

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
April 21, 2009 – 7:00 P.M.**

A. CALL TO ORDER

Mayor John Hull 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

Rev. Steve Schmidt of Grace United Methodist Church gave the Invocation, and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

John Hull, Mayor
Cheryl L. Meredith, Position 1
Larry D. Sheppard, Position 2
Chuck Downard, Position 3
Danny Palmer, Position 4
Bill L. Stephens, Position 5 – Absent
Willie C. Goode, Position 6
Frank Seffrood, Position 7 – Absent

Andrea M. Gardner, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

Council Member Downard reminded everyone that April 25, 2009 was the “Spring Clean Up Event” from 8:00 a.m. to 4:30 p.m. at the City’s Solid Waste Department, 2605 South FM 116.

Mayor Hull announced the “Household Hazardous Waste Collection Days” on May 9, 2009 at the Public Works Facility in the City of Lampasas, 201 Brown Street, from 9:00 a.m. to 2:00 p.m.

Council Member Danny Palmer announced that the Shriner’s would be at Wal-Mart on April 25 and 26, 2009 to collect donations for the Shriner’s Hospital.

Council Member Goode said that Early Voting for the May 9, 2009 General election begins on Monday, April 27, 2009. He urged everyone to get out and vote.

E. PUBLIC RECOGNITION

1. Proclamation: Fair Housing Month, April 2009. ***John Hull, Mayor. John Hull, Mayor***

Mayor John Hull read the proclamation and presented it to Beth Correa, Regional Planner with the Central Council of Governments. Ms. Correa thanked the City for the proclamation and announced that there is a Fair Housing Event on April 28, 2009 from 10:00 a.m. to 4:00 p.m. at the CTCOG office building, 2180 North Main Street in Belton.

The event is open to the public for the purposes of distributing information. Multiple agencies will be on hand during the event to answer questions regarding new home owner loans, low income housing, low interest home rates, and Fair Housing Law questions.

F. CITIZENS' FORUM At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer discussed several items. First, the Council Rules of Procedures and Order of Meetings; the election of a mayor pro tem; and finally the costs for implementation of the proposed adoption of the ICC 2006 building codes.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the April 7, 2009 regular council meeting. **Stefanie Brown, Deputy City Secretary**

2. Consideration and action to reject all bids for dry cleaning services for police uniforms. **Eddie Wilson, Police Lieutenant**

3. Consideration and action on authorizing the release of funds from the General Fund public relations account to the United Services Organization (USO). **Wanda Bunting, Director of Financial Services**

4. Residential and commercial development, quarterly update. **Carl Ford, Director of Development Services**

5. Consideration and action on granting Council Member Bill L. Stephens, Position 5, an excused absence for the April 21, 2009 Regular Council Meeting. **Jane Lees, City Secretary**

6. Consideration and action on authorizing the Mayor to execute a Memorandum of Understanding between the City of Copperas Cove, Fort Hood, the City of Gatesville, the City of Harker Heights, and the City of Killeen regarding the Cen-Tex Sustainable Communities Partnership. **Carl Ford, Director of Development Services**

Council Member Downard made a motion to approve consent items G-1, G-2, G-3, G-4, G-5, and G-6. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public hearing, consideration and action on an ordinance providing a zoning change for 0.461 acre tract out of the W. P. Hardeman Survey, Abstract #454, locally known as the 1549 East Highway 190, from B-4 Business District to

B-5 Business District, providing a savings clause; and declaring an effective date.
Carl Ford, Director of Development Services

Mayor Hull opened the public hearing.

Carl Ford, Director of Development Services, gave an overview of agenda item H-1.

Speaking for: None.

Speaking Against: None.

Mayor Hull closed the public hearing.

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

I. ACTION ITEMS

1. Consideration and action upon adopting a Resolution opposing House Bill 4441. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item I-1.

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

The Resolution caption is as follows:

RESOLUTION NO. 2009-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, OPPOSING HOUSE BILL 4441.

2. Report and possible discussion of legal opinion on the irregularities of the Copperas Cove Economic Development Corporation/Cinergy Cinemas' changeable electronic variable message sign, CEVMS. **Charles E. Zech, City Attorney**

Charles E. Zech, City Attorney, gave an overview of agenda item I-2. He summarized his findings as follows: "The City Council is required by state law to approve all expenditures and programs of the CCEDC. The City Council has not approved any expenditure for the digital sign, the Performance Agreement or the commercial Property Contract. The Performance Agreement generally, and as it relates to the digital sign, does not comply with state law. The agenda posting for the meeting at which the CCEDC approved the Performance Agreement and Commercial Property Contract was potentially not in compliance with the Texas Open Meetings Act. If the proposed purchase of a digital sign does not comply with the requirements of a promotional expenditure it must be authorized under another provision of the LGC."

Mr. Zech stated that the findings can be remedied. Mr. Dan Yancey, CCEDC Chair, spoke, saying that there was no intent by the EDC to circumvent the law and that they will do whatever needs to be done and make corrections. Robert Gradel, Attorney for the CCEDC, stated that he holds a difference of opinion on the matter with the City Attorney; however, he will do everything possible to stay in the spirit and letter of the law. Mr. Zech stated that it was clear to him the EDC wanted to resolve these issues and bring back the items in question to the City Council at a future date.

3. Consideration and action on authorizing the City Manager to execute a contract with Horseshoe Construction, Inc. for the Community Development Block Grant (CDBG) Sewer Rehabilitation Project. **Robert M. McKinnon, Public Works Director**

Robert M. McKinnon, Public Works Director, gave an overview of agenda item I-3.

Council Member Downard made a motion to approve agenda item I-3. Council Member Goode seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on a resolution approving the attached General Legislative Policy of the City of Copperas Cove. **Andrea M. Gardner, City Manager**

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

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

The Resolution caption is as follows:

RESOLUTION NO. 2009-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED GENERAL LEGISLATIVE POLICY OF THE CITY OF COPPERAS COVE.

5. Consideration and action on commissioner appointments to fill vacancies on the Planning and Zoning Commission. **Carl Ford, Director of Development Services**

Mayor Hull announced that Mr. Sandor Vegh requested his application be withdrawn at this time.

Carl Ford, Director of Development Services, gave an overview of agenda item I-5.

Council Member Goode made a motion to appoint Martin C. Rodriguez to Position 1 from April 21, 2009 through June 30, 2009 and Earl D. Holt to Position 6 from April 21, 2009 through June 30, 2011. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on an ordinance amending Personnel Policy No. 120, Salary Program Administration. ***Kelli Sames, Human Resources Director***

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

Council Member Goode made a motion to postpone agenda item I-6 until it can be discussed during an upcoming budget workshop. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption is as follows:

ORDINANCE NO. 2009-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO. 120, SALARY PROGRAM ADMINISTRATION.

7. Consideration and action on rejecting all bids received for the construction of a golf cart storage facility and directing and authorizing staff to re-bid the project. ***Mike Chandler, Golf Course General Manager***

Andrea Gardner, City Manager, gave an overview of agenda item I-7.

Council Member Goode made a motion to approve agenda item I-7. Council Member Downard seconded the motion.

During discussion Jamie Clark stated that he was present during the meeting when the City Council unanimously approved to approve the bid. If this item is re-bid, his winning bid amount is public information. He thought this was very unfair to come back now and reject all bids when it was the will of the City Council to award his company the bid. City Attorney Zech stated that the City Council could have opened all bids and then rejected all of them. At that point, all bid amounts would be public information. He said this is a typical and normal process.

A vote was taken and with a unanimous vote, motion carried.

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS – None.

K. ITEMS FOR FUTURE AGENDAS

Council Member Palmer asked if the City Engineer could take a look at buildings and sidewalks in the City to assure that they are in ADA compliance.

Council Member Downard requested that the EDC present amended performance contracts and approval of the electronic message sign at the next Council Meeting, May 5, 2009. Council Members Palmer and Goode concurred.

L. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Jane Lees, City Secretary.

The Council adjourned to Executive Session at 8:25 p.m.

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

The Council re-convened at 8:45 p.m. Mayor Hull announced that there was no action to be taken as a result of discussions that took place in Executive Session.

N. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 8:45 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary