

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 3, 2004 - 7:00 P.M.**

**A. CALL TO ORDER**

Mayor Pro Tem Bradi Diaz called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:03 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Owsley gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Ray Don Clayton  
John Gallen  
Charlotte Heinze  
Fred Harris  
Bud Owsley  
Annabelle Smith

Steven J. Alexander, City Manager  
Pamela J. Russell, City Secretary

**D. ANNOUNCEMENTS**

Council Member Smith

- Another reminder to everyone: The 125<sup>th</sup> Birthday will be celebrated with a Street Party in the downtown area of Copperas Cove on March 27, 2004. 10 a.m. -10 p.m. Get it on your calendar! Enjoy and help us celebrate!

Council Member Owsley

- It is good to see so many people in the audience. Welcome to all of the soldiers that are visiting and observing our Council meeting tonight.

Council Member Heinze

- The "Job Shadow Program" was held yesterday; twenty-five students participated in the event, a huge thank you to all of the hosts for making this event a success.
- Welcome to 1/CAV soldiers who are here this evening. As the wife of a deployed 4<sup>th</sup> ID soldier, I wish you all well and good luck in Iraq.

Council Member Gallen

- A thank you for the Dip, Dive and Splash or otherwise known as the "Polar Bear Club"; who braved the cold water this past Saturday.

Council Member Clayton

- TXDOT will be conducting a survey in Copperas Cove to determine if we need a toll road or Reliever Route around Copperas Cove. It's important the survey be completed to show that we have a need. Please try to help as much as possible.

Mayor Pro Tem Diaz

- Thank you to the 1/CAV soldiers who are sharing their evening with us tonight.
- Tomorrow, Wednesday, February 4, 2004 is the final day to Early Vote in the City of Copperas Cove Special Election to elect a Mayor and Council Member Position One. Early Voting will be held at the Copperas Cove City Hall from 8 a.m. thru 5 p.m. Regular voting will take place on Election Day, Saturday, February 7, 2004, from 7 a.m. thru 7 p.m. at the Civic Center. Once the ballots have been counted, the unofficial canvass of the election results will be announced by Election Judge, Mary Howell at City Hall.
- The “Our Soldiers, Our Neighbors, Our Freedom” rally will be held at the Killeen Conference Center on February 16, 2004 at 7 p.m. This event is to demonstrate region wide support for the troops deploying to Iraq. The Copperas Cove High School Band will be performing.

**E. PUBLIC RECOGNITION – None.**

- F. CITIZENS’ 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.

David Landmann, Executive Director, Copperas Cove Chamber of Commerce. 204 E. Robertson, Copperas Cove. A thank you to all of the City people for helping to make the January 24<sup>th</sup> Copperas Cove Classic Bicycle Race a huge success. Thank you to the City Council for approving the street closures. Thanks to the Police Department, Fire and EMS Department and Street Department and also the Citizens Police Academy Alumni Association. All worked in harmony with the Chamber. There were 120 racers that showed up and braved the weather!

Marty Martinez, Order of the Purple Heart Centex Chapter 1876. Mr. Martinez invited the City Council and citizens to attend the “Purple Heart Ball”, scheduled for Saturday, February 21, 2004 at 7 p.m. The event will be held at the Civic Center. Hopefully you will all attend, and enjoy the big band music.

Joseph Yax, 1924 Lightfoot Lane, Copperas Cove. – Distributed photographs to the City Council of code enforcement violations. Mr. Yax stated his neighborhood was unsightly with unkempt lawns, old broken appliances stacked outside sheds which are filled with trash. Mr. Yax stated his concern for health issues, and thought some decrepit houses needed to be condemned. Mr. Yax said we owe gratitude to the people who founded this City, and challenged everyone to maintain the City that was built for family living.

City Manager, Steven Alexander stated he would provide a written report to the City Council on the Code Enforcement issues.

**G. CONSENT ITEMS**

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| 1. Consideration and action on approval of minutes from January 20, 2004 Regular City Council Meeting. <b><i>Pamela J. Russell, City Secretary</i></b> |
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2. Consideration and action on authorizing street closures during calendar year 2004 for the Copperas Cove Downtown Association, Copperas Cove Chamber of Commerce and Visitors Bureau, Olan Forest Smith, VFW Post No. 8577 and Ladies Auxiliary and Police Department's National Night Out "Kick Off Party 2004". **Tim Molnes, Police Chief**

3. Consideration and action on authorizing the City Manager to execute an Inter-Local Agreement between the City of Copperas Cove and Coryell County for fire fighting and fire department protection services to unincorporated areas of Coryell County, Texas. **William Rippy, Shift Commander**

Council Member Harris requested consent item G-1 to be removed from the consent agenda, to allow for discussion. Mayor Pro Tem Diaz stated consent agenda item G-1 was to be removed from the consent agenda.

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

Council Member Harris made a motion to approve consent item G-1 with a correction to the spelling of the name "Krock" in the announcement section. Council Member Gallen seconded the motion. With a unanimous vote, motion carried.

#### H. PUBLIC HEARINGS/ACTION

1a. Public Hearing on Ordinance No. 2004-05 changing the Zoning Designation for Lot 1, Block 1, City of Copperas Cove Addition Location 1, also identified as 303 Zarley Drive, Copperas Cove, for R-1 Single Family to B-2 Local Retail. **David Lilley, CBO/City Planner**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-05, and stated: Last May the City of Copperas Cove Planning and Zoning Commission and the Copperas Cove City Council approved a plat identified as the City of Copperas Cove Addition Location 1. This was done as a step toward creating a building site for a facility to be constructed by Boys and Girls Club of Coryell County. As you know this has been an ongoing process in an attempt to bring about a new facility for the youth of the community. A change of zoning designation is another step to reach that goal.

The Planning and Zoning Commission held a public hearing on January 5, 2004, and voted unanimously to send the request to the City Council with a recommendation for approval. One person spoke against the request and expressed a concern regarding the future intersection traffic control. Mr. Paul Boyer, City Engineer explained that traffic control would be looked at as the street was designed. Additionally, the attached zoning report provides information pertaining to the request.

Mayor Pro Tem Diaz opened the Public Hearing.

Speaking For: Ira Brand - 503 Hayloft Circle, Copperas Cove.

Speaking Against: None.

Mayor Pro Tem Diaz closed the Public Hearing.

1b. Consideration and action on Ordinance No. 2004-05 changing the Zoning Designation for Lot 1, Block 1, City of Copperas Cove Addition Location 1, also identified as 303 Zarley Drive, Copperas Cove, for R-1 Single Family to B-2 Local Retail. **David Lilley, CBO/City Planner**

Council Member Harris made a motion to approve Ordinance No. 2004-05. Council Member Heinze seconded the motion.

Council Member Owsley said this was a win-win situation that will provide a great opportunity for the Boys and Girls Club.

City Manager, Steven Alexander, stated that additional information that the City Council had previously requested on this agenda item had been provided to the City Council from Paul Boyer, City Engineer.

Paul Boyer, City Engineer gave an overview of his memo, and stated: I recommend that we proceed as originally planned. I feel that since we do not have a good network of arterials and collectors, this City needs more connections such as one from Zarley to Industrial.

With a unanimous vote, motion carried.

The Ordinance caption reads as follows:

#### **ORDINANCE NO. 2004-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CHANGING THE ZONING ON LOT 1, BLOCK 1, CITY OF COPPERAS COVE ADDITION LOCATION 1, FROM R-1 TO B-2, PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

#### **I. ACTION ITEMS**

1. Consideration and action on authorizing the City Manager to execute a contract with Excel Construction Services, LLC for the construction of the Northeast and Northwest Wastewater Treatment Plant Improvements plus Additive Alternate Item No. 1 for the purchase and installation of step screens for the South Wastewater Treatment Plant. **Robert McKinnon, Director of Water/Wastewater**

Robert McKinnon, Director of Water/Wastewater gave a summary of the contract and stated that the award of this contract will cost the City \$6,132,713.00. As with any capital improvement project, additional work may be required for unknown circumstances or for project betterment. All costs for this project will be paid out of the 2003 Water/Wastewater bonds.

Council Member Heinze made a motion to approve agenda item I-1. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on authorizing the City Manager to execute Change Order No. 1 in conjunction with Bid No. 2004-04-84 for the construction of the Northeast and Northwest Wastewater Treatment Plant Improvements plus Additive Alternate Bid Item No. 1 for the South Wastewater Treatment Plant. **Robert McKinnon, Director of Water/Wastewater**

Robert McKinnon, Director of Water/Wastewater gave an overview of this agenda item and stated that staff recommends the City Council authorize the City Manager to execute Change Order No. 1 with Excel Construction Services, LLC to reduce the original contract amount from \$6,132,713.00 to \$5,344,345.00 for the construction of improvements to the Northeast, Northwest, and South Wastewater Treatment Plants.

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

3. Consideration and action on Resolution No. 2004-01 calling for a General Election to elect Council Member Positions 3, 4 & 5; to be held on May 15, 2004, and a Runoff Election on June 19, 2004 (if necessary); and outlining the election procedures, and the "Order of Election". **Pamela J. Russell, TRMC, City Secretary**

Council Member Gallen made a motion to approve Resolution No. 2004-01. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

#### **RESOLUTION NO. 2004-01**

#### **A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION IN COPPERAS COVE, TEXAS.**

4. Consideration and action on authorizing the City Manager to sign a contract with The Wallace Group for professional engineering services for the FM 1113 Pedestrian/Bicycle Trail. **Paul M. Boyer, P.E., City Engineer**

Council Member Heinze made a motion to approve agenda item I-4. Council Member Smith seconded the motion.

Council Member Owsley stated he was opposed to the process the City went through in awarding this contract.

Paul Boyer, City Engineer gave an overview of the agenda item and stated that in accordance with the rules of the grant, requests for proposal/qualifications were sent to engineering firms this past summer. A selection committee evaluated the submittals. Seven engineering firms submitted proposals. After the consultant selection committee reviewed and ranked the proposals, the top two ranked firms, The Wallace Group and Martinez, Wright, and Mendez, Inc., were invited to make oral presentations. The consultant selection committee determined that The Wallace Group was the best qualified to design the project. The award of this professional services contract will cost the City \$183,500 and is funded with \$320,000 budgeted for this project in the 2003

Bonds. The STEP grant will reimburse the City 80%, or \$146,800, so the net cost to the City is \$36,700. The total budget for this project is \$1,556,237.

Paul Boyer also stated that the City had to go through the RFP process, and that we were prohibited from taking competitive bids, and the proposals were decided through a decision matrix.

Mayor Pro Tem Diaz asked which Council Members had served on the committee. City Manager, Steven Alexander stated that the former Mayor, Rodney Nauert was a committee member, but was unable to attend the meetings, and Council Member Owsley had attended in his place.

Council Member Heinze asked what was the time frame for completion of this project? Paul Boyer, City Engineer said the design would take until about the end of July then it would go to TXDOT for final approval, which should be about mid September. Construction should begin mid November and take approximately six months, bringing us to April or May of 2005.

Council Member Clayton asked the City Manager what would happen if the City Council decided not to accept this contract with The Wallace Group. City Manager, Steven Alexander stated if Council decides not to accept this agreement we would have to negotiate with the next engineering company, as we have to comply with state law, and that staff is recommending approval of the contract with The Wallace Group.

Mayor Pro Tem Diaz requested a roll call.

Council Members voting for the motion: Clayton, Gallen, Heinze, Harris, Smith.  
Council Members voting against the motion: Owsley.

With five voting in favor of the motion, and one voting against, motion carried.

5. Consideration and action on authorizing the City Manager to sign a contract with Hearne Engineering, Inc., for professional engineering services for the Phase III West 190 Sewer and Wolfe Road Sewer. **Paul M. Boyer, P.E., City Engineer**

Council Member Owsley made a motion to approve agenda item I-5. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on authorizing the City Manager to sign a contract with Hearne Engineering, Inc., for professional engineering services for the Fourth Year Sewer Rehabilitation Project. **Paul M. Boyer, P.E., City Engineer**

Council Member Heinze made a motion to approve agenda item I-6. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

## **J. STAFF REPORTS**

1. EDC Financial Report for the month ended December 31, 2003. **Carol Mills, Executive Director, EDC**

Carol Mills, Executive Director, EDC gave the Financial Report for the month ended December 31, 2003.

2. Keep Copperas Cove Beautiful Commission Update. **Amy Anderson, Executive Director, Keep Copperas Cove Beautiful Commission**

Amy Anderson, Executive Director, Keep Copperas Cove Beautiful Commission, gave an update for the various events that the Commission had participated in and stated that currently the Commission was working on the annual Great American Cleanup that will be held on Saturday, March 13, 2004. Ms. Anderson also stated that the Commission was partnering with the Downtown Association in an effort to spruce up the downtown area in preparation for the "125<sup>th</sup> Cove Birthday Party".

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

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Harris – Requested an Item be placed on the City Council Retreat Agenda discussing the state of the Municipal Golf Course. City Council gave consensus.

**M. EXECUTIVE SESSION - None.**

**N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION**

**O. ADJOURNMENT**

There being no further business, Mayor Pro Tem Diaz stated the meeting was adjourned at 7:54 p.m.

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Bradi D. Diaz, Mayor Pro Tem

ATTEST:

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Pamela J. Russell, TRMC, City Secretary

