

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 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

Council Member Somera gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Roger P. O'Dwyer
Bob Reeves (excused absence)
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

E. PUBLIC RECOGNITION

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 January 3, 2008 regular council meeting. ***Jane Lees, CMC, City Secretary***

Council Member Peterson requested that Item G-2 be removed from the Consent Agenda and placed after Item J-1. Council Member Clayton requested that Item G-3 be removed for clarification.

Council Member Heinze made a motion to approve Consent Item G-1. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and approval of placing a Charter Amendment on the May 10, 2008 ballot, which was proposed by an initiative petition. **Jane Lees, CMC, City Secretary**

After a short discussion and clarification, Council Member Clayton made a motion to approve this item, which was seconded by Council Member Somera and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on authorizing the Mayor to execute an Independent Contractor Agreement for Municipal Court Judge services. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director gave an overview of agenda item I-1.

Council Member Heinze made a motion to authorize the Mayor to execute an independent contractor agreement for Municipal Court Judge services for F.W. Price, starting in 2008 and ending in 2010. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on authorizing street closures during calendar year 2008 for the Copperas Cove Chamber of Commerce & Visitors Bureau, Copperas Cove Downtown Association, Olan Forest Smith, VFW Post No. 8577 and Ladies Auxiliary and Police Department's National Night Out "Kick Off Party 2008". **Tim Molnes, Police Chief**

Mike Heintzelman, Deputy Police Chief gave an overview of agenda item I-2.

Council Member Peterson made a motion to approve Action Item I-2. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on approval of the recommendations made by the Charter Review Committee. **Jane Lees, City Secretary**

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

Council Member Somera made a motion to approve Action Item I-3. Council Member Heinze seconded the motion.

Council Member Clayton made a motion to amend the main motion and submit to the voters to delete Section 2-15 from the Charter because State law already sets forth those responsibilities. This motion was seconded by Council Member Harris.

Discussion continued and Council Member Clayton made another motion to call the previous question. There was no second, however, a vote was taken with the following results:

Council Member Sheppard	No
Council Member Peterson	Yes
Council Member Heinze	Yes
Council Member Clayton	Yes
Council Member Harris	Yes
Council Member Somera	Yes

Motion passed five to one to take a vote on the previous question.

A vote was taken on the motion to amend the main motion and submit to the voters to delete Section 2-15 from the Charter. A vote was taken with the following results:

Council Member Sheppard	No
Council Member Peterson	Yes
Council Member Heinze	Yes
Council Member Clayton	Yes
Council Member Harris	Yes
Council Member Somera	Yes

Motion to amend the main motion passed five to one.

A vote was taken on the original motion to accept the Charter Review Committee recommendations, which includes the amendment which was just approved, and with a unanimous vote, motion carried.

4. Consideration and action on Resolution 2008-03, approving a moratorium on Chapter 20, Article IV, Section 20-24, § F (6) and (7) of the Code of Ordinances. **Andrea Gardner, City Manager**

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

Council Member Clayton made a motion to approve Action Item I-4. Council Member Harris seconded the motion. During discussion, Council Member Peterson stated that he is against this moratorium because it is an eyesore for the community and takes away from the property value of neighbors. Council Member Clayton said he requested this moratorium because the City really doesn't have a problem with parking on the grass and right now, as it stands, if someone chose to wash their car in their yard, they would be violating a City ordinance. Council Members Peterson and Somera suggested that the Council allow the Code Enforcement Review Committee to do their work and listen to their recommendations.

After further discussion, a vote was taken with the following results:

Council Member Sheppard	No
Council Member Peterson	No
Council Member Heinze	No
Council Member Clayton	Yes
Council Member Harris	Yes
Council Member Somera	No

Motion failed four to two against the moratorium.

The Resolution caption is as follows:

RESOLUTION NO. 2008-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING A MORATORIUM ON CHAPTER 20, ARTICLE IV, SECTION 20-24, § F (6) AND (7) OF THE CODE OF ORDINANCES.

J. STAFF REPORTS

1. Cove Live Community Theatre first quarter report for FY 2007-08.
Brandon Sanders, Cove Live Community Theatre

Brandon Sanders, Cove Live Community Theatre gave the first quarter report for FY 2007-08.

G. CONSENT ITEMS

1. Consideration and action on authorizing the release of funds in the amount of \$6,000 from the Hotel Occupancy Tax Fund to the Cove Live Community Theatre. ***Wanda Bunting, Director of Financial Services***

After hearing the Cove Live Community Theatre first quarter report for FY 2007-08 from Brandon Sanders, Council Member Peterson made a motion to authorize the release of funds in the amount of \$6,000. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS – None.

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 to deliberate the offer of a financial or other incentive to a business prospect.

The Council adjourned to Executive Session at 7:48 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 8:28 p.m. Mayor O'Dwyer stated that there was no action to be taken on the discussion from Executive Session.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer adjourned the meeting at 8:29 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary