

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 17, 2004 - 7:00 P.M.**

A. CALL TO ORDER

Mayor, Bradi D. Diaz called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:05 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

Bob Reeves
Ray Don Clayton
John Gallen
James Stockman
R. Ray Gatewood
Bud Owsley
Annabelle Smith

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

D. ANNOUNCEMENTS

Council Member Smith

- A big thank you to everyone who came to the "Music at the Gap" the shows were fantastic, and we will continue on with this program next year.

Council Member Owsley

- Recognition and commendation to the two police officers I saw changing a tire for a young lady with two small children.

Council Member Gallen

- School resumed this week, so please be careful and watch out around the school zones.

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.

Diane Steele – 905 N. 4th Street. Stated she was thinking of initiating a recall petition on one of the City Council Members. Mrs. Steele stated she had received a copy of an e-mail that had been mailed to her home and she was very upset about the fact it was mailed to her.

Andrew Papson – 213 Myra Lou. Mr. Papson stated he had been a Copperas Cove resident for almost 24 years. Mr. X voiced concerns over an area in the Mesquite West section, where the grass was overgrown, and it was a dangerous area due to snakes; Mr Papson stated that school students were visiting this site on a regular basis and were smoking there.

Bernice Letzer – 2908 Oak Hill Drive. Mrs. Letzer stated her concern over having to call 3 times to report an abandoned refrigerator, which was a major safety issue. Mrs. Letzer said she thought someone should have thanked her for reporting the incident, instead of being told to call another department.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from August 3, 2004 Regular City Council Meeting. ***Pamela J. Russell, City Secretary***

Council Member Gallen made a motion to approve consent item G-1. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public Hearing on the City Manager's Proposed Budget for the 2004-2005 fiscal year. ***Robert Camareno, Assistant City Manager/Director of Finance***

Robert Camareno, Assistant City Manager/Director of Finance stated: The City Council formally received the City Manager's Proposed Budget for the 2004-2005 fiscal year at the July 20, 2004 City Council Meeting. At that same meeting a Public Hearing on the City Manager's Proposed Budget was scheduled for August 17, 2004 at 7:00 p.m. in the City Council Chambers. Budget workshops were held at City Hall on July 29, August 5, August 10, and August 12, 2004 to discuss the Proposed Budget. In accordance with state law, a public hearing on the City Manager's Proposed Budget must be held no sooner than the 15th day after the Proposed Budget is filed with the City Secretary. A public notice was published regarding this public hearing in accordance with the City's Charter.

Mayor Diaz opened the Public Hearing.

Speaking For: None.

Speaking Against: Diane Steele.

Mayor Diaz closed the Public Hearing.

I. ACTION ITEMS

1. Consideration and action on setting the proposed tax rate for the 2004-2005 fiscal year, and placing the proposed tax rate on a future agenda as an action item. ***Robert Camareno, Assistant City Manager/ Director of Finance***

Robert Camareno, Assistant City Manager/Director of Finance stated: The City Manager's proposed budget for the 2004-2005 fiscal year recommends that the tax rate for the City remain at \$0.7750 per \$100 of taxable assessed valuation. Staff received the final tax rolls from the appraisal district after the proposed budget had already been submitted to the City Council. The final tax roll (\$716,936,911) provided a taxable assessed valuation that was greater than the preliminary number (\$714,682,521) used in the proposed budget. This higher figure does not materially affect the overall proposed budget and therefore the tax rate in the 2004-05 proposed budget remains unchanged. In accordance with the Truth in Taxation laws, when a proposed tax rate exceeds 103% of the effective tax rate or the rollback rate, whichever is less, the taxing unit's governing body must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. This vote must be recorded. The proposal must specify a desired rate. A unit cannot vote on a proposed tax rate of an unspecified amount. The final tax rate is scheduled to be adopted on September 14, 2004, at 6:00 p.m., at a Special Called City Council Meeting. Additionally, a public hearing on the proposed tax rate is scheduled, if necessary, to occur on August 31, 2004, at 6:00 p.m., at a Special Called City Council Meeting.

Council Member Gallen made a motion to set a proposed tax rate of \$.7750 per \$100 of taxable assessed valuation for the 2004-2005 fiscal year, and place the proposal on an agenda for the September 14, 2004 Special Called City Council Meeting. Council Member Gatewood seconded the motion. A roll call vote was taken.

Council Members voting for: Reeves, Clayton, Gallen, Stockman, Gatewood, Owsley, Smith.

Council Members voting against: None.

With all Council Members voting in favor, motion carried.

2. Consideration and action on calling for a Public Hearing on the proposed tax increase for the 2004-2005 fiscal year to be held on August 31, 2004, at City Hall at 6:00 p.m. **Robert Camareno, Assistant City Manager/ Director of Finance**

Council Member Smith made a motion to call for a public hearing on the proposed tax rate for the 2004-2005 fiscal year to be held August 31, 2004, at City Hall, at 6:00 p.m. Council Member Gallen seconded the motion. A roll call vote was taken.

Council Members voting for: Reeves, Clayton, Gallen, Stockman, Gatewood, Owsley, Smith.

Council Members voting against: None.

With all Council Members voting in favor, motion carried.

3. Consideration and action on appointment of members to the Copperas Cove Hospital Authority Board of Directors. **Pamela J. Russell, City Secretary**

Mr. Henderson Garrett, Secretary of the Copperas Cove Hospital Authority Board of Directors gave an overview of the future plans of the Board Members, and thanked the City Council for their continued support.

Council Member Owsley made a motion to appoint : John Noel - Place One; Diane Connell - Place Five; Charles Reinhardt - Place Seven; Billy Sanders - Place Nine; Ross Caviness - Place Eleven. Council Member Gatewood seconded the motion, and with a unanimous vote, motion carried.

These positions will be effective for a two (2) year period, effective September 1, 2004 and ending August 31, 2006.

4. Consideration and action on authorizing the City Manager to execute an Interlocal Agreement with Central Texas Council of Governments for Public Safety Answering Points (PSAPs) maintenance. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief gave an overview of the Interlocal Agreement. Council Member Smith made a motion to approve agenda item I-4. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action to reconsider Ordinance No. 2004-11 a Smoking Ordinance, as required by the City of Copperas Cove Charter Section 3.11 subsequent to a referendum petition having been presented to the City Council. **James R. Thompson, City Attorney**

James Thompson, City Attorney stated: "The City of Copperas Cove City Charter Section 3.11 states: *"When the Council receives a referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance within thirty (30) days; and if not repealed, it shall submit that ordinance to the qualified voters of the city at a regular or special election"*. Council Member Owsley made a motion to approve Ordinance No. 2004-11. Council Member Smith seconded the motion. Council Member Owsley read the following statement: "Honorable Mayor and Council Members, so that I may not be misquoted, I am offering my comments from a prepared statement. As you are well aware just 18 months ago former Council Member Fred Harris requested that a non smoking committee be formed to make a study to determine if a non smoking ordinance was feasible for the City of Copperas Cove. Seven Members of this Council consented to have the Mayor (former Mayor, Rodney Nauert) appoint a non smoking committee to draft an ordinance to present to the full council. This committee was appointed with Council Member Fred Harris Chairman, Council Member Annabelle Smith, and Council Member Bud Owsley. Ordinance No. 2004-11 was worked shopped twice and two public hearings were conducted. Many comments were made both pro and con from citizens of Copperas Cove. In May, this council approved Ordinance 2004-11 with a 5 to 2 vote with an effective date of July 1. Once this ordinance went into effect a committee of five was formed by the smoking public to get a petition that would allow the voters to decide whether smoking would be allowed in public places. This committee secured the required number of signatures. Today, you and I will either follow the will of the people and vote to send ordinance 2004-11 to the voters of Copperas Cove, or reject this ordinance and allow 330 voters to dictate policy for all the residents of this City. I urge you to cast a unanimous vote in favor of sending ordinance 2004-11 to the voters as requested by the petitioners. Your vote today will determine

whether future decisions of this council will be challenged by a small segment of the voting public who are opposed to growth, health and prosperity for our citizens”.

Mayor Diaz asked the City Secretary for a roll call vote.

Council Members Voting For Ordinance No. 2004-11: Reeves, Clayton, Gallen, Stockman, Gatewood, Owsley, Smith.

Council Members Voting Against Ordinance No. 2004-11: None.

With a unanimous vote, motion carried.

6. Consideration and action on a proposal to purchase a 1993 KME, 75' "telesquirt" quint aerial fire truck. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief gave an overview of the fire truck he was requesting to purchase for the City. Council Member Stockman made a motion to approve agenda item I-6. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

Council Member Clayton thanked the Fire Chief and Fire Department for thinking "outside of the box" and congratulated them on finding a used fire truck for a substantially less amount of money than a new fire truck would have cost.

J. STAFF REPORTS

1. Financial Report for the month ended June 30, 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 June 30, 2004.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS - None.

M. EXECUTIVE SESSION

1. Pursuant to §551.087 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate Economic Development Negotiations. (1) *to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.*

Mayor Diaz announced that Executive Session item had been pulled from the agenda.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 7:58 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary