

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 6, 2004 - 7:00 P.M.**

A. CALL TO ORDER

Mayor, Bradi Diaz called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:11 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

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

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

D. ANNOUNCEMENTS

Council Member Smith

- Introduced Mr. Rick McKinnon, the new Chief Appraiser for Coryell County.

Council Member Owsley

- Complimented the Animal Control Department for their hard work and dedication and stated that they have a demanding and difficult job to perform.

Council Member Heinze

- On April 22, 2004 the 4ID Welcome Home celebration and Uncasing of the Colors Ceremony will be held on Fort Hood.

Mayor Diaz

- The Noon Exchange Club and Chamber of Commerce Governmental Affairs Committee will be hosting a Political Forum on Thursday, April 8, 2004, 6:30 p.m. until 8:30 p.m. at City Hall. Candidates who have filed to run for office in the May 15, 2004 City General Election have been invited to participate. All citizens are welcome to attend this event. The forum will also be broadcast live on the government access channel 10.
- On April 22nd the Welcome Home Event for Task Force Ironhorse will be taking place on Fort Hood. MWR and Mayor's Task Force still needs volunteers to help at this event. Please contact the Chamber of Commerce if you can offer your time to this worthy cause.

E. PUBLIC RECOGNITION

1. Proclamation – “Fair Housing Month in the Central Texas Region”.
Mayor, Bradi D. Diaz

Mayor Diaz read the proclamation and presented it to Shannon Mattingly, K-TUTS. Shannon Mattingly thanked Mayor Diaz and the City Council and staff for the proclamation and their support.

2. Proclamation – “Child Abuse prevention Month”. Noon Exchange Club, and Morning Exchange Club. **Mayor, Bradi D. Diaz**

Mayor Diaz read the proclamation and presented it to Rick Mackey, Morning Exchange Club President and Inez Faison, Noon Exchange Club President. Mr. Roger “O’Die” O’Dwyer, dressed as the Grim Reaper gave a presentation to support the prevention of child abuse. Council Member Smith gave thanks to all of the citizens who gave so generously to the “Child Abuse Prevention Month” cause.

3. Presentation – “Community Partnership Award”, to the City of Copperas Cove. **YMCA Armed Services**

Mr. Tony Mino, and Mr. Warren Townsend representing the YMCA presented the “Community Partnership Award” to the City of Copperas Cove. Mayor Diaz accepted the award on behalf of the City, and thanked the YMCA for all that they did for the youth in our community.

Tony Mino also presented an award to Council Member Harris for his many years of volunteer service. Council Member Harris thanked the YMCA for the recognition and the award.

- 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, Chamber of Commerce, Executive Director. – Gave thanks to the City and City departments for their participation with the “Tough Cookie Do-Athlon” event, which took place on April 4, 2004. Mr. Landmann stated the event was very successful.

G. CONSENT ITEMS

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| <ol style="list-style-type: none">1. Consideration and action on approval of minutes from March 16, 2004 Regular City Council Meeting. Pamela J. Russell, City Secretary |
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Council Member Heinze made a motion to approve Consent Item G-1. Council Member Gallen seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action authorizing the City Manager to execute a contract between the City and Topsey Water Supply Corporation that provides for a term of ten years with a ten year option for the sale of water to Topsey and that supersedes the present water supply contract that expires on September 30, 2005. **James R. Thompson, City Attorney**

Council Member Owsley made a motion to approve agenda item I-1. Council Member Clayton seconded the motion. Steven Alexander, City Manager stated: The City desires to extend its retail water service area and to amend its existing Certificate of Convenience and Necessity (CCN) or to obtain new CCN in areas within its city limits and its current extraterritorial jurisdiction (ETJ) and future ETJ as the City grows over the next ten (10) to twenty (20) years that is now owned and certificated to Topsey. Topsey desires a decrease in the volumetric rate of water purchased from the City. City is authorized to provide wholesale potable water service outside its corporate city limits, has a supply of potable water which is not contracted to others and is available for Topsey's use. City and Topsey desire to enter into a new contract that supersedes any previous contract. The Contract requires the City to lower Topsey's wholesale water volumetric rate to \$2.85/1000 gallons. Based on previous consumption of roughly 24,255,600 gallons per year, the City will experience a drop in revenues of \$12, 773 per year. The contract also provides this rate to be frozen for a period of 5 years. All other things remaining constant, the City will experience a total loss of revenue, over the next 5 years, of \$68,865. City Council has indicated to City Staff that it desires to acquire new CCN in areas covered by the contract. City Staff believe that this contract would be in the best interest of the City and recommends that Council authorize the City Manager to sign the contract.

With a unanimous vote, motion carried.

2. Consideration and action on granting a non-exclusive ambulance license to MetroCare Services for the purpose of the operation of a non-emergency ambulance service within the City of Copperas Cove. **Dennis K. Haas, Fire Chief**

Council Member Heinze made a motion to approve agenda item I-2. Council Member Gallen seconded the motion. Dennis Haas, Fire Chief, stated: The City of Copperas Cove regulates private ambulance services through City Ordinance Chapter Nineteen, Article IV. Under this ordinance, when public convenience or necessity is shown, the City Council can grant a non-exclusive license for a non-emergency ambulance service that operates within the City. At the present time, the City has one non-emergency ambulance company licensed to provide non-emergency transport services to nursing homes located in Copperas Cove. City Ordinance does not limit the number of private ambulance companies operating in the City for the purpose of providing non-emergency transport ambulance services as long as the license applicant meets all the requirements contained in City Ordinance Chapter Nineteen, Article IV. City Ordinance does prohibit private ambulance companies from operating emergency ambulance services within the city unless responding to a Mutual Aid request from the City of Copperas Cove Fire Department. On March 1, 2004, the City received an application from MetroCare Services located in Austin, Texas, to operate a non-emergency

ambulance service within the City. Staff has reviewed MetroCare Service's qualifications and has determined that MetroCare Services does meet all of the licensing requirements contained in City Ordinance Chapter Nineteen, Article IV. Should City Council approve granting a license to MetroCare Services to operate a non-emergency ambulance service within Copperas Cove. Staff recommends that City Council approve granting a non-exclusive ambulance license to MetroCare Services for the purpose of the operation of a non-emergency ambulance service within the City of Copperas Cove.

Mayor Diaz recognized Damon Faught, Representative of Capital Ambulance. Mr. Faught asked the City Council to consider not permitting another non-exclusive ambulance service within the City of Copperas Cove.

Mayor Diaz recognized Herb Deaton, Representative of MetroCare Services. Mr. Deaton asked the City Council to grant MetroCare Services a permit to operate in the City limits.

With a unanimous vote, motion carried.

3. Consideration and action on the appointment of Mayor Pro Tem to serve an unexpired term and who shall act as the Mayor during the absence or disability of the Mayor. **Pamela J. Russell, City Secretary**

Council Member Harris made a motion to appoint Council Member Owsley to serve as Mayor Pro Tem for an unexpired term. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The term for this appointment will expire on June 1, 2004 if no run-off is required, or July 20, 2004 if a runoff election is required.

4. Consideration and action on rescheduling the date of the second regular City Council meeting in June from June 15, 2004 to June 22, 2004. **Pamela J. Russell, City Secretary**

Council Member Gallen made a motion to reschedule the date of the second regular meeting in June from June 15, 2004 to June 22, 2004. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on approving the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2003. **Robert Camareno, Assistant City Manager/Director of Finance**

Council Member Heinze made a motion to approve agenda item I-5. Council Member Smith seconded the motion.

Mr. Michael Firth, Audit Manager, Lott Vernon and Company stated he wished to publicly thank the Finance staff for their cooperation with the audit. Mr. Firth gave a detailed power point presentation on the CAFR.

With a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the month ended January 31, 2004. **Robert Camareno, Assistant City Manager/Director of Finance**

Robert Camareno, Assistant City Manager/Director of Finance gave the financial report for the month ended January 31, 2004.

2. EDC Financial Report for the month ended January 31, 2004. **Carol Mills, Executive Director, EDC**

Carol Mills, EDC Director gave the Financial Report for the month ended January 31, 2004.

3. EDC Financial Report for the month ended February 29, 2004. **Carol Mills, Executive Director, EDC**

Carol Mills, EDC Director, gave the Financial Report for the month ended February 29, 2004.

4. Presentation of 2003 Annual Report from the Police Department and Animal Control. **Timothy Molnes, Police Chief**

Timothy Molnes, Police Chief gave a presentation of the 2003 Annual Report from the Police Department and Animal Control Department.

5. EPA Phase II Storm Water Program. **Paul M. Boyer, P.E. City Engineer**

Paul Boyer, City Engineer gave a power point presentation on the EPA Phase II Storm Water Program, and announced a Public Meeting was scheduled to be held on April 13, 2004 at 6:00 p.m., at City Hall.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS - None

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 contemplated litigation.

Mayor Diaz closed the regular meeting to go into executive session at 9:02 p.m.

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

Mayor Diaz reconvened the regular meeting at 9:44 p.m. Mayor Diaz announced Executive Session item M-1 was for information purposes only, and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 9:45 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, City Secretary