

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
July 1, 2008 – 7:00 P.M.**

A. CALL TO ORDER

Mayor Pro Tem Robert L. Reeves 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

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

Mayor Pro Tem Reeves read Section 2.10 of the City Charter, *“The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the city shall have a reasonable opportunity to be heard at all regular and special council meetings in regard to any matter under consideration.”* The rules of order for the City Council were adopted on September 5, 2000, with the passage of Ordinance No. 2000-26. Section 6.1 of Ordinance No. 2000-26 reads as follows, *“This portion of the City Council meeting is set aside for members of the public to address the City Council on any item of business that is not formally scheduled on the agenda or scheduled as a public hearing. Members of the public should complete a ‘Public Meeting Appearance Card’ prior to the item being heard and present it to the City Secretary.”* Section 8.5 of the Code of Ordinances reads as follows, *“Should any Section, Clause or Provision of this policy be declared in conflict with the City Charter, the City Charter shall prevail.”* Therefore, the citizens of Copperas Cove will be provided fair opportunity to speak during Council Meetings, provided the citizens and other visitors speaking observe the same rules of propriety, decorum, and good conduct applicable to the members of the City Council. Due to the fact that the Charter does not specify an exact procedure to be utilized, all communications by citizens, both about items on the agenda and items not on the agenda, are required to occur during the Citizen’s Forum portion of the agenda. As a reminder to the Council, it is important to remember with respect to items not on the agenda, there can be no discussion, other than a factual recitation and a request to place the item on a future agenda, or providing direction on whom to contact for information regarding the issue. The City Staff will be including the revision of Ordinance No. 2000-26 as a future workshop item with the City Council. Upon revision of the ordinance, a citizen’s guide for council meeting procedures will be provided to each citizen present at the future meetings of the City Council. We appreciate your patience during this time.

E. PUBLIC RECOGNITION

Mayor Pro Tem Reeves stated that he received a request to move item E-2 before item E-1. Council Member Clayton made a motion to move item E-2 first, which was seconded by Council Member Heinze and passed unanimously.

2. Presentation: Recognition and farewell to Council Member Frank D. Somera, Jr., Place Seven. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves thanked Mr. Somera for the excellent job he did while serving on the Council. In recognition of Mr. Somera's service to the City, Mayor Pro Tem Reeves presented a "Freedom" picture to Council Member Frank D. Somera, Jr., which also contained a plaque commemorating his service on the City Council, July 5, 2005 to July 1, 2008, and an official coin of the City of Copperas Cove.

Mr. Somera thanked the people of the City of Copperas Cove for the opportunity to serve them for the last three years. He appreciated all the support and encouraging words offered him. He said he had a deep appreciation for those who diligently served our City. He thanked all City employees and stated that they are the backbone of what goes on in the City—the ones who get things done for each of us, the citizens. He said that he is leaving the Council with mixed emotion. His experience was enjoyable and wholesome for the most part and he learned a great deal about governance and politics. He stated that it is time for him to move off the dais and go back to the community. He intends to continue to serve the community in other ways and strive to make our community a better place to live. He said that he feels that the City is in good hands and that the Council will continue to govern with the betterment of the community in mind.

1. Presentation: Recognition and farewell to Council Member Frederick R. Harris, Place Six. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves thanked Mr. Harris for a job well done while serving on the Council. In recognition of Mr. Harris' service to the City, Mayor Pro Tem Reeves presented a "Freedom" picture to Council Member Frederick R. Harris, which also contained a plaque commemorating his service on the City Council, June 2, 2005 to July 1, 2008, and an official coin of the City of Copperas Cove.

Mr. Harris thanked all the City Staff and all the citizens of Copperas Cove for all the years of unwavering support. He thanked his wife and family for supporting him while on the Council and all the people who voted for him. He said that in spite of all the tabloid press and ill reporting and malicious untruths, he remains undefeated. He stated that because he knew his friends outnumbered those who sought to recall him, he continued to stay on the Council. He said that winning is a choice and that the Council would win and be able to overcome anything that was thrown against them. The Council has to believe in order to achieve this. He said that most of the different Councils he has worked with recognized the power of networking and partnerships. He said he was always clear as to why he was here. He said he has always believed in the City's goals, especially the one that states the City will attract and retain quality employees. Although there are many citizens who want to fight about everything the Council does and strive to create political discord, he told the Council to never buy their hype and continue to build a City of diversity.

3. Oath of Office: The Oath of Office will be administered to Willie C. Goode. **F. W. "Bill" Price, Municipal Court Judge**

F.W. "Bill" Price, Municipal Court Judge administered the oath of office to Willie C. Goode, Council Member Position 6. Mr. Goode thanked all the people who supported him during the elections. He said that he will work for the best interests of the citizens of Copperas Cove as well as the City of Copperas Cove. He believes that the Council can work together and make everything come out well for the City.

4. Oath of Office: The Oath of Office will be administered to Frank Seffrood. **F. W. "Bill" Price, Municipal Court Judge**

F.W. "Bill" Price, Municipal Court Judge administered the oath of office to Frank Seffrood, Council Member Position 7. Mr. Seffrood thanked everyone who supported him. He said there are a lot of things that this community can do. First, we can get together as a community. He hopes that he can help do that. He will work with the Council and said that he has found no one he can't work with. Some people you have to work harder to work with them, but he is willing to do that. He stated that he has lost things in his life and he has gained things in his life. Gaining this position is not a gain, it is a dedication, and that is exactly what the citizens will get from him. If issues come up he knows he will be a part of it, but he will always find out what is going on. This is simply good business. He said we don't invest ourselves in things we don't believe in and we don't invest our money in things that we know are going to go broke. He thanked everyone again and said he looks forward to serving and that he will serve.

5. Proclamation: "Watch Your Car Awareness Month – July 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Robert L. Reeves read the proclamation and presented it to Lt. Danny Austin of the Police Department who introduced Lt. Joey Kennedy, with the Auto Theft Task Force. Lt. Kennedy said that the Task Force has a mission to get people to lock their vehicles, take their keys and hide items from sight within the vehicles. Nearly half of all auto thefts in Texas are because keys were left in the vehicle. There are some very simple things that people can do to prevent auto theft and make the numbers come down.

6. Proclamation: "Code Compliance Month – July 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Robert L. Reeves read the proclamation and presented it to Don Denniston, Autumn Downing and Carol Ballesteros of the Code Enforcement and Health Division for the City. Mr. Denniston thanked the Council for the proclamation to highlight Code Compliance Month. During the first three weeks of July, neighborhoods will be canvassed. A door notice will be given to any violations spotted. No citations will be given during the first three weeks, however, the officers will re-inspect the addresses that received door notices and write citations, if necessary. Their brochure outlines the seven top violations and will be mailed out in water bills during the month of July. Last year 11,115 brochures were distributed, 397 inspections performed, 348 violations were noted, followed by 15 citations. In addition, they conducted four food handler classes and trained a total of 94 students. Mr. Denniston said that the Division anticipates accomplishing far greater things this year.

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. Ms. Steele said she was glad to hear that the Council decided to acknowledge that our Charter allows for citizens to speak during citizens forum. She referred to the *Home Rules Cities Handbook for Mayors and Councilmembers*, page 56, where it states that all councilmembers need to know the risks expressly contained in Section 1983, Title 42, of the United States Code. The language in this section "makes all persons, councilmembers included, personally liable for damages if their acts result in depriving others of their civil rights, regardless of whether such acts were reasonable and made in good faith. Additionally, the U.S. Supreme Court has held that Section 1983 does not require proof that a defendant deliberately intended to deprive the plaintiff of his legal rights; the mere deprivation is itself a violation."

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the June 3, 2008 regular council meeting. **Jane Lees, City Secretary**

2. Consideration and action on approval of minutes from the June 17, 2008 regular council meeting. **Jane Lees, City Secretary**

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

H. PUBLIC HEARINGS/ACTION

1. Public hearing on Ordinance No. 2008-23, amending the 2007-08 fiscal year budget for the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services gave an overview of agenda item H-1.

Mayor Pro Tem Reeves opened the public hearing.

Speaking for: None.

Speaking Against: None.

Mayor Pro Tem Reeves closed the public hearing.

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**

Council Member Clayton nominated Robert L. Reeves for the office of Mayor Pro tem. Council Member Peterson seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on appointment of members to the Planning and Zoning Commission to fill vacancies. **Carl Ford, City Planner**

Carl Ford, City Planner gave an overview of agenda item I-2.

Council Member Peterson made a motion to appoint as follows:

Position 1	Danny K. Palmer	(to fill an unexpired term ending June 2009)
Position 3	Jason M. Ziegler	(to fill an unexpired term ending June 2010)
Position 6	Coley Howell	(July 1, 2008 to June 30, 2011)
Position 7	Rick Ott	(July 1, 2008 to June 30, 2011)

Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on appointment of members and alternates to fill vacancies on the Board of Adjustment. **Carl Ford, City Planner**

Carl Ford, City Planner gave an overview of agenda item I-3.

Council Member Heinze made a motion to appoint as follows:

Position 1	Phillip Lavalis	(July 1, 2008 to June 30, 2009)
Position 2	Robin Hopkins	(July 1, 2008 to June 30, 2011)
Position 4	L.O. "Bud" Owsley	(July 1, 2008 to June 30, 2011)
Alternate	James Morival	(July 1, 2008 to June 30, 2011)
Alternate	Frank D. Somera, Jr.	(July 1, 2008 to June 30, 2011)

Council Member Peterson seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on approving Resolution No. 2008-23, authorizing the City Manager to enter into a tax-exempt lease agreement with Chase Equipment Leasing in the amount of \$314,003.34 for a term of four years on the equipment and three years on the software with an interest rate of 3.48 percent. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services gave an overview of agenda item I-4.

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A TAX-EXEMPT LEASE AGREEMENT WITH CHASE EQUIPMENT LEASING IN THE AMOUNT OF \$314,003.34 FOR A TERM OF FOUR YEARS ON THE EQUIPMENT AND THREE YEARS ON THE SOFTWARE WITH AN INTEREST RATE OF 3.48 PERCENT.

5. Consideration and action to authorize the City Manager to enter into a lease purchase agreement for Golf Course equipment. **Mike Chandler, Golf Course General Manager**

Mike Chandler, Golf Course General Manager gave an overview of agenda item I-5. Council Member Peterson made a motion to approve agenda item I-5. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on Ordinance No. 2008-22, amending Personnel Policy No. 510 – Family and Medical Leave Act. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director gave an overview of agenda item I-6.

Council Member Clayton made a motion to approve agenda item I-6. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption is as follows:

ORDINANCE NO. 2008-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO 510 – FAMILY AND MEDICAL LEAVE ACT.

J. STAFF REPORTS

1. Municipal Update – Fiscal Year 2007-08. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services gave a municipal update on fiscal year 2007-08.

2. Capital improvements update. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an update on capital improvements. Ms. Gardner announced that a City Engineer has been hired and that the engineer will be presenting this report to the Council in the future.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Mayor Pro Tem Reeves said he would like to discuss all council committee appointments on the next agenda. Council Members Heinze, Clayton and Sheppard concurred.

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 Attorney.

The Council adjourned to Executive Session at 8:21 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 8:58 p.m. Mayor Pro Tem Reeves stated that there was no action to be taken on the discussion from Executive Session.

O. ADJOURNMENT

There being no further business, Mayor Pro Tem Reeves adjourned the meeting at 8:59 p.m.

Robert L. Reeves, Mayor Pro Tem

ATTEST:

Jane Lees, City Secretary