Rhoads, Executive Director, KCCB**

Silvia Rhoads, Executive Director reported the results of Keep Copperas Cove Beautiful's First Annual Christmas Decorating Contest. Third Place winner was Jim Bush at 229 Blanket Drive, Second Place winners were Teresa and John Lochner of 907 Valley, and First Place went to Eddie and Jessie West of 411 John Henry Circle. Ms. Rhoads congratulated the winners and said that KCCB plans to make this an annual event.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

1. Recommendations from the Charter Review Committee. **Jim Schmitz, Committee Chair**

Jim Schmitz, Committee Chair, presented the Council with recommendations from the Charter Review Committee. He thanked all the Committee members, Council Members and Staff for their hard work and input into making these recommendations to the Council. Council Members were each provided with a complete City Charter, showing all the recommended changes. The major changes were summarized as follows:

- (1) *Section 1.05. Eminent Domain.* The proposed change limits the use of eminent domain for public use only.

- (2) *Section 2.03. Presiding Officer:* Mayor and mayor pro tempore. The changes expand on the discussion of administrative duties.
- (3) *Section 2.05. Qualifications.* Changes recommended provide a more complete list of qualifications to run for a city office.
- (4) *Section 2.07. Vacancies, forfeitures, filling of vacancies.* Changes expand on acts that require a forfeiture of office and provide a process for the removal of an office holder from office who fails to resign from office after committing an act that requires forfeiture of office.
- (5) *Section 2.08. Prohibitions.* Added that individual council members are not prohibited from having a dialog with the city secretary, city judge, city attorney or city manager provided their intent is not to interfere with management and administration of the city.
- (6) *Section 2.15. Duties of the mayor as emergency management director and powers of the mayor during a local state of disaster.* Recommended limiting the power of the mayor that is held by the council as a whole.
- (7) *Section 3.05. Oath of Office.* Add language that an office holder must uphold and comply with the Charter of the City of Copperas Cove.
- (8) *Section 3.06. Power of Initiative.* An initiative petition must have a minimum of 500 signatures of qualified voters.
- (9) *Section 3.13. Power to recall.* An officeholder may be recalled for any reason. Also, the recall petition must be signed by qualified voters of the city equal to 51 percent of the number of those voting at the last regular municipal election of the city or signed by 750 qualified voters, whichever is greater.

L. ITEMS FOR FUTURE AGENDAS

Council Member Clayton asked if there were plans to place a moratorium for parking on the grass issues on a future agenda. Ms. Gardner said that this subject was brought up at the December 1, 2007 Special Council Meeting, and that she would place this on the next meeting agenda. Council Members Somera and Peterson concurred, although there was concurrence at the December 1, 2007 meeting as well.

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 evaluation of the City Attorney.

The Council adjourned to Executive Session at 7:50 p.m.

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 8:31 p.m. Council Member Heinze made a motion as follows: "I move to approve the employment contract for the position of City Attorney, which includes the services of a legal assistant of the City Attorney's choice, subject to council approval, to be effective on January 3, 2008, with a contract ending date of 180 days' notice to either party." Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

Ms. Gardner reminded the Council that by approving this contract, a budget amendment will be required at some point during the fiscal year because the additional funds approved were not in the original budget.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer adjourned the meeting at 8:34 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary