

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 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 Bud Owsley 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 received comments about Philip Litton and his great work at the Cemetery.
- Stated he had a great meeting on Friday and the next meeting would be the first week in July.

Council member Clayton

- Reminded citizens of the upcoming summer day camp sponsored by the Parks Department.

Council member Diaz

- Announced the postal carriers food drive was a success with collections of over 6,000 lbs. of food for our local food pantries.
- Announced Early Voting for the Runoff Election begins May 16th.
- Attended the Special Olympics Torch Run in front of the Library and recognized the officers that ran the torch: Lt. Eddie Wilson, Sgt. Jeff Stoddard, Sgt. Butch Ronne, Officers Lee Rogers, Lester Nace, Lawrence Williams, Shandy Ables, Martin Zeller, Martin Ruiz, Guy Beveridge.

E. PUBLIC RECOGNITION

1. Oath of Office – John Gallen and Charlotte Heinze

City Secretary Mary Boone administered the Oath of Office to John Gallen, City Council member Place 3, and Charlotte Heinze, City Council member Place 4.

2. Proclamation – Western Week

This item was pulled from the agenda.

3. Proclamation – Nursing Home Week

Mayor Nauert proclaimed the week of May 13 through 19, 2001 as Nursing Home week.

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 – expressed concerns about removing the grants administrator from the charter and the reappointment of the Election Judge.

Roy Lehmann – P O Box 162461, Austin TX 78716-2461– expressed concerns about water and wastewater development.

Frank Lindval - 1407 N 4th – expressed concern about the extension of a water line through his property easement.

G. CONSENT ITEMS

1. Consideration and action on Resolution No. 2001-18 – authorizing and supporting the submission of a grant application to the Texas Parks and Wildlife Department, for a grant from the Texas Recreational Trails Fund, in the amount of \$100,000, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. **Susan Way, Grants Administrator**
2. Consideration and action on approving a professional services contract for pre-condemnation legal services with Bickerstaff and Heath law firm regarding Lehmann Heritage Corporation property. **Sara Hartin, City Attorney**
3. Consideration and action on approving a professional services contract for legal services with Bickerstaff and Heath law firm to represent the

City in a condemnation suit to be brought against the Lehmann Heritage Corporation and hiring them for condemnation stuff. **Sara Hartin, City Attorney**

4. Consideration and action on Resolution No. 2001-21 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**

Item number 3 was pulled from the agenda.

Council member Gallen made the motion to approve consent items 1, 2, and 4 as presented. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2001-19 – amending the City’s “Fee Schedule”. **Richard Torres, City Manager**

City Manager Richard Torres explained the Ordinance would set fees for the sale of compost to the public.

Speaking for:
None

Speaking against:
None

1b. Consideration and action on Ordinance No. 2001-19 – amending the City’s “Fee Schedule”. **Richard Torres, City Manager**

Council member Smith made the motion to approve Ordinance No. 2001-19 as presented. Council member Gallen seconded the motion.

Council member Heinze asked how the amounts were established. Mr. Torres stated they were based on the Bell County price list that was the closest composting site.

Council member Owsley stated it was a great thing to do and it would take care of sludge and brush.

Following the discussion, Council voted unanimously to approve Ordinance No. 2001-19.

The Caption reads as follows:

ORDINANCE NO. 2001-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING THE FEE SCHEDULE FOR THE CITY OF COPPERAS COVE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

- 2a. Consideration and action on removing from the table the Public Hearing and Action items 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 Harris made the motion to remove from the table Ordinance No. 2001-16. Council member Clayton seconded the motion and with a unanimous vote, motion carried.

- 2b. 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**

Speaking for:

Brittney Williams 413 E. Highway 190

Speaking against:

Stuart "Pete" Roberts -
Peggy Thompson - 703 Cedar Dr.
Annette Kemp - 2707 Phyllis Dr.
Richard Wilson - 316 W Lincoln
Roger O'Dwyer – P O Box 1068
Tom Nixon - 106 Lorna Cr.
Richard Wilson II - 316 W. Lincoln Ave.

2c. 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 the motion to **disapprove** Ordinance No. 2001-16 as presented. Council member Owsley seconded the motion.

Council member Heinze thanked the citizens that voiced their concerns.

Council member Owsley said staff had let Council down on this one by stating staff should have checked everything out and researched the situation better.

Following the discussion, council voted unanimously to **disapprove** Ordinance No. 2001-16. Motion carried.

3a. Consideration and action on removing from the table the Public Hearing and Action Items 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**

As a result of the failure of Item H 2-C, this item could not be acted upon.

3b. 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**

As a result of the failure of Item H 2-C, this item could not be acted upon.

3c. 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**

As a result of the failure of Item H 2-C, this item could not be acted upon.

I. ACTION ITEMS

1. Consideration and action on awarding Bid No. 2001-12-84; bi-annual chemical bid. **Robert M. McKinnon, Director of Water/Wastewater**

Council member Owsley made the motion to approve Bid No. 2001-12-84; biannual chemical did to the following vendors:

- A. Harcros Chemicals, Dallas, Texas be awarded the bid to provide Chlorine Gas (1 Ton) cylinders at the price of \$404.00 each, with no monthly cylinder rental fee.
- B. DPC Industries, Cleburne, Texas be awarded the bid to provide Sulfur Dioxide (1 Ton) cylinders at the price of \$489.00 each, with no monthly cylinder rental fee.
- C. Paul Carroll Welding Supply, Abilene, Texas be awarded the bid to provide Chlorine Gas (150 lb.) cylinders at the price of \$42.50 each, with a \$6.00 cylinder rental fee.
- D. Leslie's Swimming Pool, Phoenix, Arizona, Texas be awarded the bid to provide Calcium Hypochlorite (100 lb.) containers at the price of \$93.00 each.
- E. AirGas, Belton, Texas be awarded the bids to provide the following:
 - (1) Acetylene - \$18.43 each cylinder, \$3.00 cylinder rental fee.
 - (2) Oxygen 125 cubic feet - \$7.50 each cylinder, \$3.00 cylinder rental fee.
 - (3) Oxygen 250 cubic feet - \$9.00 each cylinder, \$3.00 cylinder rental fee.
 - (4) Medical Oxygen 15 cubic feet - \$5.50 each cylinder, \$2.00 cylinder rental fee.
 - (5) Medical Oxygen 125 cubic feet - \$8.00 each cylinder, \$3.00 cylinder rental fee.

Council member Gallen seconded the motion and with a unanimous vote, motion carried.

2. Consideration and action on authorizing the City Manager to execute a contract with Ethridge Construction in the amount of \$66,232.00 for the 2001 Concrete Construction Project. **Paul M. Boyer, P.E., City Engineer**

Council member Gallen made the motion to approve authorizing the City Manager to execute a contract with Ethridge Construction in the amount of

\$66,232.00 for the 2001 Concrete Construction Project. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

3. Presentation by Senior English Students, Copperas Cove High School regarding "A Proposal Related to Expected Growth of Copperas Cove".

The following members of the Copperas Cove High School Senior English class presented "A Modest Proposal for Managing Growth Related to a Regional Airport":

Kathleen "Nikki" Kissler, Rachele Moctezuma, Julie Ashworth, Stephen Bahr II, Jessica Doherty, Nancy Nickson, Michael Stupyra, Shatonna Coleman, Kenneth Fionai, and Allison Boyer.

A copy of the report will be included in the minutes.

J. STAFF REPORTS

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

Steven Alexander, Director of Finance, stated this was the Monthly Council Report for the month ending March 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 March 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

After reading the executive session items, Mayor Nauert closed the regular session at 8:36 p.m.

M. EXECUTIVE SESSION

1. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the possible acquisition of utility easements, Summers Road Sewer Extension Projects, specifically a utility easement across the Lehmann Heritage Corporation's property.
2. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the possible acquisition of utility easements, Summers Road Sewer Extension

Projects, specifically a utility easement across the Bill Summers' property.

3. Pursuant to §551.072 of the Open Meetings Act *Tex. Gov't Code*, Council will meet in Executive Session for deliberation regarding the lease of City property to the Coryell County Boys and Girls Club.
4. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the employment of the City Attorney.

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 10:51 p.m.

Council has encouraged staff to go into negotiations with Bill Summers and Roy Lehmann.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:52 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Mary Boone, TRMC, City Secretary