

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 15, 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 7:00 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Somera 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 Bob Reeves asked everyone to keep Skip Basovich in our thoughts. He lost his son this past weekend in Iraq.

Council Member James Stockman announced that the Mobile Vietnam Veterans Wall arrived in Killeen. It will be open 24 hours on May 18, 19 and 20 at the Veterans Cemetery. A candlelight ceremony will be held at 8:00 p.m. on Sunday, May 20.

Council Member Ray Gatewood said that Copperas Cove should be proud of our State Champs High School Track Team.

**E. PUBLIC RECOGNITION**

1. Proclamation: Hurricane Awareness Week, May 20-26, 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Phyllis Johnson, Emergency Management Coordinator. Ms. Johnson said that although June 1<sup>st</sup> is traditionally the start of the hurricane season, three weeks ago the first hurricane of the season, Andrea, was documented. Although we don't get hurricanes here, we do get inclement weather associated with hurricanes. She urged everyone to be prepared at home by having a disaster kit ready to include, food, water, and medicine and include items for pets. She encouraged everyone to go to [www.ready.gov](http://www.ready.gov), and read more on how to prepare for emergencies.

2. Proclamation: Law Enforcement Torch Run Day for Special Olympics, Texas, May 22, 2007. *Mayor Roger P. O'Dwyer*

Mayor O'Dwyer read the proclamation and presented it to Cpl. Kevin Keller of the Copperas Cove Police Department. Our local law enforcement officers will be running the torch from the Police Department up North Main Street to the City limits next Tuesday, May 22 at 12:00 to 12:30 p.m. This is approximately a one-mile trek and Cpl. Keller encouraged all citizens to come out and line North Main Street and support the officers who will be running the torch. At the City limits, the torch will be passed to Fort Hood. The games will be held on May 25, 2007 in Arlington, Texas. He thanked the City for their support in recognizing these special athletes.

3. Proclamation: Brazos Bottom Cowographers. *Mayor Roger P. O'Dwyer*

Mayor O'Dwyer read the proclamation and presented it to the Brazos Bottom Cowographers, an entertainment group that honors and immortalizes the history of the Old West. Their association with Copperas Cove began four years ago at Rabbit Fest. They carry the banner of Copperas Cove wherever they go as well as pass out pamphlets about the City.

**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.

Bobby McFarland invited everyone to the football stadium on May 18 starting around 3:00 p.m. the Bulldawgs will be playing and a free concert. A special recognition and presentation will be made at 5:15 p.m. to a person who has a great deal to do with our community.

Dan Yancey made the following statement: "Many times citizens step up at this time to speak out on issues they feel need addressing. Sometimes the speaker addresses an issue of importance to the entire Copperas Cove community. Many times citizens stand here to voice their opinion concerning matters on their own personal agenda, or worse yet, just like to hear themselves talk. There have been few times I have heard positive comments about City Staff, the backbone of our community. City Staff make sure each of has what is needed to maintain a quality of life many people around the world simply must wish for. I have called Copperas Cove my home for 25 years. I've been involved in several voluntary capacities, both here and in neighboring towns during that time that directly interface with various city staffers. I can say that, without question, the present Copperas Cove City Staff is the most competent, most professional, and most pro-community growth of any City Staff since I came here in 1982. They work efficiently and effectively to address both present and future City needs. Copperas Cove has paid a price in the past for not having a top notch staff, and some of the hard decisions being made now in terms of infrastructure and growth directly address the lack of competent planning. Fortunately, Copperas Cove is on a cusp of now being a major player in the Central Texas corridor because of a 'can do' spirit set forth by City Staff. Steve Alexander, you hear most of the gripes about this great City while most of the silent majority is just that, silent much of the time. I can no longer be silent. I for one, want you to know that your efforts are much appreciated and we are lucky not only to have a native son running our City, but a highly professional, competent city manager, with a great staff working for you and with you. Keep up the good work! Every citizen of Copperas Cove will greatly benefit from City Staff's tireless efforts to make Cove 'The City Built for Family Living'. Thank you."

**G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from May 1, 2007. **Jane Lees, CMC City Secretary**

2. Consideration and action on Resolution No. 2007-24, authorizing the submission of a grant application to the Texas Department of Transportation; and authorizing the City Manager to act as the City's representative in all matters pertaining to the City's participation in the Texas Department of Transportation Safe Routes To School Program **Jeri Denniston, Grants Administrator/Budget Analyst**

3. Consideration and action on the approval to allow emergency repairs to the Ultra Violet disinfection system at the Northwest Plant, in the amount of \$48,053.44. **Robert M. McKinnon, Director of Water/Wastewater**

4. Consideration and action on authorizing the release of funds in the amount of \$2,575 from the Hotel Occupancy Tax Fund to the Boys & Girls Club of Coryell County. **Andrea Gardner, Assistant City Manager/Director of Finance**

5. Consideration and action on authorizing the City Manager to enter into an agreement with Central Texas Research Institute (CTRI). **Andrea Gardner, Assistant City Manager/Director of Finance**

6. Consideration and action on Resolution No. 2007-22, authorizing the City Manager to execute documents in support of an application to the Texas Emergency Shelter Grants Programs by the Refuge Corporation, to provide emergency services within the City of Copperas Cove. **Jeri Denniston, Grants Administrator/Budget Analyst**

7. Consideration and action on Resolution No. 2007-27, accepting the quarterly investment report as presented for the quarter ending March 2007 per the Investment Policy. **Andrea Gardner, Assistant City Manager/Director of Finance**

8. Consideration and action on Resolution No. 2007-28, authorizing and supporting the submission of a grant application to the "Into the Fire" program in the amount of \$14,520, and authorizing the Grants Administrator/Budget Analyst to act on behalf of the City in all matters related to the application. **Jeri Denniston, Grants Administrator/Budget Analyst**

9. Consideration and action authorizing the purchase of ten (10) Self Contained Breathing Apparatus and ten (10) spare bottles from Casco Industries for the total amount of \$45,250. **Dennis Haas, Fire Chief**

10. Consideration and action authorizing the entering into a contract with Southeastern Emergency Medical Equipment for the purchase of Emergency Medical Services (EMS) supplies. **Dennis Haas, Fire Chief**

Council Member Gallen made a motion to approve consent items G-1, G-2, G-3, G-4, G-5, G-6, G-7, G-8, G-9 and G-10. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM.**

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS IN SUPPORT OF AN APPLCIATION TO THE TEXAS EMERGENCY SHELTER GRANTS PROGRAMS BY THE REFUGE CORPORATION, TO PROVIDE EMERGENCY SERVICES WITHIN THE CITY OF COPPERAS COVE.**

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ACCEPTING THE QUARTERLY INVESTMENT REPORT AS PRESENTED FOR THE QUARTER ENDING MARCH 2007 PER THE INVESTMENT POLICY.**

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING AND SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE "INTO THE FIRE" PROGRAM IN THE AMOUNT OF \$14,520, AND AUTHORIZING THE GRANTS ADMINSTRATOR/BUDGET ANALYST TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION.**

**H. PUBLIC HEARINGS/ACTION**

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| <p>1. Public Hearing, consideration and possible action on Ordinance 2007-16, providing a zoning change for a 2.166 acre tract out of the John W. Ogletree Survey, Abstract No. 1332, locally known as 930 W. Highway 190 ("Exhibit A"), from R-1 Single Family Residential District to B-4 Business District, providing a savings clause and declaring an effective date. <b><i>John Adel, City Planner</i></b></p> |
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John Adel, City Planner gave an overview of agenda item H-1.

Mayor O'Dwyer opened the public hearing.

Speaking for: Marcus Mickan, one of the owners of Cove Mini Storage, stated that they are preparing to update and expand the current facility and requested rezoning in order to be ready for that expansion.

Speaking against: None.

Mayor O'Dwyer closed the public hearing.

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

#### **ORDINANCE NO. 2007-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING A ZONING CHANGE FOR A 2.166 ACRE TRACT OUT OF THE JOHN W. OGLETREE SURVEY, ABSTRACT NO. 1332, LOCALLY KNOWN AS 930 W. HIGHWAY 190 ("EXHIBIT A"), FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO B-4 BUSINESS DISTRICT, PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.**

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

1. Consideration and action on Resolution No. 2007-25, canvassing returns and declaring the results of the General Election for Council Members Positions Three, Four and Five, and the Special Election for a proposition to establish a tax freeze of the amount of ad valorem taxes imposed on the homestead of a person who is disabled or sixty-five years of age or older and receives a homestead exemption. ***Jane Lees, City Secretary***

Jane Lees, City Secretary gave an overview of agenda item I-1. Election Judge, Mary Howell, presented the tabulated results of the election to the Council.

Council Member Gatewood 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. 2007-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION FOR COUNCIL MEMBERS POSITIONS THREE, FOUR AND FIVE, AND THE SPECIAL ELECTION FR A PROPOSITION TO ESTABLISH A TAX FREEZE OF THE AMOUNT OF AD VALOREM TAXES IMPOSED ON THE HOMESTEAD OF A PERSON WHO IS DISABLED OR SIXTY-FIVE YEARS OF AGE OR OLDER AND RECEIVES A HOMESTEAD EXEMPTION.**

2. Consideration and action on Resolution No. 2007-26, calling for a runoff election to elect Council Member Position Three; to be held on June 9, 2007; and outlining the election procedures, and the "Order of Election". ***Jane Lees, City Secretary***

Mayor O'Dwyer read Resolution 2007-26. Council Member Gallen made a motion to approve agenda item I-2. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

**RESOLUTION NO. 2007-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CALLING FOR A RUNOFF ELECTION TO ELECT COUNCIL MEMBER POSITION THREE; TO BE HELD ON JUNE 9, 2007; AND OUTLINING THE ELECTION PROCEDURES, AND THE "ORDER OF ELECTION".**

3. Consideration and action on forming a committee to review the Charter of the City of Copperas Cove, and appointment of Council Member (s) to the committee. **Mayor Roger P. O'Dwyer**

Mayor Roger P. O'Dwyer gave an overview of agenda item I-3. Mayor O'Dwyer asked that the Council approve forming a Charter Review Committee and he recommended that Council Member Somera and the winner of the runoff election to be held on June 9, 2007 be appointed to the Committee.

Council Member Sheppard made a motion to form a Charter Review Committee and appoint Council Member Somera and the winner of the runoff election to the Committee. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on forming a committee to update the Council Rules of Order and Procedures, and appointment of Council Member(s) to the committee. **Mayor Roger P. O'Dwyer**

Mayor Roger P. O'Dwyer gave an overview of agenda item I-4. Mayor O'Dwyer asked that the Council approve forming a committee to update the Council Rules of Order and Procedures and he recommended that Council Member Sheppard and City Secretary Jane Lees be appointed to the Committee.

Council Member Gatewood made a motion to form a committee to update the Council Rules of Order and Procedures and appoint Council Member Sheppard and City Secretary Jane Lees to the committee. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and possible action on Ordinance No. 2007-10, an ordinance of the City of Copperas Cove, Texas adopting the 2007 Comprehensive Plan Update and declaring an effective date. **John Adel, City Planner**

John Adel, City Planner gave an overview of agenda item I-5.

Council Member Gallen made a motion to approve agenda item H-5. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

**ORDINANCE NO. 2007-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ADOPTING THE 2007 COMPREHENSIVE PLAN UPDATE AND DECLARING AN EFFECTIVE DATE.**

6. Consideration and action on amending the employment contract of the City Manager. **Steven J. Alexander, City Manager**

Steven J. Alexander, City Manager said that Executive Session item M-1 was on the agenda to discuss this item. He requested that the Council convene in Executive Session and discuss his contract before any action is taken.

Mayor O'Dwyer stated that he would like to deal with item I-7 before I-6 was discussed. Council Member Gatewood made a motion to move item I-6 until after the Executive Session. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

7. Consideration and action on declaring the Office of mayor forfeited and vacant in accordance with the City's Charter, Section 2.07 (b)(1)(2). **Mayor Roger P. O'Dwyer**

Council Member Harris made a motion that Executive Session be held prior to discussing item I-7. He said his reason for making this request was that the newspaper printed something that could be misconstrued by some authorities as the Council having a meeting before this vote was taken. He said this should be cleared up before the Council discusses and votes on item I-7. Mayor O'Dwyer stated that this was his trial and he did not care what the newspapers said. Mayor O'Dwyer said that anything further done regarding him will be done in open session.

Mayor O'Dwyer made the following statement: "Mr. Belt, the County Attorney, came down here. I am pleased that Mr. Belt found no grounds for the quo warranto. We should follow his advice and get it behind us and move on with the city's business. Mr. Belt said he found that I violated no State statutes, that's like take money. I'd just like the people out here to know, last year the City reimbursed me \$1,300 for my duties as Mayor. I reimbursed the City \$2,680. I gave them back all that money and then I gave them back the money that the City paid for me to go to the AUSA Convention. So I don't think there's anything I'm doing with money. I've got some emails here and I'll pass them out to you. There were a series of emails that occurred on July 23 and July 24, 2006."

At this point, Mayor O'Dwyer proceeded to read all the email the messages, which were numbered one through five. He pointed out that, at all times, he was asking to meet alone with Mr. Alexander prior to meeting with Chief Molnes and Chief Haas. The Mayor's fourth message is prefaced with information regarding the use of Talking Points and lists all the public laws and codes where information on Talking Points can be found.

Mayor O'Dwyer continued saying: "Those emails show that I was not using directives or orders, but wanting dialog with the City Manager, him first, then the two chiefs. I made it clear several times that I wanted to meet with Steve first and told him I had some 'Talking Points'. The only thing that I had any objections or any reservations on was the one about 5A in those Talking Points that deal with the Mayor, Mayor Pro Tem or other elected or highly visible appointees. No order was given. If I gave an order, and I got a lot of military guys out here, I would not have said something like 'If you want to adopt these things, go ahead'. I never told anybody in the

army, 'hey, if you want to go take that hill, go take it'. That's not an order, and don't laugh Phil, you know what I'm talking about. Every man in here that's ever worn a uniform knows that there is no order given in that. You don't want to do that, you don't even have to tell me you don't want to do that. I did not give any orders, I did not give any edict. According to Section 2.08 (c) of the City Charter, I shall not give orders to any employees under the supervision of the City Manager. It states, 'shall not give orders to employees', but no mention of the City Manager. So I can ask the City Manager, tell the City Manager things. Rebuttal by Steve says, in the Talking Points document to me, that I'm interfering in his line of communication to his employees. How? I ask you how? To be a violation of Section 2.08 (c), an order must be given for the purpose of interfering with the City Administration. The Talking Points document makes it clear I'm not interfering, but this is my perspective on how I want to be notified. According to the rules of conduct (7.6 of the City), the City Manager must coordinate major crimes and disasters to Council and the Mayor. Talking Points were never approved or adopted, therefore, no specific order was ever given to a City employee. They were a proposal. The only thing possibly construed as an order was the request for a meeting with the City Manager. According to 2008.7 All council and mayor; we have no right, and this is stated by Mr. Belt, to ask for a meeting or to have a letter typed by anyone, even the City Secretary, any of the city secretaries. Everyone who has ever asked to meet and discuss has violated the Charter and should vacate their seats right now. If you can remove the mayor, then all of you can be removed. As Mr. Belt said, we need closure, we need to remove the cloud of public accusation. I have not done anything. Until it is removed, the stories will go around and around. I want to air out what happened. Now council and citizens know what happened. Those were the things I said. Mr. Alexander, sir."

Council Member Reeves said he did not think Mr. Alexander should comment because we (the council) told him recently not to be involved in politics and this is clearly a political situation. Mayor O'Dwyer said "fair enough."

Council Member Sheppard said that he thought at the last meeting everyone agreed that we were all going to put this behind us and, be done with it and get on with the program. He asked, "Has that not happened?"

Steve Alexander stated that he takes direction from City Council and if the Council tells him to get on with business, that's what he does. He said that he has tried to do that all along. Council Member Sheppard said that Mr. Alexander shook his hand and said that you thought that this was going to work. Mr. Alexander said that he did not bring this up. Mayor O'Dwyer said that he brought it up. Council Member Sheppard said that he did not consider Mr. Alexander making a comment at this point to be politics. He asked Mr. Alexander, "You need to let us know, can you work with the man or can you not?" Mr. Alexander said, "Of course, I work for the Council and I take direction from the Council, that is my job." Council Member Sheppard said that's what he thought Mr. Alexander meant the other night. Mr. Alexander said "Absolutely, I've always said that. I've always said that I take direction from the City Council. City Council is all inclusive of everyone on this dais, anyone who is a council member, an elected official. I take direction from the Council as a group, that's my job. That's my job." Mayor O'Dwyer said he understood where he was coming from. Mayor O'Dwyer said they have had several meetings and are now working together.

(There were some technical problems with the DVD at this point and at 1:14:20 to 1:15:09, a loss of approximately 29 seconds, the dialog was unable to be heard.)

Council Member Sheppard attempted to make a motion to take a vote in support of the Mayor. Mayor O'Dwyer interrupted and said, "You cannot do that sir, there's no provision in the City Charter. You must try to remove me, and if that vote fails, then you have done what you are trying to do." Council Member Sheppard said, "I'm not trying to remove you."

Council Member Somera made a motion to table this item. Mayor O'Dwyer said: "No, no, no, Mr. Somera, I have lived with an entire seven to eight weeks of being in the press every day and I would like closure this evening. I am either on or off. If you don't have enough information now, then withhold your vote."

Council Member Gatewood said to the Mayor that they are in a dilemma now. Mayor O'Dwyer said, "There is no dilemma. When I tabled something, that same attorney (referring to Jim Thompson) said it has to be voted on and approved to table it, according to Roberts Rules of Order."

Council Member Somera said that the Council needs to take action on his motion to table the item. Council Member Reeves seconded the motion to table the item. Mayor O'Dwyer asked the City Secretary to poll the vote. Council Member Sheppard said he was not sure what the motion was. Mayor O'Dwyer asked him if he wanted to take action tonight and Mr. Sheppard said he did. The Mayor then told Mr. Sheppard that he should vote 'No' on the motion. The Council was polled with the following results:

Bob Reeves	Yes
Larry Sheppard	No
John Gallen	Yes
James Stockman	No
Ray Gatewood	No
Fred Harris	Yes
Frank Somera	Yes
Roger O'Dwyer	No

Mayor O'Dwyer stated that because this item deals with forfeiture, the mayor may vote as well and that there is a provision in the Charter for this. There was a four-four tie vote. Mayor O'Dwyer broke the tie and he announced that the motion to table this item failed.

Mayor O'Dwyer said that he would now entertain a motion to declare the office of the mayor forfeited and vacant in accordance with the City's Charter, Section 2.07 (b)(1) and (2).

Council Member Stockman made a motion to approve declaring the office of the mayor forfeited and vacant according to the City Charter Section 2.08 (b)(1) and (2). Council Member Gallen seconded the motion. Council Member Reeves said that since the Mayor had indicated earlier in the meeting that it was his trial, he would like to ask him a question. Mr. Reeves stated, "The Constitution of the United States is the document that gives our government the right to create laws. Do you have the ability to choose which of those laws that you follow or do not follow?" Mayor O'Dwyer said, "Do I have the ability, or is it correct?" Mr. Reeves replied, "Is it correct? The Charter is the thing that constitutes the city government." Mayor O'Dwyer replied, "O.K., I understand, O.K. I have the right to do whatever I want to do and I try not to avoid and break laws. I would venture to say that you might have gone over 70 m.p.h. in your lifetime?" Council Member Reeves said he probably had. Mayor O'Dwyer said, "O.K., so we're all guilty of a little bit of sin. Is there any other discussion?" Mayor O'Dwyer called for the vote. At this point Council Member Stockman asked the Mayor if he voted "no" would that mean he voted to not

remove the Mayor. Mayor O'Dwyer said yes. Council Members began calling out their vote in a disorderly fashion. Mayor O'Dwyer said that five ayes were needed and there were four and that he was voting "no."

Council Member Gatewood said that more discussion was needed. He stated that, "I came up here thinking that we had come to some type of consensus as to the direction we want to take, but with everything that has gone on tonight, I'm actually disturbed now. I'm disturbed by what has happened tonight. We had somewhat agreed that a grave injury would take place to the City if we had to remove a mayor. It's the City, it's the office of mayor, it's not any one of us. Any one of us would be coming and going. I mean, I'm going in a couple weeks, it's not about us and individuals, it's about the prosperity and posterity of this City and what's going to be the best thing for this City. I was under the impression that we thought that that would be somewhat extreme. All this I am hearing tonight has absolutely disturbed me, when we could have just come out here and made a particular call. I'm disturbed now. I'm disturbed by all this."

Mayor O'Dwyer said, "You don't understand, sir, what has been done to me and my family, by innuendos because I have never taken a public stand until tonight and I understand your concern and sir, you vote your conscience."

Council Member Gatewood continued. "My position tonight has to do with the City. It's the City, we've got to get the personalities out of this. We've got to get this out. My thoughts were, we harm the City if we vote to take the Mayor out of his position. But what I'm hearing going on tonight, we can cause more harm if we keep this going on in the City."

Council Member Sheppard said, "Ray, we are voting right now to put it to rest, if you would vote."

Council Member Gatewood said, "Yes, I understand that, but what I want is for this to be, when this Council talked, we talked."

Council Member Sheppard said, "That's right we did and I know two preachers that agreed to back it up too."

Council Member Reeves said, "And I know somebody who agreed not to go to the press too, and guess who did."

Council Member Sheppard said, "that's right, I did."

Council Member Gatewood said, "See, what happened now is what I think is an attack on my person."

Council Member Somera said, "And mine too."

Council Member Sheppard said, "I am attacking you."

Mayor O'Dwyer asked for the council members to stop fighting. He again asked Council Member Gatewood to vote his conscience.

Council Member Gatewood said, "Mr. Mayor, as mayor in position of mayor, I don't think that it serves the City for us to remove a sitting mayor. What I am concerned about is if we keep a sitting mayor and a fighting council, we still don't put this behind us. And tonight was an

indication to me that it doesn't matter, and that disturbs me. I'll cast a vote tonight, because I'm thinking about what's going to happen to this City, and that's why I say that we keep the Mayor in his job. That's the reason that I say we don't do this. That's the reason. I'm not saying this to give ammunition for someone to continue to go out and attack and attack and attack."

Mayor O'Dwyer said, "It's over as far as I'm concerned."

Council Member Gatewood said, "I don't know if we needed to do all of this. I don't know if we need to have that discussion that was taking place on the other end of the table. It's almost as if we didn't go back there and have a discussion. It's almost as if we didn't do that, and that's what's got me disturbed tonight. Tonight we should have come out here and made the decision that we came to consensus with, and that was that it would be a grievous injury to the City to remove a sitting mayor. That's what we should have done. We didn't do that. Now there has been a lot of other discussion and other stuff that has taken place tonight that has completely muddled this whole situation, and I'm disturbed by that. My vote tonight is to keep the mayor in his position, simply because it would cause injury to the City to remove a sitting mayor, just as it is to remove a sitting council member. Just as it would have been when everyone was clamoring to remove Mr. Harris. That's injury to the City there. That's why we shouldn't do it. Now about all this other stuff, I don't want to be numbered amongst that junk, we need to stop it. It's time to stop it."

Mayor O'Dwyer asked if he voted yes or no to remove him.

Council Member Gatewood said, "I'm voting no, not to remove you, simply for that one reason, we need to keep the sitting mayor."

Mayor O'Dwyer stated the following, "O.K., the vote is four-four, there is a requirement for five. I am not required to vacate the office of mayor. The City Secretary was not requested to poll the Council on this vote. A record of the vote was given to Jane Lees, City Secretary, by Mayor O'Dwyer, after the Council recessed to Executive Session, and is listed below:

Bob Reeves	Yes
Larry Sheppard	No
John Gallen	Yes
James Stockman	No
Ray Gatewood	No
Fred Harris	Yes
Frank Somera	Yes
Roger O'Dwyer	No

**J. STAFF REPORTS** – None.

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

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Gallen requested that an item be placed on a future agenda regarding the committee appointments to the committees discussed earlier this evening—Charter Review Committee and Council Rules of Order and Procedures. Council Members Reeves and Sheppard agreed.

Council Member Harris said he would like something on a future agenda to discuss the gap for playing baseball for kids between the ages of 12 to 14. Steve Alexander said he would be happy to hold a workshop and give the Council a rundown of programs.

**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 employment contract of the City Manager.

The Council went into Executive Session at 8:33 p.m. to discuss item M-1 only.

2. Pursuant to §551.974 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of the Mayor.

Item M-2 was not discussed in Executive Session.

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

The Council reconvened the open meeting at 9:08 p.m. to vote on item I-6.

6. Consideration and action on amending the employment contract of the City Manager. ***Steven J. Alexander, City Manager***

Council Member Gallen made a motion to approve to amend the City Manager's contract to include a 24-month severance package, and updating the contract to reflect the current conditions of his salary and car allowance. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

**O. ADJOURNMENT**

There being no further business, Mayor O'Dwyer adjourned the meeting at 9:09 p.m.

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Roger P. O'Dwyer, Mayor

ATTEST:

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Jane Lees, City Secretary