

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 19, 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 Harris gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves (excused absence)
Larry D. Sheppard
John Gallen
Charlotte Heinze
Ray Don Clayton
Fred Harris
Frank D. Somera, Jr.

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

D. ANNOUNCEMENTS

Council Members Gallen and Harris asked everyone to remember the families in West Copperas Cove who were hit by the tornado last Sunday.

Mayor O'Dwyer said that the City and surrounding area has experienced at least three heavy rainfall events in the last two months. As a result, there have been a large number of homes flooded. The City Staff and City Council have been out taking pictures to identify the situations, study remedies, prioritize solutions and have begun to initiate some solutions. The City Manager has placed the City Engineer, David Whitehead, as the point of contact for flooding that has occurred or may occur in the future. All of us need to ensure that David is aware of the dates that flooding occurred in your home or business. He is maintaining a map of locations and extent of damages to help him plan the needed drainage adjustments.

Steve Alexander said that citizens may also email information as well as pictures to the City. He said this creates a document for citizens to keep in their records. He said that the City is trying to funnel all the issues through the City Engineer. Also, James Trevino, Public Works Superintendent, has crews to help, however, staff may need to be added because the current crew is primarily to maintain drainage facilities.

E. PUBLIC RECOGNITION

1. Proclamation: Recreation and Parks Month – July 2007. **Mayor Roger P. O'Dwyer**

Mayor O'Dwyer read the proclamation and presented it to Ken Wilson, Director of Community Services. Mr. Wilson said that there are 65 teams in baseball this year, over 800 kids. The program has been built over the years with help from Council Member Heinze. In addition this summer, there are swimming lessons, Camp Discovery and field trips. Hopefully more will be offered in the future. He thanked the City for recognizing Parks and Recreation.

E. 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.

Justine Robinson, 3014 Palo Duro Circle. Ms. Robinson spoke about the flooding problems that she is having and brought a map showing where all the water in Copperas Cove comes to her property, as well as pictures. She said that when construction takes place upstream of her property, the more flooding problems she has. She requested that the City look closer at drainage when issuing permits.

Bill Thomas, 1110 Cummings. Mr. Thomas made the following prepared statement: "In virtually all the cities I know of in Texas, the Mayor is a figurehead position. He doesn't run anything. The City Council does. This is not the Dukes of Hazard. Boss Hogg is not in the house. Quite candidly, Roger O'Dwyer has told several people that he is the commander of Copperas Cove. Brandon Belt told me he was the commander in chief of Copperas Cove. Mr. O'Dwyer, this City does not have a commander. Let us say, for the sake of argument, that everything Roger O'Dwyer has done outside the parameters of his office, was done for the betterment of Copperas Cove and the citizens. It doesn't matter, he still needs to go. If we allow any elected official to go beyond the people's authority for any reason, we set a very ugly and dangerous precedent. We cannot do that. In the city council meeting of May 15, 2007, referred to by some as the, 'it's my trial' city council meeting, The clear will of the people was crushed by Roger O'Dwyer. It was the last time that Ray Gatewood or James Stockman would sit on the council and have a vote. They had both been defeated by the voters. It was obvious that the main issue of that campaign was ousting the Mayor. During the meeting, Roger O'Dwyer initiated himself the motion of vacating the Mayor's office. He made the motion himself and helped shout down Council Member Somera when he attempted to table the motion. No, Roger O'Dwyer could not wait. He had to have the support of the two councilmen who had been rejected by the people. When Councilman Gatewood appeared to waiver on the issue, Roger O'Dwyer began to instruct him as to the criteria he should use in casting his vote. 'Just vote your conscience, Ray' he said three times. A councilman may indeed use his conscience as a criteria for a vote. He may also use his logic. He may also use his legal knowledge. He may also use his respect for the rules. Best of all, he may as a representative of the people, use his best perception of the people's conscience. However, the gall of a mayor, publicly instructing a council member regarding what criteria to use to vote is beyond my conception. We need a vote on the issue of vacating the Mayor's office. Not a re-vote. We need a first-time honest vote. If this Council allows what everyone knows was a direct slap in the face to the people of Copperas Cove and their Charter to stand, I will have more respect for the man who arrogantly defied the will of the people than any member of this Council, if you allow that travesty to stand. Frankly, if Roger O'Dwyer has enough courage to push you and the citizens around, maybe you deserve to be pushed around. I'm a bold, tired old warrior—I'm tired of fighting, but someday when they bury this old man, his grandkids will talk

about the fights that I fought, the ones that I won, the ones that I lost, but they will never have cause to talk about the fight I quit.”

Willie Goode, 1012 South 29th Street. Mr. Goode spoke about the flooding problems on 29th Street. He said that the existing drainage ditches are not bit enough to carry the water. He suggested that the City put in storm sewers.

Emmaretta Beard, 2001 Miles Street. Ms. Beard said that water and sand are coming down the hill on Hughes Street. She has been flooded our four times. She had pictures and letters to give to the Council.

Eureka Williams, 1905 Miles Street. Ms. Williams also had pictures for the Council showing debris in the road, as well as sand and water. She asked the City to send the engineer to her area and determine how the land could be changed to fix drainage problems. She suggested that City equipment be used to fix problems on private property and then bill the landowner for the work done.

Daniel Rude, 1011 South 29th Street. Mr. Rude said that his home has flooded twice. He replaced carpet and remodeled once, the second time he used sand bags and water still came in his house off Taylor Street. The French drain between his house and his neighbors is backing up and the water is entering his house. His neighbor has purchased flood insurance, but it didn't help because it is not effective for 30 days.

Kyle Melville, 1013 South 29th Street. Asked that the storm drain be made deeper so that water will flow off faster.

Brenda C. Lowman, 1101 South 29th Street. She lives directly in front of Taylor Street and although her house has not flooded, the street in front of her driveway is spongy. In addition, there are little sink holes and water coming up like geysers. She has reported this condition to the Streets Department many times. She asked that repairs be made immediately.

Zaida Sierra, 1802 Boland Street. Ms. Sierra said that besides the flooding and ponding of water, there are snakes coming down the street with the water. The ponding of water has caused more flies, bugs and mold to be present. She said that in addition to the water and sand in the streets, rocks are also piling up in the streets. She cleans mud out of her garage every day and it is beginning to stink. She asked how long it would be before a solution would be found.

Scott Schuler, 2308 North Hill Drive. Mr. Schuler said that he has a solution to the problems everyone is talking about. He asked if he could obtain topography maps of the city and said that he would like to present a solution to the problem to city officials.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from June 5, 2007.
Jane Lees, CMC City Secretary

2. Consideration and action on approval of minutes from June 14, 2007.
Jane Lees, CMC City Secretary

3. Consideration and action on authorizing the City Manager to execute a contract with River City Engineering for all professional engineering services for the Turkey Run Pump Station Improvements Project, in the amount of \$132,000.00. **Robert M. McKinnon, Director of Water/Wastewater**

4. Consideration and action on Resolution No. 2007-29, authorizing the submission of an application to the Bureau of Justice Assistance through the Edward Byrne Memorial Justice Assistance Grant (JAG), authorizing persons to act on behalf of the City in all aspects of the grant. **Jeri Denniston, Grants Administrator/Budget Analyst**

5. Consideration and action on Resolution No. 2007-30, authorizing the submission of an application to the Bureau of Justice Assistance through the Edward Byrne Memorial Justice Assistance Grant (JAG), authorizing persons to act on behalf of the City in all aspects of the grant. **Jeri Denniston, Grants Administrator/Budget Analyst**

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

The Resolution caption reads as follows:

RESOLUTION NO. 2007-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APLCIATION TO THE BUREAU OF JUSTICE ASSISTANCE THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), AUTHORIZING PERSONS TO ACT ON BEHALF OF THE CITY IN ALL ASPECTS OF THE GRANT.

The Resolution caption reads as follows:

RESOLUTION NO. 2007-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APLCIATION TO THE BUREAU OF JUSTICE ASSISTANCE THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), AUTHORIZING PERSONS TO ACT ON BEHALF OF THE CITY IN ALL ASPECTS OF THE GRANT.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on the appointment of members to the Planning and Zoning commission to fill vacancies. **John C. Adel, City Planner**

John C. Adel, City Planner gave an overview of agenda item I-1.

Council Member Heinze made a motion to appoint Jenifer Sanders to Place 3 and Phyllis Ruff to Place 4 and make the appointment to Place 5 at the next Council meeting. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on rescheduling the date of the first regular City Council meeting in July from July 3, 2007 to July 5, 2007. **Jane Lees, CMC, City Secretary**

Jane Lees, CMC, City Secretary, gave an overview of agenda item I-2.

Council Member Clayton made a motion to approve agenda item I-2. Council Member Heinze seconded the motion. The Council was polled with the following results:

Larry D. Sheppard	Aye
John Gallen	Aye
Charlotte Heinze	Aye
Ray Don Clayton	Aye
Fred Harris	Nay
Frank D. Somera, Jr.	Aye

Motion passed 5 to 1.

3. Consideration and action on Resolution No. 2007-32 – canvassing returns and declaring the results of the Runoff Election held on June 9, 2007 for Council Member Position Three. **Jane Lees, CMC, City Secretary**

Jane Lees, CMC, City Secretary gave an overview of agenda item I-3. Election Judge Mary Howell presented a tabulation of the election to the Council.

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

The Resolution caption reads as follows:

RESOLUTION NO. 2007-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE RUNOFF ELECTION HELD ON JUNE 9, 2007 FOR COUNCIL MEMBER POSITION THREE.

J. STAFF REPORTS - None

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Harris suggested the council conduct a field trip so that they could view first-hand what people are talking about regarding the flood damage and drainage

problems. Steve Alexander, City Manager, requested that citizens email their pictures to the City so that we can have more information to put into grant requests if there are funds out there that the City can take advantage of. There continued to be discussion among the Council and citizens as to the flooding and drainage issues, how long citizens would have to wait before relief was seen, and the purpose of the drainage fee that citizens are charged.

A possible quorum for a Council field trip will be posted after the meeting. The field trip will take place on Saturday morning, June 23, 2007. An itinerary will be posted on the City's website later in the week so that citizens will know when the Council will be in their neighborhood.

Council Member Heinze requested that the Council form a committee to help educate public on the November ballot item, which will be for the proposed Sports complex.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, the City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. The following public officer (s) may be discussed: (a) City Manager.

The Council went into Executive Session at 8:19 p.m. to discuss item M-1 only.

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 9:00 p.m.

Council Member Somera made a motion with deep regret to accept the resignation of Steve Alexander as City Manager, effective July 20, 2007. Council Member Gallen seconded the motion with deep regret. The vote was polled with the following results:

Larry D. Sheppard	Aye
John Gallen	Aye
Charlotte Heinze	Aye
Ray Don Clayton	Nay
Fred Harris	Abstained
Frank D. Somera, Jr.	Aye

Motion passed 4 to 2.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer adjourned the meeting at 9:05 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, City Secretary