

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
MARCH 6, 2001 - 7:00 P.M.**

**A. CALL TO ORDER**

Mayor Rodney G. Nauert called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:07 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Fred Harris led the Invocation and the Pledge of Allegiance.

**C. ROLL CALL**

Bradi D. Diaz  
Ray Don Clayton  
John F. Gallen  
Charlotte Heinze  
Fred Harris  
Bud Owsley  
Annabelle Smith

**ALSO PRESENT**

Richard Torres, City Manager  
Mary Boone, City Secretary  
Sara Hartin, City Attorney

**D. ANNOUNCEMENTS**

Council member Owsley

- Stated he had met with the Cemetery Committee and stated they were doing a great job.
- Stated he had met with Housing Authority.

Mayor Pro Tem Harris

- Stated he had a short meeting with General LaPorte and was told the military cemetery was becoming a reality for the area.
- Requested all citizens in Copperas Cove become "stakeholders" in the bypass project.

Council member Heinze

- Announced there would be a Boys and Girls Club fest coming soon.

Council member Gallen

- Thanked the staff for their work on the Council retreat and stated it was very productive.
- Reminded the citizens that March 5-9 was Public Schools Week and recognized Council member Heinze as being a math teacher at Copperas Cove High School.

- Announced the Leadership program at the high school was sponsoring Great Strides in Cystic Fibrosis - a fundraiser for the Cystic Fibrosis Foundation.
- Thanked Danny Austin for his work with the Citizens Police Academy.

Council member Diaz

- Announced Cove Day in Austin was going to be March 28<sup>th</sup> with the topic being the bypass.
- Announced the Miss Copperas Cove Pageant applications were now available.

Council member Clayton

- Called attention to the Tuesday Nite Out program.

## **E. PUBLIC RECOGNITION**

**F. CITIZEN'S 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.

Dianne Steele – 905 N 4<sup>th</sup> – commended Animal Control Department and expressed concerns about barking dogs.

Frank DiMuccio – 2314 E Hwy 190 – complemented the asphalt job for the parking in the back of city hall but questioned how the project was funded.

Loren Dethlefs - 1402 Pony Express – expressed concern about the water pressure or the lack of in his neighborhood and requested a water booster for the citizens at the top of the hill.

## **G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from February 20, 2001 Regular City Council Meeting. **Mary Boone, TRMC, City Secretary**
2. Consideration and action on a request by the Chamber of Commerce for the use of the City Park and the Civic Center for the 2001 Festival of Five Hills from May 15 through May 21, 2001 and annual parade on May 19, 2001. **Linda B. Tyler, Director of Parks and Recreation**

Council member Gallen made the motion to approve the consent items as presented. Council member Smith seconded the motion and with a unanimous vote, motion carried.

## H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on a request from 2JB Corporation for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6)b, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Ogletree Gap Phase 3 Subdivision. **Wayne Herrington, City Planner**

Speaking in favor of:

John Bowen – 2JB Corp. - 902 Lyn Lane

Speaking against:

None

1b. Consideration and action on a request from 2JB Corporation for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6) b, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Ogletree Gap Phase 3 Subdivision. **Wayne Herrington, City Planner**

Mayor Pro Tem Harris made the motion to approve the request from 2JB Corporation for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6) b, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Ogletree Gap Phase 3 Subdivision as requested. Council member Diaz seconded the motion and with a unanimous vote, motion carried.

2a. Public Hearing on a request from Tom Lancaster and Gary Henry for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6)b, Rural Streets, Page 1097, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Whippoorwill Ridge Estates Subdivision streets. **Wayne Herrington, City Planner**

Speaking in favor of:

Mike Kreigle – Mitchell and Assoc.

Speaking against:

Bernice Letzer - 2908 Oak Hill Dr.

- 2b. Consideration and action on a request from Tom Lancaster and Gary Henry for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6)b, Rural Streets, Page 1097, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Whippoorwill Ridge Estates Subdivision streets.  
**Wayne Herrington, City Planner**

Mayor Pro Tem Harris made the motion to approve the request from Tom Lancaster and Gary Henry for a variance from the requirements of the Subdivision Ordinance, specifically, Article V, Section 17.5-93(d)(6)b, Rural Streets, Page 1097, which requires a minimum pavement width of thirty-two (32) feet edge to edge for rural streets. Proposed is a minimum pavement width of twenty-four (24) feet for the Whippoorwill Ridge Estates Subdivision streets. Council member Gallen seconded the motion.

Paul Boyer, City Engineer, stated the requested change would not change the cul-de-sac radius.

Following the brief discussion Council voted unanimously in favor of the motion. Motion carried.

## **I. ACTION ITEMS**

1. Consideration and action on authorizing the City Manager to enter into an agreement with Reed, Stowe & Yanke, LLC, to perform professional services related to the City's water and wastewater rates. **Steven J. Alexander, Director of Finance**

Council member Smith made the motion to approve authorizing approve the City Manager to enter into an agreement with Reed, Stowe & Yanke, LLC, to perform professional services related to the City's water and wastewater rates. Council member Diaz seconded the motion.

Frank DiMuccio expressed concerns about the last report the company provided.

Council member Clayton asked why there was a difference in rates for everyone we sold water. Different rates were due to the different peaking demands. That causes the different rates for citizens. He further explained Central Texas College receives water strait from the distribution line and doesn't share the costs of the city lines.

Following the discussion, Council voted six in favor of (Diaz, Gallen, Heinze, Harris, Owsley, and Smith and one (1) against (Clayton). Motion carried.

2. Consideration and action on approval of Ordinance No. 2001-10 – officially adopting the City’s “Water Conservation and Emergency Water Demand Management (Drought Contingency) Plan”. **Robert McKinnon, Director of Water/Wastewater**

Council member Owsley made the motion to table Item I-2. Mayor Pro Tem Harris seconded the motion and with a unanimous vote, motion carried.

Council member Clayton requested the correct counties be included.

#### **J. STAFF REPORTS**

1. Financial Report for the month ended January 31, 2001. **Steven J. Alexander, Director of Finance**

Steven Alexander, Director of Finance, stated this was the Monthly Council Report for the month ending January 31, 2001. He noted the beginning fund balances for each fund in the report represent unaudited figures. He also noted the CCEDC financial report for the month ending January, 2001 had been provided, but the Chamber of Commerce financial report would be provided on a quarterly basis.

2. Announcement of City Wide Spring Clean Up and Tire Round Up the week of March 26-30. **James Ballowe, Director of Solid Waste**

James Ballowe, Director of Solid Waste, announced the forth coming City Wide Spring Clean Up and Tire Round Up to take place the week of March 26-30, 2001. The program will enable citizens to bring tires for \$.50 each to the solid waste facility.

He also announced on March 31<sup>st</sup> would be a citywide cleanup day and citizens will be able to dispose of refuse for free.

All of the announcements will appear in the water bill, on Channel 10 and in the newspaper.

#### **K. REPORTS OF ADVISORY COMMITTEES AND BOARDS**

#### **L. ITEMS FOR FUTURE AGENDAS**

Council member Heinze - workshop for Boys and Girls Club - Council concurred

Council member Diaz – Drought Contingency Plan workshop – Council concurred

**Mayor Nauert closed the regular session at 7:50 p.m.**

**M. EXECUTIVE SESSION**

1. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to consult and seek the advice of its attorney concerning the following pending and contemplated litigation:
  - a. City of Copperas Cove v. Roy D. Lehmann, Individually and Lehmann Heritage Corporation; cause number COT-00-33314; In the 52<sup>nd</sup> District Court, Coryell County, Texas
2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the duties of the City Attorney.
3. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the duties of the City Manager.

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

**Mayor Nauert reopened the regular session at 8:45 p.m.**

**O. ADJOURNMENT**

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

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Rodney G. Nauert, Mayor

ATTEST:

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Mary Boone, TRMC, City Secretary