

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 16, 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 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member R. Ray Gatewood gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

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

ALSO PRESENT

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

D. ANNOUNCEMENTS

Council Member Owsley

- The following is a list of the extensive advertising of the Town Hall Meeting: Advertised the announcement in the Cove Leader Press on Nov. 2, 5, 9 and 12th. The Cove Daily Herald ran a story on the town hall meeting on Thursday Nov. 11th. News Channel 25 announced the meeting at 6:00 pm and 10:00 pm. on Friday Nov. 10th. The meeting was advertised on the "Bill Board" along HWY 190 on Tues. & Wed., Nov. 9th and 10th. It was placed on our government access channel and ran for approx. one month. It was on our website for approx. one month. It was announced at a Bull Dawg home football game (last home game of the season). The announcement was e-mailed to all civic groups in Copperas Cove. The announcement was mailed to 48 churches in Copperas Cove. CCISD sent out an e-mail to all of their employees with the announcement attached. The Chamber of Commerce e-mailed the announcement to all of their members. The meeting was announced to the Exchange Club, GCCAN and the Rotary Club. The meeting was announced by the Mayor at our last council meeting.

Council Member Gatewood

- Thanks to the Cove Herald for the well written article on the Veterans of the Copperas Cove City Council, I commend them for running that story.

Council Member Stockman

- Congratulations to the six Fire Department employees: Scott Coleman, Gary Young, Johnny Caraway, Michael Holt, Stephen Hites, and Steven Spinck on their promotions.

Council Member Gallen

- Congratulations to the City Manager and his staff for the Town Hall meeting, it was a good Town Hall meeting and the City Manager and staff did a fantastic job.

Council Member Clayton

- Thanks to staff for the Town Hall meeting, although it appeared that not enough citizens were interested, and I feel like this was our last Town Hall Meeting.

Council Member Reeves

- Please remember to support the “Bull Dawgs” in Roundrock on Friday night. “Go Dawgs!”

Mayor Diaz

- The Copperas Cove Police Department supported by the Copperas Cove Area Seniors and Law Enforcement Together Council will be having a Senior Citizens Fraud Prevention Seminar November 17, 2004. The seminar will be held from 1 pm to 3 pm at the Copperas Cove Public Library meeting room located at 501 S. Main St. This seminar will help citizens to learn to identify and protect themselves from crimes of fraud. Topics include: credit and telemarketing scams, identification theft, mail fraud, home improvement schemes, elder abuse and other issues affecting your welfare and rights as citizens. I encourage everyone to attend.

E. PUBLIC RECOGNITION

1. Retirement Recognition – William “Skip” Rippy, Fire Department. ***Bradi D. Diaz, Mayor***

Mayor Diaz stated: In August of 1974, the City of Copperas Cove hired a firefighter named William Rippy, otherwise known as “Skip”. Skip began his fire career as a volunteer in December of 1973 and was hired full time in 1974. He has served in many positions over the years; 17 years as the Fire Marshal, 4 years as the Fire Chief, and the last few years as Shift Commander. Skip has announced his retirement with the City of Copperas Cove after 30 years of service effective October 30, 2004. Skip has been a long time asset to the City of Copperas Cove and will be greatly missed. Thank you for your service to the City of Copperas Cove. On behalf of the City Council and the City of Copperas Cove we would like to present you with a gift. Mayor Diaz presented a framed artwork to “Skip”. Lt. Bednar on behalf of Skip’s shift presented Skip with a plaque that contained a Fire Man’s axe. Skip thanked the City Council and Fire Department for the appreciation and recognition that had been bestowed upon him, and said he was looking forward to enjoying his retirement years with his wife.

- 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.

No one spoke at citizen's forum.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the November 9, Regular City Council meeting and the November 10, 2004 Special City Council Meeting. **Pamela J. Russell, City Secretary**

Council Member Smith 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

1a. Public hearing on a final plat identified as Miles End Subdivision. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item H-1a.

Mayor Diaz opened the public hearing.

Speaking For: No one spoke.

Speaking Against: No one spoke.

Mayor Diaz closed the Public Hearing.

1b. Consideration and action on a final plat identified as Miles End Subdivision. **David Lilley, City Planner/CBO**

Council Member Gatewood made a motion to approve agenda item H-1b. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

2a. Public hearing on a final plat identified as a replat of Walker Place Phase Three, replat 2, being a replat of Lots 49-58, Block 3, Lots 14-26, Block 4, Lot 1, Block 6, Walker Place Phase Three Copperas Cove. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of agenda item H-2a.

Mayor Diaz opened the Public Hearing.

Speaking For: No one spoke.

Speaking Against: No one spoke.

Mayor Diaz closed the Public Hearing.

2b. Consideration and action on a final plat identified as a replat of Walker Place Phase Three, replat 2, being a replat of Lots 49-58, Block 3, Lots 14-26, Block 4, Lot 1, Block 6, Walker Place Phase Three Copperas Cove. **David Lilley, City Planner/CBO**

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

3a. Public hearing on Ordinance No. 2004-34 changing the Zoning Designation for 211 Liberty Bell Lane, Suite 123, being part of Lot 1-B, block 1, Replat of Copperas Cove Industrial Park, Copperas Cove, from B-4 Local Business to B-PC General Business/Private Club, providing an effective date and containing a savings clause. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-34.

Mayor Diaz opened the Public Hearing.

Speaking For: Troy Deneke – representative of the “Jim Wright Company”.

Speaking Against: No one spoke.

Mayor Diaz closed the Public Hearing.

3b. Consideration and action on Ordinance No. 2004-34 changing the Zoning Designation for 211 Liberty Bell Lane, Suite 123, being part of Lot 1-B, block 1, Replat of Copperas Cove Industrial Park, Copperas Cove, from B-4 Local Business to B-PC General Business/Private Club, providing an effective date and containing a savings clause. **David Lilley, City Planner/CBO**

Council Member Reeves made a motion to approve Ordinance No. 2004-34. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-34

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE ZONING DESIGNATION FOR PROPERTY LOCATED AT 211 LIBERTY BELL LANE, SUITE 123, CITY OF COPPERAS COVE, FROM B-4 TO B-PC; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

4a. Public hearing on Ordinance No. 2004-35 granting a Special Use Permit for a Restaurant Club at 211 Liberty Bell Lane, Suite 123, being part of Lot 1-B, Block 1, Replat of Copperas Cove Industrial Park, Copperas Cove, providing an effective date and containing a savings clause. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO gave an overview of Ordinance No. 2004-35.

Mayor Diaz opened the Public Hearing.

Speaking For: Al Azim, 211 Liberty Bell Lane, Suite 123, Copperas Cove.

Speaking Against: None.

Mayor Diaz closed the Public Hearing.

4b. Consideration and action on Ordinance No. 2004-35 granting a Special Use Permit for a Restaurant Club at 211 Liberty Bell Lane, Suite 123, being part of Lot 1-B, Block 1, Replat of Copperas Cove Industrial Park, Copperas Cove, providing an effective date and containing a savings clause. **David Lilley, City Planner/CBO**

Council Member Gallen made a motion to approve Ordinance No. 2004-35. Council Member Reeves seconded the motion.

Council Member Gatewood read the following statement:

Madam Mayor and fellow council members, as we search for talented men and women to serve our city, it is important that we be very judicious in our approach. If we select people who have agenda's, we can be assured 100% of the time, that their agenda at some time will surface, somewhere in the decision making process of our government. People who are publicly connected to political action committees, or who publicly serve particular special interest groups, even when they are trying to make the right decision, even when they are in good faith searching for the best decision, will always be faced with questions as to whether they have the best interest of our city at heart, or if they are attempting to promote the personal or private agenda of the group which they serve. The one thing that would do harm to our process, the one thing that has the potential to compromise our decision making, and produce acrimony in these chambers, is to have someone who publicly, and I repeat, publicly serve a political action committee, or special interest group, use the tentacles of our city government, in order to exercise the agenda of that political organization. I urge my colleagues to stand with me and use caution, so that we protect the integrity of our decision making process. We must protect even the illusion of such action, we must guard against even the perception of such machinations in our city. I have read our ordinance thanks to members of the city staff, I have spoken with the City Manager and with the City Planner and most of all, I have visited Mr. Azim, had lunch with him and discussed what is before this council tonight. I support him, and his business. My research has not found any reason to deny his request, but my research did reveal that a very dangerous precedent could have been set here. I urge all of us both appointed and elected officials, that when a decision comes before them, and the topic of discussion relates to them substantially in any way, even by perception, that they consider recusing themselves from that decision in order to protect the integrity of our process. Thank you Madam Mayor.

Council Member Owsley stated he was surprised to see how the Planning and Zoning Commission voted on this issue; it was a weak vote to send to the City Council. We need to be cautious appointing people who are active in political action committees.

With a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-35

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE ZONING DESIGNATION FOR PROPERTY LOCATED AT 211 LIBERTY BELL LANE SUITE 123 BY GRANTING A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

5a. Public hearing on Ordinance No. 2004-33 amending the 2003-04 fiscal year budget for the City of Copperas Cove. **Robert Camareno, Assistant City Manager/Director of Finance**

Robert Camareno, Assistant City Manager/Director of Finance gave an overview of Ordinance No. 2004-33.

Mayor Diaz opened the Public Hearing.

Speaking For: No one spoke.

Speaking Against: No one spoke.

Mayor Diaz closed the Public Hearing.

5b. Consideration and action on Ordinance No. 2004-33 amending the 2003-04 fiscal year budget for the City of Copperas Cove. **Robert Camareno, Assistant City Manager/Director of Finance**

Council Member Gatewood made a motion to approve Ordinance No. 2004-33. Council Member Owsley seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-33

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, 2003, AND ENDING ON SEPTEMBER 30, 2004; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2004-25 authorizing the transfer of unexpended and unencumbered appropriations, within the 2003-2004 fiscal year budget, between departments. **Robert Camareno, Assistant City Manager/Director of Finance**

Robert Camareno, Assistant City Manager/Director of Finance gave an overview of agenda item I-1.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2004-25

A RESOLUTION AUTHORIZING THE TRANSFER OF UNEXPENDED AND UNENCUMBERED APPROPRIATIONS, WITHIN THE 2003-04 FISCAL YEAR BUDGET, BETWEEN DEPARTMENTS IN ACCORDANCE WITH THE CITY OF COPPERAS COVE CHARTER SECTION 8.02.

2. Consideration and action on appointment of three commissioners to the Housing Authority of the City of Copperas Cove. ***Pamela J. Russell, City Secretary***

Council Member Owsley made a motion to reappoint Billy Minton, Buddy Southards, and Tom Thomas for a two-year term through September 30, 2006, to the Housing Authority of the City of Copperas Cove. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on Resolution No. 2004-24, authorizing the members of the Central Texas Library System (CTLS) Advisory Council to form a regional library system organized as a nonprofit corporation. ***Peg Fleet, Library Director***

Peg Fleet, Library Director, gave an overview of Resolution No. 2004-24. Council Member Gallen made a motion to approve Resolution No. 2004-24. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2004-24

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CENTRAL TEXAS LIBRARY SYSTEM (CTLS) ADVISORY COUNCIL TO FORM A REGIONAL LIBRARY SYSTEM AND OPERATE THE CENTRAL TEXAS LIBRARY SYSTEM AS A NONPROFIT CORPORATION

4. Consideration and action on authorizing the City Manager to extend a letter of intent offering economic development incentives to the American Family Entertainment Center, (AFEC), LLC. ***Steven J. Alexander, City Manager***

Steven Alexander, City Manager, gave an overview of agenda item I-4. Council Member Reeves made a motion to approve agenda item I-4. Council Member Gallen seconded the motion. Steven Alexander, City Manager stated: this is a letter of intent, this is not a

done deal, and if the terms of the letter of intent are agreeable to the owner we'll be coming back to the Council with a Local Government Code 380 agreement.

With a unanimous vote, motion carried.

5. 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**

Robert McKinnon, Director of Water/Wastewater gave an overview of agenda item I-5. Council Member Gatewood made a motion to approve agenda item I-5. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Update on Wastewater Treatment Plants Expansion and Improvements. **Bob McKinnon, Director of Water/Wastewater**

Robert McKinnon, Director of Water/Wastewater stated: The contract for expansion of the Northeast plant and improvements to the Northwest and South plants was for about \$5.4 million dollars and was awarded to EXCEL Construction Services, LLC of Austin. The improvement at the South plant was for the installation of Fine Screens which grind into very small pieces, no treatable objects which come into the plant. The project is complete. The improvements to the Northwest plant are installation of a 24 inch sewer line from one end of the plant to the other, installation of Fine Screens and Ultra Violet Disinfection. Demolition of items no longer needed. Expansion of the Northeast plant involves almost complete construction of a new plant. The new plant will be sized at 2.5 MGD where the present plant is .8 MGD. Construction is on schedule with expected start-up of the Northeast plant sometime around the end of December 2004. The Northwest plant improvements are scheduled for completion March-April 2005.

2. Report on the update to the City web site. **Robert Camareno, Assistant City Manager/Director of Finance**

Robert Camareno, Assistant City Manager/Director of Finance gave an update on the City web site and asked that everyone please view the new and improved web site which a lot of work went into it, it is very professional looking and very user friendly and it is still a work in progress. Robert Camareno introduced Information Systems Manager Greg Mitchell, and said he wanted to publicly thank him, and Leigh Frishman (Greg's assistant) for all of their hard work and said they were doing an outstanding job. City Manager, Steven Alexander stated that both Greg and Leigh did a fantastic job and thanked them for a tremendous job!

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Owsley requested a workshop item to discuss future Town Hall Meetings.

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 the Executive Session item had been pulled from the agenda.

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 Diaz stated the meeting adjourned at 8:06 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary