

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 3, 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 7:18 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Ray Don Clayton 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 Smith

- Thanked Connie and Dave Landmann for the Good News Maker Dinner.
- Announced the Political Forum on April 12th.

Council member Owsley

- Stated he had met with the Housing Authority Board.
- Stated there were 16 buildings where seniors live with no back doors.
- Announced the Cemetery Committee was planning a workday.
- Announced April was Child Abuse prevention month.

Council member Heinze

- Announced a reception for Annie Hoffpauir for her dedication to the Salvation Army.

Council member Gallen

- Thanked the Landmanns for the dinner.
- Made a statement on the city's vision statement & mission statement.

Council member Clayton

- Reminded citizens about the upcoming election on May 5th.

Council member Diaz

- Reminded citizens about the deadline for voter registration.
- Thanked Dick Parker for his promotion and dedication of Copperas Cove.

E. PUBLIC RECOGNITION

1. Proclamation – Sexual Assault Awareness Month

Mayor Nauert presented a proclamation for Sexual Assault Awareness Month to Suzanne Bundschuh, Community Relations Coordinator for Families in Crisis, Inc.

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 4th Street – expressed concern about the way elected officials choose to spend tax dollars.

Loren Dethlefs -1402 Pony Express – Thanked Dan in the water Dept. for a great job. Expressed concern about the blasting taking place at the quarry by Ogletree Gap. Also expressed concerns about the dirty streets during construction around Ogletree Gap.

Justyn Miller - 1703 Pleasant Lane – expressed concern about the Animal Control Ordinance.

Jeanie Batman – reminded everyone to watch for kids when driving.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from March 20, 2001 Regular City Council Meeting and March 27, 2001 Special City Council Meeting. **Mary Boone, TRMC, City Secretary**
2. Consideration and action on approving the purchase of materials from Big Country Water works in the amount of \$12,464.51 for the installation of a water line to provide service to the area along the north side of Highway 190 from Fire Station No. 3, east to the First Church of the Nazarene property. **Robert M. McKinnon, Director of Water/Wastewater**
3. Consideration and action on the purchase of 25 moisture barrier liners to replace defective moisture barrier liners for Fire Department personnel protective equipment in the amount of \$7,865.00 from Globe Firefighter Suits, Inc. **Bruce Woods, Fire Chief**

4. Consideration and action on Resolution No. 2001-11 – authorizing and supporting the submission of a grant application to the Texas Department of Health, Bureau of Emergency Management, for a Local Project Grant in the amount of \$13,360.13, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. ***Susan Way, Grants Administrator***

Council member Owsley requested items 2, 3, and 4 be removed from the consent agenda.

Council member Clayton made the motion to approve Item G-1 as presented. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

G-2 Consideration and action on approving the purchase of materials from Big Country Water works in the amount of \$12,464.51 for the installation of a water line to provide service to the area along the north side of Highway 190 from Fire Station No. 3, east to the First Church of the Nazarene property. *Robert M. McKinnon, Director of Water/Wastewater*

Council member Owsley requested an explanation on the work being done in house. Director of Water/Wastewater Bob McKinnon explained there would be a labor savings of \$12,000 - \$18,000 for in house labor.

Following the discussion, Council member Diaz made the motion to approve item G-2 as presented. Council member Clayton seconded the motion and with a unanimous vote, motion carried.

G-3 Consideration and action on the purchase of 25 moisture barrier liners to replace defective moisture barrier liners for Fire Department personnel protective equipment in the amount of \$7,865.00 from Globe Firefighter Suits, Inc. *Bruce Woods, Fire Chief*

Council member Smith made the motion to approve item G-3 as presented. Council member Gallen seconded the motion.

Council member Heinze asked Bruce Woods, Fire Chief, if this item was budgeted. He stated the recall of the moisture barrier liners was not anticipated and was not budgeted. He further explained the manufacture would be replacing the liners at a very reduced rate.

Council member Clayton asked how long the protective equipment would last. Chief Woods stated they would last four to five years, but with the identified defects, they would need to be replaced immediately.

Following the discussion, council voted unanimously to approve the purchase of 25 moisture barrier liners to replace defective moisture barrier liners for Fire

Department personnel protective equipment in the amount of \$7,865.00 from Globe Firefighter Suits, Inc. Motion carried.

G-4 Consideration and action on Resolution No. 2001-11 – authorizing and supporting the submission of a grant application to the Texas Department of Health, Bureau of Emergency Management, for a Local Project Grant in the amount of \$13,360.13, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. *Susan Way, Grants Administrator*

Council member Heinze made the motion to approve Resolution No. 2001-11 as presented. Council member Smith seconded the motion.

Council member Heinze asked Grants Administrator Susan Way to explain the grant. Ms. Way explained that The Texas Department of Health, Bureau of Emergency Management, had established the Local Project Grants program for the purpose of supporting and improving the development of the Texas Emergency Health Care System. The program supplies money and technical assistance to licensed EMS providers that provide 911 services. Proposals would be accepted from qualified EMS organizations that are involved with the provision of emergency pre-hospital care, and who demonstrate a positive impact on the delivery of those services.

Ms. Way also stated council should show commitment now for funding, but the funds would not be expended until next fiscal year.

Following the discussion council voted unanimously to approve Resolution No. 2001-11. Motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2001-14 – a request to rezone Lots 3, 4, & 5, Block 1, South 116 Subdivision (locally known as 1816-1820 South FM 116) from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential). <i>Wayne Herrington, City Planner</i>

Wayne Herrington, City Planner explained Lease To Own, Inc. was requesting a zone change for three lots currently zoned for duplexes. The lots in question were three of five lots platted together in February 1998. Duplexes were subsequently constructed on the two lots immediately to the north of the three lots being considered for a zone change.

Mr. Herrington also stated, at its March 26, 2001, meeting, the Planning and Zoning Commission recommended disapproval by a vote of 4 to 0. As a result, by ordinance, a three-fourths vote by the City Council is required for approval of the request.

Mr. Herrington explained he had received 11 letters opposing this request. 27 had been sent.

Speaking for:
None

Speaking against:
Nicholas Krammer - 1201 Hughes

1b. Consideration and action on Ordinance No. 2001-14 – a request to rezone Lots 3, 4, & 5, Block 1, South 116 Subdivision (locally known as 1816-1820 South FM 116) from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential). **Wayne Herrington, City Planner**

Council member Gallen made the motion to disapprove Ordinance No. 2001-14 as presented. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

2a. Public hearing on Ordinance No. 2001-15 – a request to rezone 2.321 acres out of the Washington Davis Survey, Abstract #276 (locally known as 804 North FM 116) from R-1 (Single Family Residential) to B-4 (Business). **Wayne Herrington, City Planner**

Mr. Herrington explained Clarence Page had requested a zone change to facilitate construction of a new structure for Cove Taxi. The proposed development of the office and related activities would be adjacent to the Masonic Lodge located immediately south of the property in question. The site is on the east side of North FM 116.

Speaking in favor:
Clarence Page Rt 2 Box 832

Speaking against:
None

2b. Consideration and action on Ordinance No. 2001-15 – a request to rezone 2.321 acres out of the Washington Davis Survey, Abstract #276 (locally known as 804 North FM 116) from R-1 (Single Family Residential) to B-4 (Business). **Wayne Herrington, City Planner**

Council member Gallen made the motion to approve Ordinance No. 2001-15 as presented. Council member Diaz seconded the motion and with a unanimous vote, motion carried.

3a. Public Hearing on Ordinance No. 2001-10 – adopting a City Water Conservation and Emergency Water Demand Management (Drought Contingency) Plan. **Robert M. McKinnon, Director of Water/Wastewater**

Mr. McKinnon stated the Texas Natural Resource Conservation Commission requires cities with 3,300 or more water service connections have approved, adopted Water Conservation and Drought Contingency Plan.

Speaking for:

Frank DiMuccio – 2314 E Hwy 190

Speaking against:

None

3b. Consideration and action Ordinance No. 2001-10 – adopting a City Water Conservation and Emergency Water Demand Management (Drought Contingency) Plan. **Robert M. McKinnon, Director of Water/Wastewater**

Council member Diaz made the motion to approve Ordinance No. 2001-10 as presented. Council member Smith seconded the motion and with a unanimous vote, motion carried.

4a. Public Hearing on Resolution No. 2001-10 – authorizing and supporting the submission of a grant application to the Texas Parks and Wildlife Department, for a grant from the Texas Recreation and Parks Account Small Grants Program, in the amount of \$50,000, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. **Susan Way, Grants Administrator**

Linda Tyler, Director of Parks and Recreation, and Susan Way, Grants Administrator, explained The Texas Parks and Wildlife Department had created a pilot program to address the needs of local governments with a total population of 50,000 or less. The program was designed to satisfy a need for smaller amounts of money to provide basic recreation facilities. The Texas Parks and Wildlife Department provides funding assistance for outdoor recreation facilities through the Texas Recreation and Parks Account grant program. In recent years, the demand for these funds had dramatically increased, as had the competition for these limited resources. The total funds available for this pilot program are \$500,000 statewide. The maximum grant award is \$50,000 and requires matching funds of 50%. A portion of the matching funds could be met through in-kind services. The grant application is due April 13, 2001. Award recipients will be notified in August 2001.

Speaking in favor of:

None

Speaking against:

None

4b. Consideration and action on Resolution No. 2001-10 – authorizing and supporting the submission of a grant application to the Texas Parks and Wildlife Department, for a grant from the Texas Recreation and Parks Account Small Grants Program, in the amount of \$50,000, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. **Susan Way, Grants Administrator**

Council member Smith made the motion to approve Resolution No. 2001-10 as presented. Council member Harris seconded the motion and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on rescheduling the date of the first regular City Council meeting in May from May 1, 2001 to May 8, 2001. **Mary Boone, City Secretary**

Council member Heinze made the motion to approve rescheduling the date of the first regular City Council meeting in May from May 1, 2001 to May 8, 2001. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

Council member Owsley asked Mary Boone, City Secretary to explain the need for the change. Mrs. Boone stated the Election being held on May 5th required the council to meet and canvass the ballots before the sixth day after the election. Historically, Council had met on the Tuesday following the elections. By rescheduling the meeting, it would eliminate the need of an additional City Council meeting in May. The Charter requirements for the minimum of two regular meetings would still be met.

J. STAFF REPORTS

Steven Alexander, Director of Finance, stated this was the Monthly Council Report for the month ending February 28, 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 February 2001 had been provided, but the Chamber of Commerce financial report would be provided on a quarterly basis.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council member Owsley

- **WORKSHOP** – funding for projects - where would the money come from? Council concurred for mid May.

Mayor Nauert closed the regular session at 9:13 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. Quicksilver
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 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 9:46 p.m. and announced no action would be taken on the executive session items.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:47 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Mary Boone, TRMC, City Secretary