

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
MAY 3, 2005 - 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 Owsley 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 Gallen

- Thanked everyone that turned out for Early Voting, and reminded everyone that Election Day is Saturday, May 7th at City Hall to vote in both the City General Election and the School Bond Election.

Mayor Diaz

- Election Day to elect Council Member Positions Six and Seven will be held on Saturday, May 7, 2005, 7 a.m. thru 7 p.m., at City Hall. Please exercise your right to vote!

E. PUBLIC RECOGNITION

1. Proclamation – “National Day of Prayer”. **Bradi D. Diaz, Mayor**

Mayor Diaz read the proclamation and presented it to Peggy Thompson. Ms. Thompson thanked the Mayor and City Council for their support and recognition, and invited everyone to attend the National Day of Prayer event on Thursday, May 5, 2005 at City Hall.

2. Proclamation – “Police Week” “Peace Officer’s Memorial Day”. **Bradi D. Diaz, Mayor**

Mayor Diaz read the proclamation and presented it to Lt. Danny Austin. Lt Austin thanked the Mayor, City Council, City Manager and the citizens for their support and the proclamation. Lt Austin gave special recognition to the Police Academy Alumni Association. Lt. Austin announced that the Killeen Police Department would be hosting a Memorial Ceremony at the Civic Center in Killeen.

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 – Mrs. Steele questioned if the tax payers would be paying for the training that Council Member Gatewood had requested at an earlier meeting.

Steven Alexander, City Manager replied that Council Member training was an item included in the City Council annual budget.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the April 12, 2005, Special City Council Meeting, and the April 19, 2005, Regular City Council Meeting. ***Pamela J. Russell, City Secretary***

2. Consideration and action on Resolution No. 2005-13, approving the City Secretary's certification of the number of registered voters signing the petition calling for a local option election for the legal sale of beer and wine; providing a severability clause; and declaring an effective date. ***Pamela J. Russell, City Secretary***

3. Consideration and action on Resolution No. 2005-15, authorizing the submission of a grant application to Texas STEP for a grant enabling the City of Copperas Cove Police Department to reduce the use and distribution of tobacco products pertaining to minors. ***Lt. Danny Austin, Crime Prevention Officer***

Council Member Gatewood made a motion to approve consent items G-1, G-2, and G-3. Council Member Reeves seconded the motion and with a unanimous vote, motion carried.

The certification is as follows:

**CERTIFICATION OF PETITION BY
THE CITY SECRETARY OF THE TOTAL NUMBER OF QUALIFIED VOTERS
SIGNING THE PETITION**

April 18, 2005.

That I, Pamela J. Russell, the duly appointed City Secretary of the City of Copperas Cove, Texas, do hereby certify the following to be true and correct:

1. That on February 4, 2005, I received a written application from ten (10) qualified voters of the City of Copperas Cove for a petition to request a local option election to be called by the City for the legalization of the sale of beer and wine.
2. That on February 4, 2005, I issued the petition.
3. That on April 5, 2005, I received the petition which I verified to contain the signatures of 1,868 qualified voters of the City at the time the petition was issued.
4. The petition required the signatures of 1,627 qualified voters, which is 35% of the number of qualified voters that voted in the last gubernatorial election.
5. That the original petition is attached hereto and incorporated herein as Attachment "A".

FURTHER AFFIANT SAYETH NOT.

Pamela J. Russell, TRMC, CMC.
City Secretary

The resolution captions read as follows:

RESOLUTION NO. 2005-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE CITY SECRETARY'S CERTIFICATION OF THE NUMBER OF REGISTERED VOTERS SIGNING THE PETITION CALLING A LOCAL OPTION ELECTION FOR THE LEGAL SALE OF BEER AND WINE PROVIDING A SERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

RESOLUTION NO. 2005-15

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS STEP FOR A GRANT ENABLING THE CITY OF COPPERAS COVE POLICE DEPARTMENT TO REDUCE THE EXTENT TO WHICH CIGARETTES AND TOBACCO PRODUCTS ARE SOLD TO OR DISTRIBUTED TO MINORS.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on approving Resolution No. 2005-16 authorizing the City Manager to enter a capital lease agreement with Chase Equipment Leasing, Inc of Columbus, OH for the purchase of a new 2005 Frazer Ambulance in the amount of \$92,725.00 at an interest rate of 3.97%. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief gave an overview of Resolution No. 2005-16. Council Member Owsley made a motion to approve agenda item I-1. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2005-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A LEASE AGREEMENT BETWEEN CHASE EQUIPMENT LEASING, INC. OF COLUMBUS, OH AND THE CITY OF COPPERAS COVE AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE BETWEEN THE CITY OF COPPERAS COVE AND CHASE EQUIPMENT LEASING, INC.

2. Consideration and action on Ordinance No. 2005-03 annexing 1,980.81 acres in Coryell and Lampasas Counties into the City limits. **David Lilley, City Planner**

David Lilley, City Planner gave an overview of agenda item I-2 and Ordinance No. 2005-03. Council Member Gallen made a motion to approve Ordinance No. 2005-03. Council Member Clayton seconded the motion.

Mayor Pro Tem Owsley read the following statement: Honorable Mayor, fellow Council Members and citizens of Copperas Cove. After two public hearings this council has been accused of many things, as an elected official I realize that we have to endure mockery, verbal abuse and many other names I choose not to repeat. We learn to take insults as part of the benefits package. I can overlook being accused of not being a good neighbor since that is the opinion of a select few and not the opinion of the citizens of Copperas Cove. Mr. Ledger stated that he took the proposed annexation of his land as a personal matter. I would agree with that statement and understand how he could resent such actions by the council. When elected officials are referred to as a rapist, practicing Nazism and communism, I take those comments very personal and feel that I have the right to respond. When someone makes a statement of that magnitude I would ask the question: how could any outstanding citizen make such remarks when they supposedly support the efforts of not only our active military but also our veterans who have served and sacrificed for the freedom and first amendment rights of all citizens? Sitting on this council is over one hundred years of active military service, some are seasoned combat veterans who fought for the freedoms of every American. I am sure there are veterans seated in the audience and watching on TV who would resent being accused of such heinous acts, yet when people who have very little or no concept of the price of freedom, stand and call me a rapist, and state that I am practicing Nazism and

communism, you bet I take it personal and so should every other council member. I also take it very personal, when I am accused of not being patriotic and not caring about veterans. I would say to the young lady who made those comments without facts, that I was fighting for my country before she was born in places like Pork Chop Hill and many other places in Korea and also a place called Vietnam. Yes, I am proud of my service to my country and am very proud of the young men and women who are defending our country even as we speak. You can call me anything you wish, but don't call me unpatriotic, a rapist, a Nazi or a communist, because like you and your land I get defensive. I can understand why citizens living in the proposed areas being considered for annexation would take it personal and react emotionally when the City of Copperas Cove is considering annexing your land. I can also understand why you wouldn't want this to happen. For the record according to some developers some citizens in the proposed area have already offered to sell their land, some for \$5,000 and \$10,000 per acre. I find it ironic that you would accuse this council of being in the pockets of developers, when some of you have already tried to make land deals with the same people you stated this council was receiving favors from. As elected officials we are taxed with the responsibility of long range planning and systematic growth for all citizens many times we have to make hard decisions and take actions that may not be popular but in the best interest of all regardless of how some citizens might feel, we strive to do the job we were elected to do, in a fair and professional manner, and always striving for growth and prosperity for future generations to enjoy. I will say that the issue of forced annexation has not been easy for me to deal with nor has the name calling and threats make by some of you been easy to accept when others in the audience responded in a spontaneous applause to the speakers making those comments it makes one wonder. In closing, whether good or bad the democratic process has had its say and the laws of Texas upheld. You have expressed your opinions and concerns and I have expressed mine. Hopefully, regardless of the out come of the annexation issue we can move forward with a positive attitude and a spirit of co-operation for the betterment of all concerned.

Council Member Gatewood read the following statement: Madame Mayor and fellow council Members: tonight is the culmination of a lot of hard work on the behalf of many people. I personally do not want this process to end without acknowledging them and thanking them for their efforts. First to Paul and David; no one could have done a better job than the two of you have done on this project. I believe at every step of the way, you kept the best interest of our city at heart. You were responsive and forthcoming with information, and you made yourselves available whenever we needed you. You are true professionals, and for your work on this project, and many others in the past, I want to personally thank you for a job very well done. To the other staff members who contributed in any way, and to our chiefs, Tim Molnes and Dennis Haas, thank you. You both were open and forthcoming with necessary information, and you allowed me to ask questions of you in our public forums, knowing that it was my intent to keep this process open and transparent to the public. I want to particularly thank Robert Camareno, who as a result of a request that I made, developed an outstanding financial model which was based on good and reasonable assumptions, regarding the financial impact of annexing these areas into the city. He did it on short notice, he produced an excellent product, and he allowed me to question his work in open forum, further allowing our deliberations to be open and transparent, thank you Robert. To each of these professionals, I could have come to them in the privacy of their office, or caught them at other times, and asked all of the questions that I might have had, but to do so would have sent the wrong message to the public. To do so would contribute to the perception

that this decision was a done deal from the beginning and that we were reluctant to engage the process openly. Thank you all for allowing me to question you publicly. Because when we do business openly and publicly, it makes all of our interactions a matter of record. So regardless of what any one may say, our questions and answers are on the record. Again to the staff, I commend you all for the professional posture that you maintained throughout this process. To the annexation committee members, I know this has been a long road for you, and we owe you a debt of thanks as well for a job very well done. John thanks for allowing access to your meetings. We know that you didn't have to do this, but doing so demonstrated that the committee was willing to work openly on this issue. And finally, to Steve; Steve has been a leader throughout the process. He has been involved in planning, directing, redirecting, researching, and just providing excellent expert advice and guidance to both the staff and the council. He personally toured with us to give additional insight on the proposed areas. Thanks Steve for staying on top of this issue. I have heard throughout this process that I am against annexation. Let me set the record straight, I am not against a city's right and indeed its need on occasions, to annex areas involuntarily. I have even been accused of talking to the people in the proposed areas. I have been accused of allowing the people who are affected by this annexation, to cultivate my vote, whatever that means. The reason for these accusations stem from first, I decided to meet with the people who were being annexed, and listen to their concerns personally. Why was that a problem? I met on three different occasions with them and I listened to them. Their voice in the process was important to me, not only in a required open forum, but person to person. Second, I drove these areas numerous times. I went with people who are both for and against annexation. Why was this a problem? Isn't it prudent to hear both sides equally, openly, and honestly? Third, I asked a lot of questions publicly? I asked them of both the staff, and the committee. Why is this a problem? Are we supposed to make decisions or deliberate on an issue with the public's consumption? And open and honest hearing..., this has been my burden the entire time of this process. Anytime we are required to make decisions, that affect our city and its citizens, we must go over board to deliberate publicly and decide openly what must be done. The annexation committee provided unprecedented access to the public, and I thank them for doing so. They should be commended. Yet, there seem to be some who believe that closing the process at the end is better. I have heard every argument as to why to put this on one ordinance, and none has convinced me to do so, over the fact the fact of keeping the process open. Rather, it has shown me even more, why we shouldn't put it on one ordinance. I want to say to all of you who are listening, that I tried to keep this decision open all the way to the end, and am the first to admit, that I failed in my task. Tonight we won't be considering each ordinance separately, we won't each be accountable individually to you on each tract of land, and we won't consider and vote on these tracts based on their own merit. Maybe all of the land should be annexed, maybe none of the land should be annexed, but by the vote we take tonight, we won't truly know how each of us stood individually on each tract of land, will we. We have taken the easy road, and have decided to make one vote. Publicly, I say to you, I respect the decision to do so, but I shall never understand why we chose to close the process at the very end. I shall never understand why we couldn't have looked at each of you sitting out there, individually, and said to you openly and publicly, how we felt individually about involuntarily bringing your land into this city. This is what I call open democracy. This is what I view as open government. This is what I view as being accountable to the people. I am not against involuntary annexation; I am against a process that is not open and transparent to all of the people involved.

Mayor Diaz requested the City Secretary call a roll call of the Council.

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

Council Member voting against the motion: Gatewood

With six Council Members for the motion, and one Council Member voting against. Motion carried.

City Manager, Steven Alexander, stated the effective date of the Annexation is June 2, 2005.

The Ordinance caption reads as follows:

ORDINANCE NO. 2005-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF COPPERAS COVE, TEXAS, AND EXTENDING THE BOUNDARY OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY AS DESCRIBED IN THE ATTACHED FIELD NOTES WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

3. Consideration and action on Resolution No. 2005-14 authorizing the City Manager to execute an agreement to contribute funds to TxDOT for the US 190 Reliever Route and transmit \$77,626.00 to TxDOT. ***Paul M. Boyer, P.E., City Engineer***

Paul M. Boyer, P.E., City Engineer gave an overview of Resolution No. 2005-14. Council Member Clayton made a motion to approve agenda item I-3. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the month ended March 31, 2005. ***Robert Camareno, Assistant City Manager/Director of Finance***

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

2. EDC Financial Report for the month ended March 31, 2005. ***Carol Mills, EDC Executive Director***

Carol Mills, EDC Executive Director gave the EDC Financial Report for the month ended March 31, 2005.

3. Copperas Cove Chamber of Commerce Tourism Expenditures for the twelve months ended December 31, 2004. **Marty Smith, Chamber of Commerce President**

Marty Smith, Chamber of Commerce Executive Director gave the Chamber of Commerce report on tourism activity and tourism funds from Hotel-Motel Tax: Second Quarter, 2005.

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 with the City Attorney regarding:
(1) Pending or contemplated litigation.

2. Pursuant to §551.087 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session for deliberations regarding 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 adjourned the regular session of the meeting to go into Executive Session at 7:43 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 meeting at 8:44 p.m. and stated that Executive Session Items M-1, and M-2, were for information purposes only and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting adjourned at 8:44 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, CMC, City Secretary

