

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
JANUARY 7, 2003 - 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 7:10 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Gallen gave the Invocation, and led 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**

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

**D. ANNOUNCEMENTS**

Council Member Gallen

- School is back in session, watch the school zones.

Mayor Pro Tem Diaz

- Joes Road will be closed to all traffic during normal working hours beginning on January 10, 2003. Detour signs will be in place. The closure is expected to last 10 days. The road closure is to accommodate the installation of a water line.

**E. PUBLIC RECOGNITION – None.**

**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.

Daine Steel – 905 N. 4<sup>th</sup> Street – Complained that the Mayor had promised funds to the Boys and Girls Club that he was unauthorized to do. Ms. Steel complained that monies should be given to other organizations rather than the Boys and Girls Club.

Council Member Harris stated that monies given to the Boys and Grls Club had been donated in part from the America's Promise organization. City Manager Steven Alexander stated that during the budget 2002-2003 process the council had set aside \$1,500 for the Boys and Girls club along with monies for several other non profit organizations. Mayor Nauert clarified that when he made the comment about funding for

the Boys and Girls club he was speaking on behalf of the City Council as a whole, and not his personal intentions.

Danielle Taylor - 804 Sandy Court – Concerned that a opossum that was chewing a hole in the ceiling of her home. Ms. Taylor stated the Animal Control department told her to catch the possum herself. Ms. Taylor asked what the responsibilities of the animal control department are. Steven Alexander, City Manager asked Ms. Taylor to speak with Police Chief about her concerns.

Marty Martinez – Harker Heights – Local Commander of the Order of the Purple Heart. Invited all City Council Members to attend the 1<sup>st</sup> Annual Purple Heart Ball on February 22, 2003 at the Civic Center, Copperas Cove.

## **G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from December 3, 2002 Regular City Council Meeting, and December 19, 2002 Special City Council Meeting. **Pamela J. Russell, City Secretary**

2. Consideration and action on award of Bid No. 2003-05-42 to Centroplex Ford for the purchase of two (2) Police Pursuit Vehicles at \$20,880 per unit. **Tim Molnes, Police Chief**

3. Consideration and action on award of Bid No. 2003-06-42 to Centroplex Ford for the purchase of one Sport Utility Vehicle at \$23,978.00 per unit. **Tim Molnes, Police Chief**

4. Consideration and action on authorizing the City Manager to execute a contract with Brown-Minneapolis Tank Co. for the demolition of the existing ground storage tank and construction of the Turkey Run Phase II 1.0 MG Ground Storage Tank Project, Bid No. 2003-04-82, in the amount of \$275,655.00. **Paul M. Boyer, P.E., City Engineer**

Council Member Harris requested item G-3 be removed from the consent agenda to allow for discussion.

Council Member Gallen made a motion to approve consent items 1, 2, and 4. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

Council Member Harris asked Chief Molnes to explain why the Police Department needed a sport utility vehicle. Chief Molnes explained that the Sport Utility vehicle was necessary for all of the equipment that needed to be transported.

Council Member Heinze made a motion to approve consent item G-3. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

## **H. PUBLIC HEARINGS/ACTION**

1a. Public Hearing on Ordinance No. 2002-21 for the renewal of the cable television service contract with Time Warner Entertainment-Advance/Newhouse Partnership. **James R. Thompson, Interim City Attorney**

Pamela Russell, City Secretary read the following ordinance caption:

**ORDINANCE NO. 2002-21**

**AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, GRANTING A FRANCHISE TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP FOR THE TERM OF 15 YEARS, TO BUILD, CONSTRUCT, OPERATE, AND MAINTAIN A CABLE SYSTEM IN THE CITY OF COPPERAS COVE; TO ERECT, MAINTAIN, AND OPERATE ITS POLES, TOWERS, ANCHORS, WIRES, CABLES, ELECTRONIC CONDUCTORS, CONDUITS, MANHOLES, AND OTHER STRUCTURES AND APPURTENANCES IN, OVER, UNDER, ALONG, AND ACROSS THE PRESENT AND FUTURE PUBLIC RIGHTS-OF-WAY IN THE CITY; PRESCRIBING COMPENSATION FOR THE RIGHTS, PRIVILEGES, AND FRANCHISE CONFERRED HEREUNDER; PRESCRIBING THE CONDITIONS GOVERNING THE OPERATION OF THE BUSINESS INsofar AS IT AFFECTS THE USE OF PUBLIC PROPERTY FOR THE PURPOSE OF SUCH BUSINESS; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Speaking For: Johnny Mankin - Division President, Time Warner Cable  
Mr. Mankin stated "With the diligence of the City Manager and City Attorney, we have been working on this contract for almost a year now, and have come to a very good document we can both live with for the next fifteen years".

Speaking Against: Diane Steel - 905 N. 4<sup>th</sup> Street  
Ms. Steele stated she was concerned about the length of the contract, and upset that Spanish and Chinese language stations are offered.

Council Member Harris clarified that Time Warner Cable offered 78 channels, and only three of those were in the Spanish language.

1b. Consideration and action on Ordinance No. 2002-21 for the renewal of the cable television service contract with Time Warner Entertainment-Advance/Newhouse Partnership. **James R. Thompson, Interim City Attorney**

Council Member Smith made a motion to approve Ordinance No. 2002-21. Council Member Heinze seconded the motion, and with a unanimous vote, motion carried.

Council Member Heinze stated that the City had taken over a year to develop this contract and extensive research had been completed.

2a. Public Hearing on Ordinance No. 2002-25 amending the 2002-03 fiscal year budget for the City of Copperas Cove. **Christine M. Julius, Interim Finance Director**

Speaking For: Christine Julius, Interim Director of Finance.

Speaking Against: None.

2b. Consideration and action on Ordinance No. 2002-25 amending the 2002-03 fiscal year budget for the City of Copperas Cove. **Christine M. Julius, Interim Finance Director**

Council Member Gallen made a motion to approve Ordinance No. 2002-25. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption reads as follows:

**AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THE ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

**I. ACTION ITEMS**

1. Consideration and action on Resolution No. 2003-01 agreeing to accept a proposed service road to be built as part of the US 190 Reliever Route and that portion of TxDOT right-of-way where the service road is located. **Paul M. Boyer, P.E., City Engineer**

Council Member Heinze made a motion to approve Resolution No. 2003-01. Council member Diaz seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

**RESOLUTION NO. 2003-01**

**A RESOLUTION AGREEING TO ACCEPT A PROPOSED SERVICE ROAD TO BE BUILT AS PART OF THE US 190 RELIEVER ROUTE AND THAT PORTION OF TXDOT RIGHT-OF-WAY WHERE THE SERVICE ROAD IS LOCATED.**

2. Consideration and action on authorizing the City Manager to execute an agreement for professional services with Sanborn Map Company, Inc., for photogrammetric mapping of the City and most of its Extraterritorial Jurisdiction. **Paul M. Boyer, P.E., City Engineer**

Council Member Owsley made a motion to approve the item I-2 as presented. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on Ordinance No. 2003-01 amending Personnel Policy No. 120, Salary Program Administration. **Kelli Sames, Human Resources Director**

Council Member Heinze made a motion to approve Ordinance No. 2003-01. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

**ORDINANCE NO. 2003-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED PERSONNEL POLICIES AND PROCEDURES OF THE CITY OF COPPERAS COVE BY REPEALING THE CURRENT PERSONNEL POLICY, NO. 120, (SALARY PROGRAM ADMINISTRATION) AND REPLACING THE EXISTING POLICY WITH A REVISED PERSONNEL POLICY, NO. 120, (SALARY PROGRAM ADMINISTRATION) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.**

**J. STAFF REPORTS**

1. Financial Report for the month ended October 31, 2002. **Christine M. Julius, Interim Finance Director**

This item was pulled from the agenda.

2. Report on the City of Copperas Cove Deer Survey 2002. **Pamela J. Russell, City Secretary**

Pamela Russell, City Secretary gave the results of the Copperas Cove Deer Survey 2002:

11,172 surveys were mailed out to our utility customers during the period November 5<sup>th</sup> thru November 28<sup>th</sup>, 2002.

1,118 completed surveys were returned.

Question 1.

Do you believe that the deer population within the City of Copperas Cove is a problem?

351 (31%) YES      724 (65%) NO      43 (4%) N/A

Question 2.

Do you believe that the deer population within the City of Copperas Cove needs to be controlled?

463 (41%) YES      620 (56%) NO      35 (3%) N/A

Question 3.

Do you feel that the present deer population creates a traffic hazard in Copperas Cove?

364 (33%) YES      719 (64%) NO      35 (3%) N/A

Question 4.

Would you be in favor of an ordinance banning the intentional feeding of deer?

517 (46%) YES      574 (52%) NO      27 (2%) N/A

Question 5.

Have you ever had personal property damaged by deer within Copperas Cove?  
213 (19%) YES      888 (79%) NO      17 (2%) N/A

Mr. Mike Krueger, Wildlife Biologist, Texas Parks and Wildlife Department answered questions and addressed concerns from City Council members on possible solutions for resolving the deer problem issue within the City of Copperas Cove. Council Member Harris asked Steven Alexander to provide the City Council with approximate costs of implementing some of the suggested solutions. City Manager, Steven Alexander asked permission from the City Council to bring this issue to the City Council at the March 2003 Retreat. The City Council agreed.

**K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.**

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Owsley – Disabled Veterans Proclamation in February, 2003.

Council Member Harris – Workshop with Representative Sid Miller and TXDoT staff to discuss the proposed U.S. 190 Reliever Route.

Council Member Clayton – Review of ordinance section 9.22 pertaining to City auctions.

**M. EXECUTIVE SESSION**

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| <p>1. Pursuant to §551.072 of the Open Meetings Act. <i>Tex. Gov't Code</i>, Council will meet in Executive Session to deliberate the purchase, exchange or value of real property.</p> |
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**Mayor Nauert closed the Regular session of the meeting at 8:30 p.m.**

**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 9:14 p.m.**

Mayor Nauert announced the Executive Session item M-1 was for information purposes only, and no action would be taken.

**O. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:15 p.m.

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Rodney G. Nauert, Mayor

ATTEST:

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Pamela J. Russell, TRMC, City Secretary