

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
MARCH 20, 2007 – 7:00 P.M.**

**A. CALL TO ORDER**

Mayor, Roger P. O'Dwyer 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 Gallen gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Bob Reeves  
Larry D. Sheppard  
John Gallen  
James Stockman  
R. Ray Gatewood  
Fred Harris  
Frank D. Somera, Jr.

Steven J. Alexander, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

Council Member Sheppard read the following prepared statement:

"Mr. Mayor, Councilman, City Manager. As some of you know, I made a statement in support of the Mayor at the Retreat on Monday, March 12, 2007. Going into the retreat we did not have a printed agenda; however one was furnished at the meeting. As you also are aware, three of the councilmen were not present when I presented my dissertation. Two came in later and one was absent. Two of the councilmen that were not present and one that was present apparently took objection to my support of the Mayor or possibly my lack of support for the City Attorney. At any rate I have the right to my opinion and if it does not agree with any taxpayer, they can withhold support from me. I would however like for this grievance to be heard in open session at this Council Meeting, instead of in the Executive Session. I still strongly support 'our Mayor' and do not see where he did anything wrong."

Mayor O'Dwyer asked Jim Thompson, City Attorney, if we could hold Executive Session Item M-1 in an open meeting as Council Member Sheppard requested. Mr. Thompson replied that we could, if that was Council Member Sheppard's wishes.

Mayor O'Dwyer said that in one of the classes he reads to at Halstead Elementary, there were eight children who had a parent deployed to Iraq. He asked that everyone pray for our soldiers. He also requested that everyone get out and vote to honor the commitment of those who are serving.

## E. PUBLIC RECOGNITION

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| 1. Proclamation: Boys and Girls Club Week, March 25-31, 2007. <b>Mayor Roger P. O'Dwyer</b> |
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Mayor O'Dwyer read the proclamation and presented it to representatives present.

**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.

Willie Goode, 1012 South 29<sup>th</sup> Street. As one of the directors for the Optimist Club, he said the Club requests that the Council change the limit of two garage sales per year for non-profit organizations to four garage sales per year with a no fee permit.

Diane Steele, 905 North 4<sup>th</sup> Street. Stated that the City Charter is in need of being updated. She is concerned that the only avenue for changing the Charter is by petition. She requested the Council place an item on an agenda asking for the resignation of the City Attorney. Steven J. Alexander, City Manager, asked Ms. Steele to send her request regarding the City Attorney to the City Council Members in the form of a letter.

Philip Lavalis, 342 Skyline Drive. Stated he supported the Mayor. He has read many disturbing things in the newspapers and though he doesn't understand everything that is going on, he believes it would be a mistake to call for the Mayor's removal from office.

Neil Halvorson, 2833 Veterans Avenue. Stated he is tired of seeing council members bickering at meetings. He said Council Members should settle their differences in private and act like gentlemen at the meetings.

Ray Laird, 2759 Fushia Road. Stated that this administration listens to what we have to say and they hear it.

Patricia Grigsby, 604 South 25<sup>th</sup> Street. Stated she has read about the problems in the newspapers and it has almost brought her to tears. She told the Council what she says to her grandchildren, "Stop it."

Elizabeth Laird, 2759 Fushia Road. Stated that our soldiers are dying and our Mayor does not have the right to speak. What is wrong with our City?

Dana Adams, 810 South 19<sup>th</sup> Street. Stated that she voted for the Mayor because she wanted change. What is going on is childish and she puts her support behind the Mayor.

George Neibler, 2729 Phyllis Drive. Stated that the people elected the Mayor and not one person or special group can take him out.

Bill Waltz, 315 Chestnut Drive. Stated that at the beginning of VFW meetings, everyone is reminded to not let petty jealousies or trivial personalities get in the way of business. He asked the Council to do the same.

Larry Letzer, 2908 Oak Hill Drive. Stated he supports the Mayor 100%. He said that the Mayor is not paid to be at all the events he attends, but he willingly represents our City without pay. He stated he has not seen two better mayors of the City of Copperas Cove than Bradi Diaz and Roger O'Dwyer in the 35 years he has lived here.

Chuck Downard, 208 Ridge Street. Stated that he will not take the City to court regarding the impact fee petition he spearheaded last year, although he has received four other opinions saying that it belonged in District Court. Subjects such as the tax ceiling and the water rate increase are examples of working together with citizen representatives. He recommended that the Council and citizen representatives work together to solve problems and not go to court.

William Forbes, 2830 Veterans Avenue. Stated that many cities never solve their problems because they are too busy squabbling over things that don't mean anything. He does not want this to happen in Copperas Cove and suggested that whatever problems the City has should be solved tonight and forgotten.

Vicki Springfield, 2117 Circle Drive. Stated that the Mayor started taking care of the people of Copperas Cove before he became Mayor.

Ken Smith, 1305 Hawk Trail. Stated that he has never seen our city government and administration in such disarray. He that the people collectively elected the Council to work for the betterment of the City, and if they can't do that, they should find another way to fill their day.

Hazel McBride, 106 Ridge Street. Stated that the most important things for the City are our children, our grandchildren and those who are retired. She asked the Council what happened to their togetherness, smiles, and kindness and asked that we all do more for others.

Bill Hatton, 511 Ridge Street. Stated that he respected each and every one of the Council Members and that they were doing a good job, however, not among themselves. He said the Council needed to synergize.

Council Member John Gallen requested to read a prepared statement as a citizen of Copperas Cove:

"It saddens me that Copperas Cove is in the news again in a negative context. The situation is now politicized and the lines have been drawn. Whether you are on one side or the other, we need to let the system take its course. I, for one, am sickened by the fact that this has become a political circus and that this discredits this Council and Mayor. As elected officials, we should be professional, and though each of us has our own opinion on the issue, there are more appropriate forums to get a message across. When the Council dais becomes a pulpit to give a perceived negative message, the Council, the citizens, and the City of Copperas Cove lose. Yes, we have issues in Copperas Cove, all cities have issues, however, and it is how we handle these issues that makes or breaks a governing body. Where before I have seen unity, now I see divisiveness among the governing body. Healthy and vigorous debate is necessary for all viewpoints to be heard, but we still live in a democracy, and once the vote is taken, the majority rules. There is a bigger picture that some fail to see. The governing body works for all the citizens of the City and not just that group of individuals who got us

elected. When decisions are made, based on whether you will make the citizens happy and not what's best for the entire City, then the citizens and City lose. I have seen loss of friendships, animosity, and overall frustration in the past six and one half years serving the citizens of Copperas Cove, and it saddens me that because of one vote on an issue, it destroys a relationship that may have existed for years. We need to move on with the business of Copperas Cove and what is best for the citizens of Copperas Cove. Let this issue take its course and accept the outcome regardless of what side of the line you are on. We have so much going for our great City and community, lets capitalize on that and have a more positive attitude. Thank you."

Council Member Larry Sheppard made the following statement:

"I just want to thank each and every one of you for coming out tonight and supporting the Mayor. What John just said is that the Mayor was elected by these people out here and one person doesn't have the right to take that away. That's what you are all here for. You don't know how proud I am that you filled up this chamber tonight. I thank each and every one of you."

#### **G. CONSENT ITEMS**

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| 2. Consideration and action on approval of minutes from March 6, 2007. <b>Jane Lees, CMC City Secretary</b> |
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Council Member Gallen made a motion to approve consent item G-1. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

#### **H. PUBLIC HEARINGS/ACTION—None.**

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

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| 1. Consideration and action on a request to have the City of Copperas Cove fund legal and attorney fees for Mayor Roger P. O'Dwyer. <b>Mayor Roger P. O'Dwyer</b> |
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Mayor O'Dwyer read the following prepared statement:

"As I have stated publicly, I do not intend to resign from the office to which I was elected. I do not have enough information to proceed with this agenda item, therefore, I withdraw my request for consideration and action at this time."

No action was taken on this agenda item.

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| 2. Presentation of Fiscal Year 2006 Comprehensive Annual Financial Report. <b>Andrea Gardner, Asst. City Manager/Director of Finance</b> |
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Andrea Gardner, Asst. City Manager/Director of Finance gave an overview of agenda item I-2. Michael Firth of Lott, Vernon and Company was on hand to summarize the main points of the report and answer questions from the Council.

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

3. Consideration and action on Resolution No. 2007-14 authorizing the participation in a regional Community Warning System through Central Texas Council of Governments. **Dennis K. Haas, Fire Chief**

Dennis K. Haas, Fire Chief gave an overview of agenda item I-3.

Council Member Sheppard made a motion to approve agenda item I-3. Council Member Gatewood seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE PARTICIPATION IN A REGIONAL COMMUNITY WARNING SYSTEM THROUGH CENTRAL TEXAS COUNCIL OF GOVERNMENTS.**

4. Consideration and action on appointment of a member to the Planning and Zoning Commission to fill an unexpired term. **John Adel, City Planner**

John Adel, City Planner gave an overview of agenda item I-4.

Council Member Somera made a motion to appoint Willie Goode. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

5. Request to extend Rabbit Fest hours for Friday and Saturday, May 18 and 19, 2007. **Marty Smith, President, Copperas Cove Chamber of Commerce**

Marty Smith, President, Copperas Cove Chamber of Commerce gave an overview of agenda item I-5.

Council Member Somera made a motion to extend the hours to midnight. Council Member Sheppard seconded the motion. After discussion a vote was taken with the following results:

Bob Reeves	Yes
Larry D. Sheppard	Yes
John Gallen	Yes
James Stockman	Yes
Ray Gatewood	Yes
Fred Harris	No
Frank D. Somera, Jr.	Yes

Motion passed six to one.

6. Request date change for Tough Cookie Duathlon. **Marty Smith, President, Copperas Cove Chamber of Commerce**

Marty Smith, President, Copperas Cove Chamber of Commerce gave an overview of agenda item I-6.

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

**J. STAFF REPORTS**—None.

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

**L. ITEMS FOR FUTURE AGENDAS**

Mayor O'Dwyer requested that the City schedule a workshop regarding the Texas Military Revolving Loan Fund. He suggested that the City may want to partner with other area cities. Steve Alexander suggested that the City meet with the other entities come up with a plan, then bring it back to a council workshop and discuss it. Council consensus was that the City Manager and the Mayor would speak with the other entities and bring a plan back to the Council.

**M. EXECUTIVE SESSION**

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of Council Member Place Two.

This Executive Session item was held in Open Session per Council Member Sheppard's request at the beginning of the meeting.

Council Member Gallen stated that he requested this item be put on the agenda in executive session. He further stated that he would like to make a statement and said that it was not a Council opinion, but that it was his opinion and his perception of what happened at the Council Retreat on March 12, 2007. Council Member Gallen proceeded to read the following prepared statement:

"Mr. Sheppard, although I respect your right to have an opinion, I must say you choose to use that right any way you feel appropriate. Remember as an elected official you are supposed to represent the entire citizenry of Copperas Cove, not just the citizens that elected you. I was appalled at the tone of your statement in a public meeting and your accusatory statements and manner in which you presented it. At the retreat, a forum which is to be relaxed and banter issues about, you set a tone of negativity and accused someone from the Council of giving information to a citizen that was discussed in executive session. Let me remind you that anything a public official writes down, e-mails, or states, becomes public knowledge and is subject to the Open Records Act. I feel that you need to apologize to your fellow councilmen that were present for that statement. Additionally, you chastised and were accusatory toward city employees (Department Heads who were present at the Retreat). If you have proof of your allegations and want them disciplined then you need to bring that to the attention of the City Manager. We as

Council Members cannot influence or fire a city employee, as this would be a violation of the Charter. It was wrong to make those statements to them publicly when we have a "chain of command" so to speak on how we handle those types of issues, and that is to take them to the City Manager if it has to do with employees. The Council has control over four individuals, the City Manager, the City Secretary, the City Attorney, and the City Judge. I fail to see why you don't understand that. We pay our City Manager to run this City and he has done an exceptional job. I feel that you were inappropriate in your statements and that you owe Mr. Alexander and his Department Heads a public apology. You also made a statement concerning the City Attorney to which he has already responded. If you don't like the job he is doing, convince two other Council Members and bring it to an Executive Session and we can take action. Once again this was not appropriate and you failed to follow established guidelines. You owe the City Attorney an apology for that statement. With your actions you have, I believe, brought some discredit to this Council. I do respect your right to have an opinion, but I feel you have a disregard for the procedures and shoot from the hip too often without having done your homework. Since you are a representative of all the citizens of Copperas Cove, you owe them the courtesy of doing your homework and representing them in a professional and competent manner. I feel if your behavior continues in the same manner then you need to be censured by this Council. That's just my personal opinion. Your actions are scrutinized not only by the citizens of Copperas Cove, this Council, but also in the Press. I hope you can accept what I have presented tonight and take appropriate action as I have stated in my statement. This Council needs to move on with the business at hand of doing what's best for the citizens of Copperas Cove."

Council Member Sheppard responded by saying:

"First of all, the forum that I chose to make this statement at, was as I understood it, a relaxed atmosphere. If I shot from the hip, and I do that quite often, I don't mind telling you I do, it was out of support for you, the Mayor. I feel like we, as Council Members, if we cannot support our Mayor and our City, then we got a problem. But I don't think it's the support of the Mayor that's the problem. I think it's the non-support of the Mayor that has created a problem. I wanted this brought out and I did my best and I probably did shoot from the hip. I apologize to anybody that I may have offended, but I stand by my words. I still support the Mayor and I think that tonight we have had an outpouring of support for this Mayor from the taxpayers of this City that has never been seen before. All of you that are in favor of the Mayor, stand up. I want to thank each and every one of you for being here. Thank you, I rest my case."

Mayor O'Dwyer stated:

"Let me say this, there have been an awful lot of statements made to the media by people on issues. I could spend an hour about what I think people's motivations to things were. But I don't feel that that would do anything other than bring a bad light on the City. I don't intend to do that. Mr. Belt and I will meet and I will stand before a judge, because I believe in the citizens out there. I know what you did tonight and I'll stand up with you. It's going to cost me some money and I don't mind paying the money. There were some statements made that it wasn't the right forum and whatever, if that's what was said. I know from what the Press prints and what I say sometimes is different. Particularly the TV people and they're all gone. They ask 15 questions and you get about a 10 second sound bite, and it's not really what you want highlighted. Ms. Lees did not give me that agenda for that meeting until we came back here and she had to take the one off the

door. I hadn't seen it before that. I violated, I guess, the agenda, because I led a prayer for the soldiers and sailors and airmen and contractors in Iraq. And I, Mr. Belt, if you're listening, you're going to be trying me, I did it, OK? But there was no agenda for that meeting until after. As a matter of fact I think it was this young reporter here that came and brought it in. I don't know where it was but I did not see one. I had not been given one, OK?"

Council Member Harris stated:

"Mr. Mayor, this particular session is not about you. I don't understand why you think it's appropriate to sit here and defend yourself now. You don't have to. This was about the behavior of a Council Member. I wasn't there, I can't say what he said, so I don't know. I came in when the reporter lady came in, so I don't know what was said or what was done. But I think it might be, in your case, a little inappropriate to tie yourself into this particular event."

Mayor O'Dwyer stated:

"Thank you sir, I appreciate it, but again there were statements made in the Press, and I don't know what they were, you know, and I'm not saying that people here are not telling and writing what they hear, OK? But I will say this, in communications, you recall 70 percent of what you have been told, so if you heard from somebody, we are at the 49 percent mark. You see what I'm saying. Now, Mr. Sheppard has given an apology. Does that satisfy you, sir?"

Council Member Gallen stated:

"Yes, sir, it does. That's all I was asking and this was not about supporting you or not. I support the Mayor's position, I supported you, as the Mayor of this City. It was not about you. It was about conduct, and that's what the Executive Session Item stated, which was that we would meet in Executive Session about Council Member Place 2. It was about Mr. Sheppard's conduct, it had nothing to do with you. It was about his conduct in this Retreat we had and that's all I wanted to bring, and all I wanted was an apology to the City employees that I felt were maligned. That's it. He's done that. Thank you Mr. Sheppard. I appreciate that."

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) *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; and (2) deliberate the offer of a financial or other incentive to a business prospect as described by Subdivision (1).*

Mayor O'Dwyer announced the City Council would adjourn from the regular meeting to enter into executive session at 8:46 p.m. to discuss Item M-2.

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

Mayor O'Dwyer reconvened the open meeting at 9:11 p.m., and stated that Executive Session Item M-2 was for information purposes only and no action would be taken.

**O. ADJOURNMENT**

There being no further business, Mayor O'Dwyer stated the meeting adjourned at 9:11 p.m.

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Roger P. O'Dwyer, Mayor

ATTEST:

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Jane Lees, City Secretary