

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 5, 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 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Fred Harris led the Invocation and the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

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

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

D. ANNOUNCEMENTS

Council member Smith

- Announced the pools were open, water aerobics and youth camps had started.

Council member Owsley

- Thanked the cemetery group that helped clean up the cemetery for Memorial Day.

Council member Diaz

- Announced applications for Council appointed boards and committees were available at city hall.

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 4th – expressed concern about the unprofessional conduct of Fred Harris.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from May 8, 2001 and May 15, 2001 Regular City Council Meetings. **Mary Boone, TRMC, City Secretary**
2. Consideration and action on Resolution No. 2001-23 and Resolution No. 2001-24 – authorizing and supporting the submission of grant applications to the Texas Department of Transportation, for grants from the Statewide Transportation Enhancement Program, in the amount of \$1,236,237.12 and \$547,446.90, and authorizing the Grants Administrator to act on behalf of the City in all matters related to the application. **Susan Way, Grants Administrator**
3. Consideration and action on rejecting Bid No. 2001-11-54 for youth sports T-shirts. **Linda Tyler, Director of Parks and Recreation**
4. Consideration and action on awarding Bid No, 2001-13-54 for the purchase of swimming pool chemicals from Progressive Commercial Aquatics in an amount not to exceed \$10,000. **Linda Tyler, Director of Parks and Recreation**

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

H. PUBLIC HEARINGS/ACTION

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| 1a. Public Hearing on Ordinance No. 2001-23 – a request from Kelley Electronic Futures and DDA Partnership, to rezone a 30.31 acre tract of land out of the Guy Walker 465 acre tract being part of he A.S. Tabor Survey, Abstract # 1247 and the John W. Ogletree Survey, Abstract #1332, located on West Highway 190, Copperas Cove, Texas from R-1 (Single Family Residential) to B-1 (Professional Business District) and B-5 (Business). Wayne Herrington, City Planner |
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Wayne Herrington, City Planner, explained this item had been requested by Everett Kelly to facilitate the marketing of the property to attract commercial projects.

Council member Gallen made the motion to table Item H-1a and H-1b until the requestor arrived to the meeting. Council member Heinze seconded the motion and with a unanimous vote, motion carried.

Following completion of the Action portion of the agenda, Council member Heinze made the motion to remove Item H-1a and H-1b from the table. Council member Gallen seconded the motion and with a unanimous vote, motion carried.

Mr. Herrington explained that the Planning and Zoning Commission had requested the buffer proposal to buffer the property in question and the adjacent properties zoned for residential purposes. Mr. Herrington further explained Mr. Kelley had brought the resolution included in Council's packet.

Speaking for:
None

Speaking against:
None

<p>1b. Consideration and action on Ordinance No. 2001-23 – a request from Kelley Electronic Futures and DDA Partnership, to rezone a 30.31 acre tract of land out of the Guy Walker 465 acre tract being part of the A.S. Tabor Survey, Abstract # 1247 and the John W. Ogletree Survey, Abstract #1332, located on West Highway 190, Copperas Cove, Texas from R-1 (Single Family Residential) to B-1 (Professional Business District) and B-5 (Business). Wayne Herrington, City Planner</p>

Council member Owsley made the motion to table Items H-1a and H-1b until the owners could be available at the Council meeting. Council member Clayton seconded the motion.

Council member Clayton asked why the screening was necessary. Mr. Herrington explained the screening was required when residential zoning was adjacent to the property.

Council member Clayton asked Council member Owsley why he made the motion to table. Council member Owsley stated when someone makes a request of the Council they should be present.

Following the discussion, Council voted one (1) in favor of (Owsley) and six (6) against (Diaz, Clayton, Gallen, Heinze, Harris, and Smith) the motion. Motion failed.

Council member Diaz made the motion to approve Ordinance Number 2001-23 as presented. Mayor Pro Tem Harris seconded the motion and with a vote of six (6) in favor of (Diaz, Clayton, Gallen, Heinze, Harris, and Smith) and one (1)

against (Owsley), motion carried.

The caption reads as follows:

ORDINANCE NO. 2001-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING A 30.31 ACRE TRACT OF LAND OUT OF THE GUY WALKER 465 ACRE TRACT BEING PART OF THE A.S. TABOR SURVEY, ABSTRACT NO. 1247 AND THE JOHN W. OGLETREE SURVEY, ABSTRACT NO. 1332, LOCATED ON WEST HIGHWAY 190, COPPERAS COVE, TEXAS, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO B-1 (PROFESSIONAL BUSINESS DISTRICT) AND B-5 (BUSINESS).

I. ACTION ITEMS

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| 1. Consideration and action on Resolution No. 2001-22 – canvassing returns and declaring results of the General Runoff Election for Council member Positions 5 held on June 2, 2001. <i>Mary Boone, TRMC, City Secretary</i> |
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Jackie LaMonte, Election Judge, thanked the Council for their trust and read the results of the General Election Runoff.

General Election Runoff

June 2, 2001

Council Position	Candidate	Early Voting	Election Day	Total
Position 5	Russell Love	317	191	508
Position 5	Fred Harris	285	272	557
Early Voting	602			
Election Day	463			
Total Votes	1065			

Council member Owsley made the motion to approve Resolution No. 2001-22. Council member Diaz seconded the motion and with a unanimous vote, motion carried.

2. Consideration and action on Ordinance No. 2001-21 – amending Personnel Policy Number 023, Employment of Relatives. ***Kelli Sames, Human Resources Director***

Council member Diaz made the motion to approve Ordinance No. 2001-21 as presented. Council member Owsley seconded the motion and with a unanimous vote, motion carried.

The caption reads as follows:

ORDINANCE NO. 2001-21

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, REPEALING THE CURRENT PERSONNEL POLICY NUMBER 023, EMPLOYMENT OF RELATIVES POLICY, AND ADOPTING A NEW PERSONNEL POLICY NUMBER 023, EMPLOYMENT OF RELATIVES, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Consideration and action on Ordinance No. 2001-22 – amending Personnel Policy Number 531, Grievance/Appeals. ***Kelli Sames, Human Resources Director***

Council member Heinze made the motion to approve Ordinance No. 2001-22 as presented. Mayor Pro Tem Harris seconded the motion and with a unanimous vote, motion carried.

Council member Clayton asked if this ordinance was retroactive. Kelli Sames, Human Resources Director stated it was not.

The caption reads as follows:

ORDINANCE NO. 2001-22

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, REPEALING THE CURRENT PERSONNEL POLICY NUMBER 531, GRIEVANCE/APPEALS POLICY, AND ADOPTING A NEW PERSONNEL GRIEVANCE/APPEALS POLICY NUMBER 531, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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| <p>4. Consideration and action on Resolution 2001-25 – directing the publication of Notice of Intent to Issue Combination Tax and Revenue Certificates of Obligation, Series 2001, and declaring an effective date. Steven J. Alexander, Director of Finance</p> |
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Council member Smith made the motion to approve Resolution No. 2001-25 as approved. Council member Clayton seconded the motion and with a unanimous vote, motion carried,

J. STAFF REPORTS

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council member Owsley– Workshop - Political campaigning & use of city property

Mayor Pro Tem Harris – Workshop - Senior Citizens Board

After reading the executive session items, Mayor Nauert closed the regular session at 7:37 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 §551.071 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 v. Quicksilver
 - b. Malcolm Mahoney v. City

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 Secretary.

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 8:26 p.m. and announced City Secretary Mary Boone had tendered her resignation effective June 19, 2001. No other action was taken.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:31 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Mary Boone, TRMC, City Secretary