

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
MAY 8, 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 7:05 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Annabelle Smith 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

- Announced the lifeguard classes would be May 14-25, 2001 at City Pool deadline May 11.

Council member Owsley

- Announced HOP transportation has a new route that would be going by the Sunshine Home.

Council member Gallen

- Announced the Friends of the Library Sale at the Ave. E School.

Council member Diaz

- Reminded citizens of the Festival of Five Hills beginning next Saturday.
- Announced the Downtown Association City Wide Garage Sale would be held on June 2nd.

E. PUBLIC RECOGNITION

1. Proclamation – Police Week

Mayor Nauert presented a proclamation proclaiming Police Week May 14-18th.

2. Proclamation – Law Enforcement Torch Run Day for Special Olympics Texas

Mayor Nauert presented a proclamation proclaiming Law Enforcement Torch Run Day for Special Olympics Texas to Chief of Police Tim Molnes.

- 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.

Don Hollingsworth – 503 Atkinson Ave. – expressed concern about the city sweeper sweeping the Catholic Church parking lot.

Dianne Steele – 905 N. 4th St. – expressed concern about the shortage of code enforcement employees.

Ann Parker - 1602 Fairbanks – expressed concern about the shortage of code enforcement employees, housing codes, and animal control.

Mary Dixon - 518 Joe Morse – expressed concern about the standards and the health codes as they apply to her.

Jacky Zycheck - 2303 Freedom Lane – expressed concern about the proposed Zoning Ordinance requirements with paving driveways.

Sherry Hoffpauir – 416 Jeffrey Lane – complemented the Solid Waste Department's services.

Frank DiMuccio – 2314 E Hwy 190 – inquired as to what would be cut to come up with the money dedicated for the by-pass project.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from April 17, 2001 Regular City Council Meeting. **Mary Boone, TRMC, City Secretary**
2. Consideration and action on the purchase of two automatic external defibrillators (AEDS) and one 12 lead cardiac monitor from

Southeastern Emergency Equipment in the amount of \$17,168.00.
Bruce Woods, Fire Chief

3. Consideration and action on the purchase of the following computer equipment in the amount of \$12,502.60 for the Library utilizing Telecommunications Infrastructure Fund (TIF) Grant funds: ***Peg Fleet, Library Director***
 - a. 5 computer work stations (systems) from CTWP in the amount of \$4,785.60
 - b. Digital camera and digital projector from Entre in the amount of \$4,184.00
 - c. 2 laser printers, laptop computer, laptop case and flatbed scanner to CDWG in the amount of \$3,533.00
4. Consideration and action on awarding Bid No. 2001-17-41 for furniture from Perry's Office Plus in the amount of \$17,772.61.
Phyllis Jacobs, Municipal Court Supervisor
5. Consideration and action on awarding Bid No. 2001-15-53 for the purchase of a Komatsu GD530A-2 motor grader from Waukesha-Pearce Industries, Inc. in the amount of \$126,170.00. ***Paul M. Boyer, P.E., City Engineer***
6. Consideration and action on Resolution No. 2001-17 providing for a statement expressing official intent to reimburse costs of the 2001 Certificates of Obligation Capital Improvement Project. ***Steven J. Alexander, Director of Finance***
7. Consideration and action on the purchase of the following computer equipment in the amount of \$30,029 for the Municipal Court utilizing the Technology Fund in the following amounts: ***Phyllis Jacobs, Municipal Court Supervisor***
 - a. Network hardware & receipt printers from CDWG in the amount of \$10,347.
 - b. 13 computer workstations from Dell Computer in the amount of \$13,871.
 - c. Computer software from SHI Government Solutions in the amount of \$5,811.

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

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2001-18 – a request to rezone Lots 11,12, and 13, Block 1, Mountain View Subdivision (locally known as 1221, 1223, and 1225 Ritter Street) from R-1 (Single Family Residential) to R-2 (Two Family Residential). **Wayne Herrington, City Planner**

Speaking for:

Lou Caulston – Rt. 1

Speaking against:

None

1b. Consideration and action on Ordinance No. 2001-18 – a request to rezone Lots 11,12, and 13, Block 1, Mountain View Subdivision (locally known as 1221, 1223, and 1225 Ritter Street) from R-1 (Single Family Residential) to R-2 (Two Family Residential). **Wayne Herrington, City Planner**

Council member Clayton made the motion to approve Ordinance No. 2001-18 as presented. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

The caption reads as follows:

ORDINANCE NO. 2001-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING A ZONING CHANGE BY REZONING LOTS 11, 12, AND 13, BLOCK 1, MOUNTAIN VIEW SUBDIVISION ALSO KNOWN AS 1221, 1223, AND 1225 RITTER STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO FAMILY RESIDENTIAL).

2a. Public Hearing on Ordinance No. 2001-16 – a request to rezone Lots 1 & 2, and parts of Lots 3 & 12, Block 1, Teinert Addition (locally known as 413/415 E. Highway 190) from R-3 (Multi-Family Residential) and B-4 (Business) to BC-1 (Private Club and General Business). **Wayne Herrington, City Planner**

City Planner Wayne Herrington explained the permit would allow for the sale of alcohol at the establishment.

Speaking for:

Brittney Williams – 413 E. Highway 190

Speaking against:

Odie O'Ddwyer - 1703 Highland Drive

- 2b. Consideration and action on Ordinance No. 2001-16 – a request to rezone Lots 1 & 2, and parts of Lots 3 & 12, Block 1, Teinert Addition (locally known as 413/415 E. Highway 190) from R-3 (Multi-Family Residential) and B-4 (Business) to BC-1 (Private Club and General Business). **Wayne Herrington, City Planner**

Mayor Pro Tem Harris made a motion to table this item for more study. Council member Clayton seconded the motion and with a unanimous vote, motion carried.

- 3a. Public Hearing on Ordinance No. 2001-17 – creating a Specific Use District per Chapter 12 of the City of Copperas Cove Code of Ordinances for the serving of alcoholic beverages by Playmor Bingo at 413/415 E. Highway 190. **Wayne Herrington, City Planner**

- 3b. Consideration and action on Ordinance No. 2001-17 – creating a Specific Use District per Chapter 12 of the City of Copperas Cove Code of Ordinances for the serving of alcoholic beverages by Playmor Bingo at 413/415 E. Highway 190. **Wayne Herrington, City Planner**

Mayor Pro Tem Harris made the motion to table items H 3-A and H 3-B. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2001-14 – canvassing returns and declaring results of the General Election for Council member Positions 3, 4, & 5 held on May 5, 2001. **Mary Boone, TRMC, City Secretary**

Council member Smith made the motion to approve Resolution No. 2001-14 as presented. Council member Diaz seconded the motion and with a unanimous vote, motion carried.

2. Consideration and action on Resolution No. 2001-15 – canvassing returns and declaring results of the Special Election for proposed amendments to the Charter of the City of Copperas Cove held on May 5, 2001. **Mary Boone, TRMC, City Secretary**

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

3. Consideration and action on declaring the approved amendments of the Charter of the City of Copperas Cove as adopted. **Mary Boone, TRMC, City Secretary**

Council member Diaz made the motion to declare the approved amends of the Charter of the City of Copperas Cove from the May 5, 2001 Special Election as adopted. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

4. Consideration and action on Resolution No. 2001-16 – outlining the election procedures for a runoff election to be held on June 2, 2001, if necessary. **Mary Boone, TRMC, City Secretary**

After reading item number I-4, Mayor Nauert closed the regular session at 7:59 p.m. to go into Executive Session pursuant to §551.074 of the Open Meetings Act. Tex. Gov't Code, to deliberate on the appointment of a public officer.

Mayor Nauert reopened the regular session at 8:20 p.m.

Council member Diaz made the motion to approve Resolution No. 2001-16 as presented. Council member Clayton seconded the motion and with a unanimous vote, motion carried.

5. Consideration and action on adoption and approval of the Copperas Cove Cemetery Advisory Board By-Laws. **Linda Tyler, Director of Parks and Recreation**

Council member Owsley made the motion to approve the Copperas Cove Cemetery Advisory Board By-Laws as presented. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

6. Consideration and action on rescheduling the date of the first regular City Council meeting in July from July 3, 2001 to July 10, 2001. **Mary Boone, TRMC, City Secretary**

Council member Smith made the motion to approve Item I-6 as presented. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

7. Consideration and action on the appointment of four Library Advisory Board members. **Peg Fleet, Library Director**

Council member Gallen made the motion to approve Jean Kattner, Beverly Chisholm, Margaret Henderson, and Donald O. Worrall. Council member Heinze seconded the motion and with a unanimous vote, motion carried.

8. Consideration and action on authorizing the City Manager to execute a contract with Shelton Plumbing in the amount of \$711,911.91 for the construction of sanitary sewer collection facilities. **Paul M. Boyer, P.E., City Engineer**

Council member Diaz made the motion to approve authorizing the City Manager to execute a contract with Shelton Plumbing in the amount of \$711,911.91 for the construction of sanitary sewer collection facilities. Council member Smith seconded the motion and with a unanimous vote, motion carried.

9. Consideration and action on authorizing the City Manager to execute a professional services contract with The Wallace Group, Inc., to provide engineering services for the new water tank and pumps at Turkey Run and the rehabilitation of the Turkey Run Water Tank. **Paul M. Boyer, P.E., City Engineer**

Council member Diaz made the motion to approve authorizing the City Manager to execute a professional services contract with The Wallace Group, Inc., to provide engineering services for the new water tank and pumps at Turkey Run and the rehabilitation of the Turkey Run Water Tank. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

10. Consideration and action on authorizing Staff to submit grant proposals to the Texas Department of Transportation for their 2001 Statewide Transportation Enhancement Program. **Richard Torres, City Manager**

Council member Owsley made the motion to approve authorizing Staff to submit grant proposals to the Texas Department of Transportation for their 2001 Statewide Transportation Enhancement Program. Council member Heinze seconded the motion and with a unanimous vote, motion carried.

11. Consideration and action on authorizing the City Manager to execute a change order to the Municipal Court remodel project with JL Construction for a new roof. **Paul M. Boyer, P.E., City Engineer**

Council member Diaz made the motion to approve authorizing the City Manager to execute a change order to the Municipal Court remodel project with JL

Construction for a new roof. Council member Smith seconded the motion and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. City of Killeen's opening of bids on the joint use pump station. ***Paul Boyer, City Engineer***

Pulled for next meeting.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

1. Report on progress and development of Highway 190 Reliever Route
Mayor Pro Tem Fred Harris

Mayor Pro Tem Harris reported there had been a meeting with TxDOT Commissioners scheduled on June 28th to move the project to level 2.

2. Status report on the Strategic Planning Committee ***Council Member Bradi Diaz***

Council member Diaz reported the following:

- The committee drafted and Council approved the City's motto, vision statement, mission statement and goals.
- The committee then asked each department to draft individual mission statements as they apply to that department. These have been reviewed and accepted by the committee. Once all vision and mission statements were completed we moved on to developing goals and objectives at the department level.
- The committee met with all department heads to discuss the procedure of developing goals and objective and how each department goal should compliment the ten goals prioritized and adopted previously by Council.
- All of this will not only make up the city's strategic plan but also this process has been implemented into the Budget Preparation Procedures and all Vision Statements, mission statements goals and objectives will be included in the Budget document itself.

L. ITEMS FOR FUTURE AGENDAS

Council member Owsley - Ordinance on Code Enforcement – Council concurred.

Mayor Nauert closed the regular session at 8:35 p.m.

Council member Diaz recused herself from M-2 and filed the proper affidavit.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the evaluations of the City Attorney, City Manager, and City Secretary.
2. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the sale or exchange of one acre of real property owned by the City, said one acre vacant lot located at 951 West U. S. Highway 190, near the intersection of West Highway 190 and Walker Place Boulevard, Copperas Cove, Coryell County, TX.
3. 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. Eva Tate v. City
 - b. Malcolm Mahoney v. City
 - c. City v. Quicksilver
 - d. Ronald Selbe v. City
4. Consultation with the City Attorney to seek advice on a matter in which the duty of the City Attorney owes to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, Rules 1.03, 1.05, 1.12, and 2.01.

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 10:22 p.m. and announced no action would be taken on the executive session items 2, 3, or 4.

Council member Diaz made the motion to approve the 2% merit raises at midyear for the City Manager, City Attorney, and City Secretary. Council member Smith seconded the motion and with a vote of five (5) in favor of (Diaz, Gallen, Heinze, Harris, and Smith) and two (2) against (Clayton and Owsley), motion carried.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:24 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Mary Boone, TRMC, City Secretary