

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 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 7:04 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Ray Don Clayton gave the Invocation and led 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
Pamela Russell, City Secretary

Jim Thompson, Interim City Attorney (Excused Absence)

D. ANNOUNCEMENTS

Council member Smith

- Thank you to all the people that participated in the Downtown Association Halloween festivities. A wonderful time was had by all who attended.

Council member Owsley

- 2nd Annual Community Thanksgiving Dinner, will be held on November 15th, 5 p.m. – 7 p.m. This event is sponsored by the City of Copperas Cove and the Noon Exchange Club. Tickets are available to senior citizens, and low income citizens.
- Sunshine Home Bazaar takes place on November 17th, 9a.m. – 3 p.m. Christmas gifts and trinkets will be on sale to raise funds.

Council member Heinze

- Read a statement to the Cove Leader Press, addressing a recent letter to the editor, that was published in the newspaper.

Council member Gallen

- Thanks to Carol Mills, Economic Development Corporation Director, for the Speculative Building Ground Breaking Ceremony.

Council member Clayton

- ALTRUSA Golf Tournament will take place at the Hills of Cove Golf Course on November 10th. Tee Time is 9 a.m. This is a fund raiser to purchase books for the Copperas Cove Independent School District.

Mayor Nauert

- Council member Owsley will be given excused absences for the next two regular City council meetings, due to medical reasons.

E. PUBLIC RECOGNITION

1. Proclamation – Texas Recycles Day

Mayor Nauert read the proclamation. Amy Anderson, Recycling Coordinator for the City of Copperas Cove, accepted the Proclamation on behalf of the Solid Waste Department.

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.

Diane Steel – 905 North 4th Street – Concerned over stray cats entering her home. Ms. Steele said she thinks people should be responsible pet owners.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from October 23, 2001 Regular City Council Meeting. **Pamela Russell, TRMC, City Secretary**

2. Consideration and action on Resolution No. 2001-34, authorizing the submission of a grant application to the Texas Department of Transportation for a STEP Wave grant in the amount of ten thousand dollars (\$10,000), and authorizing the Grants Administrator to act on behalf of the City. **Susan Way, Grants Administrator**

3. Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove, the Copperas Cove Economic Development Corporation and the Copperas Cove Industrial Foundation for the sharing of costs related to the construction of Industrial Park infrastructure. **Richard Torres, City Manager**

Council member Gallen made the motion to approve consent items 1, 2, and 3, as presented. Council member Heinze seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2001-43 extending the current cable television service contract with Time Warner Entertainment-Advance/Newhouse

Partnership for ninety (90) days. **Richard Torres, City Manager**

Speaking For: Chuck Davis, 904 Oak Trails, Belton Texas – Time Warner
Employee representative

Speaking Against: None.

Mayor Nauert announced that items H-2a, and H-2b, would be discussed and acted upon, after the executive session.

I. ACTION ITEMS

1. Consideration and action on authorizing the Mayor to execute an Independent Contractor Agreement for Municipal Court Judge services. **Kelli Sames, Human Resources Director**

Council member Heinze made the motion to approve the item as presented. Council member Harris seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on Resolution No. 2001-37 authorizing the execution of a "Supply Agreement" with a retail electric provider, approving initial proposal pricing, and appointing authorized representative(s). **Steven Alexander, Assistant City Manager / Finance Director**

Council member Heinze made the motion to approve Resolution No. 2001-37. Council member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION No. 2001-37

APPROVING AND AUTHORIZING EXECUTION OF A "SUPPLY AGREEMENT" WITH A RETAIL ELECTRIC PROVIDER, APPROVING INITIAL PROPOSAL PRICING, AND APPOINTING AUTHORIZED REPRESENTATIVE(S)

J. STAFF REPORTS - None

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS - None

L. ITEMS FOR FUTURE AGENDAS

- Council member Heinze – Workshop –Copperas Cove Youth Advisory Commission presentation.
- Mayor Pro Tem Diaz – Workshop - Joint Image Campaign.
- Mayor Nauert – Public Hearing - Deer Problem – second meeting in January.

Mayor Nauert closed the regular session at 7:30 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:
a. City of Copperas Cove v. TXU

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 8:05 p.m.

Mayor Nauert announced that Executive Session items were for information purposes only.

H-2a. Public Hearing on Ordinance No. 2001-44 finding that TXU Gas Distribution's rates and charges within the City should be changed, determining just and reasonable rates, adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation, providing for the allocation of costs to residential, commercial and industrial customers, providing for recovery of rate case expenses and preserving regulatory rights of the City. ***Richard Torres, City Manager***

Speaking For: None.
Speaking Against: None.

H-2b. Consideration and action on Ordinance No. 2001-44 finding that TXU Gas Distribution's rates and charges within the City should be changed, determining just and reasonable rates, adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation, providing for the allocation of costs to residential, commercial and industrial customers, providing for recovery of rate case expenses and preserving regulatory rights of the City. ***Richard Torres, City Manager***

Council member Gallen made the motion to approve Ordinance No. 2001-44. Council member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2001-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT TXU GAS DISTRIBUTION'S RATES AND CHARGES WITHIN THE CITY SHOULD BE CHANGED; DETERMINING JUST AND REASONABLE RATES; ADOPTING GENERAL SERVICE RATES INCLUDING RATE ADJUSTMENT PROVISIONS AND

MISCELLANEOUS SERVICE CHARGES TO BE CHARGED FOR SALES AND TRANSPORTATION; PROVIDING FOR THE ALLOCATION OF COSTS TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:08 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Pamela J. Russell, TRMC, City Secretary