

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
NOVEMBER 19, 2002 - 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**

Council Member Smith 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

Steven J. Alexander, City Manager  
Pamela J. Russell, City Secretary  
James R. Thompson, Interim City Attorney

**D. ANNOUNCEMENTS**

Council Member Owsley

- The third annual City sponsored "Thanksgiving Day of Sharing" will take place this Thursday at the Civic Center. The dinner will be served from 5:30 p.m. thru 7:30 p.m. This event is for disadvantaged families and individuals and seniors. Tickets are free, and available from the Parks and Recreation Department and several other community agencies that Council Member Owsley listed. Last year we were almost rained out, but this year we are expecting beautiful weather.

Council Member Heinze

- This Saturday, November 23<sup>rd</sup> from 2:00 p.m. until 5:00 p.m. youth will be collecting canned food for Thanksgiving and Christmas in neighborhood housing areas, anyone who would like to help is invited.

**E. PUBLIC RECOGNITION**

1. Proclamation – Buddy Poppies. This proclamation will be presented to Shirley Brast, Aux. Vice President, V.F.W. Post 8577.

Mayor Nauert read the proclamation and presented it to Shirley Brast. Mrs. Brast said on behalf of the V.F.W. Ladies Auxiliary she wanted to thank each and everyone of the City Council for their support.

2. Proclamation – 100<sup>th</sup> Birthday celebration for Margaret Lyon.

Mayor Nauert read the proclamation. Mayor Nauert stated that Mrs. Lyons had been very active in the community, and had remained a resident of the City of Copperas Cove for 78 years, and commended Mrs. Lyons for still voting in the elections.

**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.

Elaine Brown, 1404 Fairbanks - Ms. Brown stated she had been a resident of Copperas Cove for 18 years, and was concerned with the City Library Ordinance. Ms. Brown thanked the City Council for allowing her to speak this evening. Ms. Brown said that citizens did not have the right to pay the fine or pay for the cost of the book once the case has gone to the court system. Each book is a separate summons, and court costs are applied to each overdue book. Ms. Brown said she was concerned for the young parents of young children who have been issued court summons. Ms. Brown requested the City Council review the ordinance and make it a little more lenient for our young parents. She asked for a period of 90 days to pass before a summons was issued for overdue materials. In addition Ms. Brown requested the City Attorney to consider grouping overdue library books into one summons rather than being assessed individually. Ms. Brown stated she was not personally involved in any of this, but feels as a citizen she would like to look out for young parents.

Joseph Palumbo, 702 Judy Lane – Chair of the Library Advisory Council for Central Texas Library System, (this organization is made up of 70 libraries). We are one of the last cities to have an ordinance of this type implemented. Research has revealed that implementation of this type of ordinance has resulted in a significant drop of library material losses.

Steven Alexander, City Manager – The Council reviewed this ordinance at the last council retreat in February of this year. City Librarian, Peg Fleet and myself were concerned about the level of losses the City was experiencing with library materials. The objective of the ordinance was to protect the citizens' resources, and ensure that all citizens have the same level of service. The sole objective of the ordinance is to have library materials returned. Peg Fleet, my staff, and myself still believe this is a well written ordinance.

Peg Fleet, Library Director – Stated that patrons have the opportunity to renew materials in person or over the telephone, provided the materials are not on reserve for another patron. Ms. Fleet gave an overview of the processing timeline for overdue library materials.

Charlotte Heinze, Council Member – Questioned how long library materials would need to be in a persons' possession before they were issued a summons? Council Member Heinze clarified that the period for holding a library materials would be between seven and eight weeks before a court summons would be issued.

Ray Don Clayton – Questioned if the summons was sent to the same address the overdue notices had been sent to, and asked if there was a possibility that some patrons may not have received the previous overdue notices?

Peg Fleet, Library Director – Stated sometimes the court would find another address, but explained all materials are given a tag with the due date and ultimately it is the responsibility of the patron to return the materials on time.

Mayor Nauert – Asked if a person came to the library after the third notice had been received, and stated they had lost the items, and they did not have the funds to pay for the items, would the library work with them? Peg Fleet, Library Director stated the library would allow the patron to pay for the lost items in increments.

Bud Owsley, Council Member – Asked if once the issue goes to court, was it then out of the hands of the library? Peg Fleet, Library Director stated yes, and explained how fees were assessed.

Margaret Henderson, 701 Cedar Drive - Member of the Library Advisory Board, and resident for 32 years. Ms. Henderson stated she had paid a lot of taxes over the years, and some of her tax dollars went to support the library, that she paid willingly. An educated citizenry is the only way to support a democracy. Library patrons need to realize they have a fiscal responsibility to the rest of us. Some patrons don't take the responsibility others do. As a taxpayer I want these cases prosecuted, evidently this may be the only way they understand. Ms. Henderson stated she does not believe the library ordinance needs to be changed at all.

Peggy Youngs, 609 Ash Drive – Library Advisory Board Member, CCISD School Librarian. Ms. Youngs stated the Library Advisory Board takes their responsibility very seriously. The information on the library ordinance was presented to the Library Board and was approved unanimously by the Library Board. Ms. Youngs stated there does have to be some level of responsibility, as we are looking at thousands of dollars of materials that have been lost or not returned, and therefore not available to others in the community, the ordinance is adequate and fair. The Library Board does support this ordinance.

Bernice Letzer, 2908 Oak Hill Drive – Stated she was not on the Library Board, but believes patrons are given more than enough time to return books, patrons can always pick up the phone and ask for an extension. This is how people learn responsibility. I think the ordinance is very good and sometimes you have to hit people in the pocketbook to get your books back.

Kyle Brown, 1404 Fairbanks - Stated most of these people who are being taken to court are young parents. I do not believe eight weeks is enough time to return materials in a new families' life.

Marion Palumbo, 702 Judy Lane – Resident for 27 years, retired school teacher, and Chairman of our Library Board. A lot of thought and research went into the development of the ordinance. After speaking with directors of the Central Texas Library System the loss of books is a big problem that constitutes a lot of money. I do not care how old you are or where you live, you need to take responsibility. Patrons have the opportunity to

renew materials and you can end up with a lot of time, but if you want the book that badly, maybe you should go and buy it. I believe in this ordinance deeply.

**G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from November 19, 2002, Regular Meeting. **Pamela J. Russell, City Secretary**
2. Consideration and action on approving payment of required annual Consolidated Water Quality Assessment Fees to the Texas Commission on Environmental Quality (TCEQ) in the amount of \$32,190.00. **Robert M. McKinnon, Director of Water/Wastewater**
3. Consideration and action on Resolution No. 2002-27, authorizing and supporting the submission of a grant application to the Criminal Justice Division, Office of the Governor, for a Juvenile Accountability Block Grant in the amount of \$8,503. **Susan Way, Grants Administrator**

The Resolution caption reads as follows:

**RESOLUTION NO. 2002-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR, STATE OF TEXAS; AUTHORIZING THE GRANTS ADMINISTRATOR TO ACT ON BEHALF OF THE CITY OF COPPERAS COVE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE CRIMINAL JUSTICE DIVISION.**

Council Member Smith made a motion to approve consent items 1, 2, and 3. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

**Mayor Nauert adjourned the Regular Session of the meeting at 7:42 p.m. to enter into Executive Session.**

**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. The expiration of the franchise agreement with Time Warner Entertainment-Advance/Newhouse Partnership

**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 of the meeting at 8:00 p.m.**

Mayor Nauert announced that Executive Session item M1 was information purposes only, and no action would be taken.

#### H. PUBLIC HEARINGS/ACTION

1. Public Hearing on Ordinance No. 2002-21 for the renewal of the cable television service contract with Time Warner Entertainment-Advance/Newhouse Partnership for an additional ninety (90) days.

Speaking For: Johnny Mankin, 916 Oak Road, McGregor, Texas. Division President of Time Warner Cable.

Mr. Mankin stated he had been in this business for 28 years, and had the opportunity to work with many attorneys and City Managers, and in all sincerity he wanted to compliment Jim and Steve, they have been a pleasure to work with, they are very professional and tough negotiators. They have represented your City very well. Mr. Mankin also stated: We will donate five computers and high speed "Roadrunner" service to those computers at your municipal library, free of charge. We will enact that as soon as franchise agreement is in place, and do not see why we can not have this in place by Christmas.

Speaking Against: None.

#### I. ACTION ITEMS

1. Consideration and action on approving Ordinance No. 2002-24 amending Article IV, Sections 11-70(a) and 11-71 pertaining to the collection of construction and demolition site material. **Richard Davis, Solid Waste Director**

Council Member Heinze made a motion to approve Ordinance No. 2002-24. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

#### ORDINANCE NO. 2002-24

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING THE ARTICLE IV, SECTION 11-70(A) AND 11-71; MATERIALS WHICH WILL NOT BE COLLECTED BY THE CITY; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

#### J. STAFF REPORTS

1. Financial Report for the month ended September 30, 2002. **Christine Julius, Interim Director of Finance**

Christine Julius, Interim Director of Finance gave the Financial Report for the month ended September 30, 2002.

2. Update on the Ogletree Pavilion Project. *Paul M. Boyer, P.E., City Engineer*

Paul Boyer, City Engineer said this was part of the bond package to make improvement to Ogletree Preserve. The sewer line should be complete in February 2003. Mr. Boyer stated: We need a new architect on the job. Council Member Harris stated that when we have a project we need a start date and an end date. City Manager, Steven Alexander, said he guaranteed he would have a specific timeline available for the City Council tomorrow.

3. Update on Joe's Road Project. *Paul M. Boyer, P.E., City Engineer*

Paul Boyer, City Engineer stated a pre-construction meeting will be held within the next couple of weeks. Construction of this project should be around the end of April 2003. Both Joes Road and Wolf Road will not be closed at the same time during construction.

**K. REPORTS OF ADVISORY COMMITTEES AND BOARDS**

1. Strategic Planning Committee Quarterly Report for time period July 1, 2002 through September 30, 2002. *Bradi Diaz, Mayor Pro Tem*

Bradi Diaz, Mayor Pro Tem, stated the Strategic Plan is in place, all directors are making their reports and then the information is compiled into the self-explanatory document.

**L. ITEMS FOR FUTURE AGENDAS - None.**

Council Member Owsley asked the City Council if they thought a workshop was necessary on the Library Ordinance. All Council Members agreed that a workshop on the Library Ordinance was not necessary.

**O. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:30 p.m.

---

Rodney G. Nauert, Mayor

ATTEST:

---

Pamela J. Russell, TRMC, City Secretary