



**NOTICE OF MEETING  
OF THE  
GOVERNING BODY OF  
COPPERAS COVE, TEXAS**

*An agenda information packet is available for public inspection  
in the Copperas Cove Public Library, City Hall and  
on the City's Web Page, [www.ci.copperas-cove.tx.us](http://www.ci.copperas-cove.tx.us)*

Notice is hereby given that a **Regular Council Meeting** of the City of Copperas Cove, Texas, will be held on the **15th day of April 2008 at 7:00 p.m.** in the City Hall Council Chambers at 507 South Main Street, Copperas Cove, Texas 76522, at which time the following subjects will be discussed:

**A. CALL TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. ANNOUNCEMENTS**

**E. PUBLIC RECOGNITION**

1. Retirement. **Andrea M. Gardner, City Manager**
  - Margaret "Peg" Fleet, Library Director
2. Employee Service Awards. **Andrea M. Gardner, City Manager**
  - Shayvonne Taylor, Custodian – 5 years
  - Robert McKinnon, Public Works Director – 25 years
3. Proclamation: Fair Housing Month in the Central Texas Region – April 2008. **Robert L. Reeves, Mayor Pro Tem**
4. Proclamation: Public Safety Telecommunicators Week – April 13-19, 2008. **Robert L. Reeves, Mayor Pro Tem**

**F. CITIZENS FORUM** At this time, citizens will be 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.

**G. CONSENT AGENDA** All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be

separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Consideration and action on approval of minutes from the March 11, 2008 regular council meeting. **Jane Lees, CMC, City Secretary**
2. Consideration and action on approval of minutes from the March 12, 2008 special council meeting. **Stefanie Brown, Deputy City Secretary**
3. Consideration and action on approval of minutes from the March 25, 2008 special council meeting. **Jane Lees, CMC, City Secretary**
4. Consideration and action on approval of minutes from the March 31, 2008 special council meeting. **Jane Lees, CMC, City Secretary**
5. Consideration and action on approval of minutes from the April 1, 2008 regular council meeting. **Jane Lees, CMC, City Secretary**

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

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

1. Consideration and action on authorizing the City Manager to enter into a contract for the construction manager at risk with Rogers-O'Brien Construction for the construction of the new police facility. **Tim Molnes, Assistant City Manager/Police Chief**
2. Consideration and action on authorizing the Mayor to issue a drilling permit on the application of Central Basin Oil Investments, Inc. and Halek Energy LLC for Williams #2CB to drill for oil and gas within the corporate limits of the City of Copperas Cove. **James R. Thompson, City Attorney**
3. Consideration and action on Ordinance No. 2008-13, amending the existing gas franchise between the City of Copperas Cove and Atmos Energy Corporation to provide for a different consideration; providing an effective date; providing for acceptance by Atmos Energy Corporation; and finding and determining that the meeting at which this ordinance is passed is open to the public as required by law. **Andrea M. Gardner, City Manager**
4. Consideration and action on Resolution No. 2008-09, extending the abatement of water and sewer fees for the Central Texas Armed Services YMCA located at 501 Clara Drive in Copperas Cove, Texas. **Andrea M. Gardner, City Manager**
5. Consideration and action on authorizing the City Manager to execute notification documents declaring the City of Copperas Cove's intent to create a Tax Reinvestment Zone and requesting waiver of the 60-day

notice requirement from Lampasas County and Lampasas Independent School District. **Andrea M. Gardner, City Manager**

**J. STAFF REPORTS**

1. Texas Municipal League Equity Return. **Wanda Bunting, Director of Financial Services**

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

**L. ITEMS FOR FUTURE AGENDAS**

**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 evaluation of the City Manager.

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

**O. ADJOURNMENT**

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Copperas Cove was posted at 1:30 p.m., April 11, 2008 on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

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Jane Lees, City Secretary



**NOTICE OF WORKSHOP  
OF THE  
GOVERNING BODY OF  
COPPERAS COVE, TEXAS**

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public inspection in the Copperas Cove Public Library, City Hall and on the  
City's Web Page [www.ci.copperas-cove.tx.us](http://www.ci.copperas-cove.tx.us)*

Notice is hereby given that a **Workshop** of the City of Copperas Cove, Texas will be held on the **15th day of April 2008**, at **6:00 p.m.**, in the City Hall Council Chambers at 507 South Main Street, Copperas Cove, Texas 76522 at which time the following subjects will be discussed:

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. WORKSHOP ITEMS**

1. Presentation and discussion on Living in the New Normal (LINN). ***Carol Rogers, Representative for Copperas Cove LINN Initiative***
2. Presentation and discussion on issuing oil and gas drilling permits within the City limits. ***James R. Thompson, City Attorney***

**D. ADJOURNMENT**

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Copperas Cove was posted at 10:40 a.m., April 11, 2008 on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

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Jane Lees, CMC, City Secretary



## PROCLAMATION

- WHEREAS,** The Central Texas Council of Governments is organized in accordance with Section 391 of the Local Government Code; and
- WHEREAS,** The Central Texas Council of Governments encompasses the region of Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba counties; and
- WHEREAS,** The Governor of Texas has designated the Central Texas Council of Governments areas as State Planning Region #23; and
- WHEREAS,** The Central Texas Council of Governments is a recipient of Texas Community Development Program (TCDP) funds and must perform a well publicized activity to further fair housing opportunity within the seven-county region before final reimbursement under the current contract's expiration on August 31, 2008; and
- WHEREAS,** April is Fair Housing Month and the year of 2008 is the fortieth anniversary of the passing of the Fair Housing Act.

**NOW THEREFORE, BE IT PROCLAIMED** by the City of Copperas Cove, Texas that the month of April 2008 be declared as:

***“Fair Housing Month in the Central Texas Region.”***

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the seal of the City of Copperas Cove to be affixed this 15th day of April 2008.

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Robert L. Reeves, Mayor Pro Tem

ATTEST:

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Jane Lees, City Secretary



## PROCLAMATION

**WHEREAS,** The men and women who serve as public safety telecommunicators are invaluable to the City of Copperas Cove; and

**WHEREAS,** As 9-1-1 operators and dispatchers they are dedicated to saving lives, frequently responding to citizens in hours of great need; and

**WHEREAS,** Throughout Texas, the Commission on State Emergency Communications works with local and state governments to ensure reliable access to emergency telecommunications services. To highlight the invaluable role of public safety telecommunicators, the commission designates a week in April for an awareness campaign.

**NOW, THEREFORE,** I, Robert L. Reeves, Mayor Pro Tem of the City of Copperas Cove, Texas do hereby proclaim the week of April 13-19, 2008 shall be observed as:

### ***“Public Safety Telecommunicators Week”***

in the City of Copperas Cove, Texas, and I urge each and every citizen to extend their appreciation to public safety telecommunicators. They serve with distinction, placing their fellow citizens first. Together, their expertise and commitment highlight the best of the City of Copperas Cove.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the seal of the City of Copperas Cove to be affixed this 15th day of April 2008.

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Robert L. Reeves, Mayor Pro Tem

Attest:

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Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
March 11, 2008 – 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 Peterson gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Roger P. O'Dwyer  
Bob Reeves  
Larry D. Sheppard  
Mark E. Peterson  
Charlotte Heinze (excused absence)  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

**E. PUBLIC RECOGNITION**

**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.

None.

**G. CONSENT ITEMS**

1. Consideration and action on approval of minutes from February 19, 2008 regular council meeting. **Jane Lees, CMC, City Secretary**

2. Consideration and action on authorizing the release of funds in the amount of \$9,215.78 from the Hotel Occupancy Tax Fund to the Copperas Cove Downtown Association. **Wanda Bunting, Director of Financial Services**

3. Consideration and action on authorizing the City Manager to apply to the Texas State Library and Archives Commission for a Texas Reads Grant in the amount of \$3,000 to establish an adult literacy program. **Peg Fleet, Library Director**

4. Consideration and action on authorizing the City Manager to apply to the Texas State Library and Archives and Commission for a TexTreasures Grant in the amount of \$20,000 to preserve and make available to the public historic Copperas Cove newspapers. **Peg Fleet, Library Director**

5. Consideration and action on removing Ordinance No. 2008-06 from the table. **Jane Lees, City Secretary**

6. Consideration and action on authorizing the City Manager to enter into a Letter of Agreement with Grant Development Services, Inc. to provide all professional services associated with the preparation of a funding application to the Office of Rural Community Affairs (ORCA) under the Community Development Block Grant (CDBG) 2009/2010 Funding Cycle for water or sewer system improvements in an amount not to exceed \$2,450. **Andrea M. Gardner, City Manager**

Council Member Clayton made a motion to approve consent items G-1, G-2, G-3, G-4, G-5, and G-6. Council Member Peterson seconded the motion, and with a unanimous vote, motion carried.

#### **H. PUBLIC HEARINGS/ACTION**

1. Public hearing, consideration and action regarding Ordinance No. 2008-08, annexing an 11.01 acre tract of land known as Big Divide Road. **Scott Wallace, Interim City Planner**

Scott Wallace, Interim City Planner, gave an overview of agenda item H-1.

Mayor O'Dwyer opened the public hearing.

Speaking for: None.

Speaking Against: None.

Mayor O'Dwyer closed the public hearing.

Council Member Peterson made a motion to approve item H-1. Council Member Somera seconded the motion.

During discussion, Council Member Clayton asked if the city planned to change the speed limit on Big Divide Road to 40 mph from the present 30 mph, at least down to where the Pedernales Substation is located. Ms. Gardner said that the City will pursue the possible change in speed limit; however, there is no guarantee that it will be changed. Hearn Engineering has given the City their recommendation, which is to change the speed limit. A recommendation has also been received from the Police Chief.

Motion carried with a unanimous vote.

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING AN 11.01 ACRE TRACT OF LAND KNOWN AS BIG DIVIDE ROAD.**

2. Public hearing, consideration and action on Ordinance No. 2008-06, providing a zoning change for a tract of land, locally known as 808 Leonhard, that is located directly behind Auto Zone and across Leonhard Street from Ben's Service Center, consisting of 0.586 acre, from R-1 Single Family Residential District to B-5 Business District, providing a savings clause; and declaring an effective date. **Scott Wallace, Interim City Planner**

Scott Wallace, Interim City Planner, gave an overview of agenda item H-2. Mr. Wallace reported that there is no specific use zone that could be allowed for this property.

Mayor O'Dwyer opened the public hearing.

Speaking for: None.

Speaking Against: None.

Mayor O'Dwyer closed the public hearing.

Council Member Peterson made a motion to disapprove item H-2. Council Member Somera seconded the motion. After discussion, a vote was taken with the following results:

Bob Reeves	Against
Larry Sheppard	Against
Mark Peterson	For
Ray Don Clayton	Against
Fred Harris	For
Frank Somera Jr.	For
Roger O'Dwyer	For

Motion passed 4-3 to disapprove item H-2.

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING A ZONING CHANGE FOR A TRACT OF LAND, LOCALLY KNOWN AS 808 LEONHARD, THAT IS LOCATED DIRECTLY BEHIND AUTO ZONE AND ACROSS LEONHARD STREET FROM BEN'S SERVICE CENTER, CONSISTING OF 0.586 ACRE, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO B-5 BUSINESS DISTRICT, PROVIDING A SAVINGS CLAUSE; AND DELCARING AN EFFECTIVE DATE.**

## I. ACTION ITEMS

1. Consideration and action, authorizing the purchase of 4.0 acres of land located at the northwest corner of FM 1113 and Grimes Crossing Road. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief, gave an overview of agenda item I-1.

Council Member Reeves made a motion to authorize the concept of purchasing four acres of land located at the northwest corner of FM1113 and Grimes Crossing Road. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on the appointment of an individual to the Library Advisory Board for the period March 12, 2008 – March 30, 2010. **Peg Fleet, Library Director**

Peg Fleet, Library Director, gave an overview of agenda item I-2.

Council Member Harris made a motion to appoint Neva Moten to the Library Board for the period March 12, 2008 – March 30, 2010. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on approving Amendment No. 1 to the architectural services contract for the new police facility between the City of Copperas Cove and Brinkley Sargent Architects, changing the contract amount from \$500,000 to \$883,840. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief, gave an overview of agenda item I-3.

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

4. Consideration and action on approval of the final plat of Summer Place. **Scott Wallace, Interim City Planner**

Scott Wallace, Interim City Planner, gave an overview of agenda item I-4.

Council Member Clayton made a motion to approve agenda item I-4. Council Member Reeves seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on authorizing the City Manager to enter into a Letter of Agreement with Grant Development Services, Inc. for the administration of the Texas Parks & Wildlife Department (TPWD) Grant Award not to exceed \$41,756. **Andrea M. Gardner, City Manager**

Andrea M. Gardner gave an overview of agenda item I-5.

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

6. Consideration and action on authorizing the City Manager to enter into an amendment with Adjusters International for additional fees of \$10,000 to facilitate future services for the 25<sup>th</sup> Street Drainage 404 Hazard Mitigation Project.  
**Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-6.

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

7. Consideration and action on Resolution No. 2008-07, declaring support of Fort Hood Area Habitat for Humanity's application for funding through the Texas Department of Housing and Community Affairs. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-7. Eugene Bauer of Habitat for Humanity explained that the organization has expanded their services. In addition to home ownership, they now offer home repair and handicap accessibility programs as well. There is funding available for these new expanded program areas through the Texas Department of Housing and Community Affairs. He said that the City of Killeen is what is called a participating jurisdiction (PJ) under HUD funds. The City of Killeen receives funds directly from HUD to distribute within their city as they see fit. Cities that are not PJ's, are distributed money from the State of Texas. All the other 67 cities and towns in his jurisdiction receive money through the Texas Department of Housing and Community Affairs. Killeen is the only city in his jurisdiction that receives money directly from HUD. Mr. Bauer said that Fort Hood Habitat for Humanity wants to apply for what is known as a CHDO (Community Housing Development Organization), through the State of Texas. They are already a CHDO in the City of Killeen. Because of that experience, the organization knows how to use the Federal funds and have met all the criteria to be a CHDO. Just this year the State of Texas has allowed CHDO's for single family homes. What the organization needs in their application to become a CHDO is support from the communities they serve. No funds are being requested, however, they are asking that certain city controlled fees be waived when they do construction, repair or handicap accessibility within the city limits.

Council Member Somera made a motion to approve agenda item I-7. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

**RESOLUTION NO. 2008-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, DECLARING SUPPORT OF FORT HOOD AREA HABITAT FOR HUMANITY'S APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.**

8. Consideration and action on Ordinance No. 2008-10, amending Personnel Policy No. 120, Salary Program Administration. **Kelli Sames, Human Resources Director**

Kelli Sames, Human Resources Director, gave an overview of agenda item I-8.

Council Member Peterson made a motion to approve agenda item I-8. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO. 120, SALARY PROGRAM ADMINISTRATION.**

**J. STAFF REPORTS**

1. Copperas Cove Downtown Association FY 2007-08, First Quarter Report. Linda Ledger, Copperas Cove Down Town Association

Linda Ledger, Copperas Cove Downtown Association, presented the First Quarter report for FY 2007-08.

2. Financial Report for the Month ended January 31, 2008. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, presented the financial report for the month ended January 31, 2008.

3. Animal Control 2007 Annual Report. **Mike Heintzelman, Deputy Police Chief**

Mike Heintzelman, Deputy Police Chief, presented the 2007 Annual Report for Animal Control.

4. Police Department 2007 Annual Report. **Tim Molnes, Police Chief**

Tim Molnes, Police Chief, presented the 2007 Annual Report for the Police Department.

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

**L. ITEMS FOR FUTURE AGENDAS**

**M. EXECUTIVE SESSION**

**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 O'Dwyer adjourned the meeting at 8:33 p.m.

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Robert L. Reeves, Mayor Pro Tem

ATTEST:

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Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL SPECIAL MEETING MINUTES  
March 12, 2008 – 9:00 A.M.**

**A. CALL TO ORDER**

Robert L. Reeves, Mayor Pro-Tem, called the Special Meeting of the City Council of the City of Copperas Cove, Texas to order at 9:00 a.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Somera gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Roger P. O'Dwyer  
Robert L. Reeves  
Larry D. Sheppard  
Mark E. Peterson  
Charlotte Heinze  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary  
Stefanie Brown, Deputy City Secretary

**D. PUBLIC HEARINGS/ACTION**

1. To present witnesses and evidence in support of allegations that Mayor O'Dwyer violated prohibitions under Section 2.08 of the City of Copperas Cove Charter and allowing Mayor O'Dwyer to present witnesses and evidence in his defense according to procedures approved by a consensus of Council.

Mayor Pro-Tem Reeves opened the Public Hearing.

Speaking for: James R. Thompson representing the City, gave an opening statement.

Speaking Against: Roy Barrett and Michael Scanes, representing Mayor O'Dwyer, gave opening statements. Mr. Barrett made ten objections at the beginning of his opening statement and asked for a ruling on his objections. A vote was taken to agree with the objections with the following results:

Robert L. Reeves	No
Larry D. Sheppard	Yes
Mark E. Peterson	No
Charlotte Heinze	No
Ray Don Clayton	No
Fred Harris	No
Frank D. Somera Jr.	No

Motion carried six to one to not agree with the objections.

Mr. Thompson presented the City's evidence. First witness called was Dennis Haas, Fire Chief. Mr. Thompson did the direct examination for the city and Mr. Barrett did the cross-examination for the Mayor. The City rested.

Mr. Barrett and Mr. Scanes presented the Mayor's evidence. First witness called was Pastor Mark Kemp. Mr. Scanes did the direct examination. Mr. Thompson had no questions for this witness. Second witness called was General Stewart Meyer. Mr. Scanes did the direct and redirect examination. Mr. Thompson did the cross-examination. Third witness called was Mayor Roger P. "ODie" O'Dwyer. Mr. Barrett did the direct and redirect examination. Mr. Thompson did the cross and recross examination of the witness. Mayor O'Dwyer's attorneys called the City's witnesses. The first witness was Robert O'Dell, Deputy Fire Chief. Mr. Scanes did the examination. Mr. Thompson had no questions for this witness. The second witness called was Jane Lees, City Secretary. Mr. Barrett did the examination and Mr. Thompson did the cross-examination. The Mayor rested.

Mr. Thompson presented the City's rebuttal evidence. First witness called was Tim Molnes, Police Chief. Mr. Thompson did the direct examination and Mr. Barrett did the cross-examination. The second witness called was Dennis Haas, Fire Chief. Mr. Thompson did the direct examination and Mr. Barrett did the cross-examination.

Mr. Thompson and Mr. Barrett both closed the examinations of witnesses.

Closing statements for Mayor O'Dwyer were done by Mr. Barrett and Mr. Scanes. Mr. Thompson did the closing statement for the City.

Mayor Pro-Tem Reeves closed the Public Hearing.

## E. ACTION ITEMS

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| 1. Consideration and action on whether Mayor O'Dwyer violated any provision of <i>Section 2.08 Prohibitions</i> of the City of Copperas Cove Charter. |
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The City Council decided to vote individually on each of the nine charges. If an item was thought to be a violation of the Charter, a "yes" vote was given. If an item was thought to not be a violation of the Charter, a "no" vote was given.

**Charge No. One.** On or about July 24, 2006, at a meeting with Tim Molnes, Chief of Police; Dennis Haas, Fire Chief; and Steve Alexander, City Manager, directed the police and fire departments chain of command on how they were to operate with respect to interaction with the media and generated an e-mail to each emphasizing those directions. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Two.** On or about December 5, 2006, Mayor O'Dwyer generated a letter to Condoleeza Rice, Secretary of State, without council approval in which he committed the city's police department to train to the Iraqi police force members. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Three.** On or about January 25, 2007, Mayor O'Dwyer ordered the City Attorney to discontinue with his creation of a report for the City's Impact Fee Committee.

The Council dropped this charge.

**Charge No. Four.** On or about February 1, 2007, Mayor O'Dwyer directed Mike Mundell, Solid Waste Superintendent, to serve on the CTCOG Solid Waste Advisory Committee. A vote was taken with the following results:

Robert L. Reeves	No
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	No
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried four to three as not being a violation of the Charter.

**Charge No. Five.** On or about February 22, 2007, Mayor O'Dwyer sent an e-mail message to Steve Alexander directing the City Manager regarding the need for an individual to attend a county commissioners meeting with policy direction regarding the makeup of the groundwater district's board of governors. A vote was taken with the following results:

Robert L. Reeves	No
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried four to three as a violation of the Charter.

**Charge No. Six.** On or about April 10, 2007, Mayor O'Dwyer gave orders and directions to Robert O'Dell, Deputy Fire Chief, regarding the scheduled workshop pertaining to the flooding and EOC activation. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried five to two as a violation of the Charter.

**Charge No. Seven.** On or about July 10, 2007, Mayor O'Dwyer gave direction to Jane Lees, City Secretary, on how he wanted appointments for the charter review committee to appear on the council agenda. On or about July 11, 2007, the Mayor provided the City Secretary with a typewritten sentence telling her how he wanted the Charter Review Committee appointments action item worded on the agenda. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Eight.** On or about September 18, 2007, Mayor O'Dwyer directed Jane Lees, City Secretary, to collect and maintain all notes generated by City Council members while they are on the dais.

The Council dropped this charge.

**Charge No. Nine.** On or about December 11, 2007, Mayor O'Dwyer told Robert O'Dell, Deputy Fire Chief, that they needed to meet without the City Manager involved regarding homeland security and emergency management issues and told him that he, Mayor O'Dwyer, had a lot of free time and if Deputy Chief found some grants the Mayor could work on them and provide him the information and no one would have to be told who prepared them.

The Council dropped this charge.

- |   |
|---|
| <p>2. Consideration and action to declare the office of the Mayor forfeited and vacated at the next regularly scheduled council meeting if the Mayor does not immediately resign. <i>This determination and action will only be considered by the Council if five (5) members of the Council determine that the Mayor has violated the Charter.</i></p> |
|---|

Council Member Peterson made a motion to approve agenda item E-2. Council Member Clayton seconded the motion. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one to approve agenda item E-2.

A complete transcript of the March 12, 2007 Special Meeting will be made a permanent part of these minutes and labeled as Exhibit A.

**F. ADJOURNMENT**

There being no further business, Mayor Pro-tem Reeves adjourned the meeting at 7:41 p.m.

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Robert L. Reeves, Mayor Pro Tem

Attest:

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Stefanie Brown, Deputy City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL SPECIAL MEETING MINUTES  
March 25, 2008 – 9:00 A.M.**

**A. CALL TO ORDER**

Mayor Pro Tem Reeves called the special meeting of the City Council of the City of Copperas Cove Texas to order at 9:00 a.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Somera gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Roger P. O'Dwyer  
Robert L. Reeves  
Larry D. Sheppard  
Mark E. Peterson  
Charlotte Heinze  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. PUBLIC HEARINGS/ACTION – None.**

**E. ACTION ITEMS**

1. Consideration and action to declare the office of the Mayor forfeited and vacated. ***Robert Reeves, Mayor Pro Tem***

Mayor Pro Tem Reeves gave an overview of item E-1.

Council Member Sheppard requested to say a few words. Mayor Pro Tem Reeves said that a motion would be in order before opening the item up for discussion.

Council Member Harris said that the council has found that the Mayor has violated the Charter on five different charges. He proceeded to make a motion that the office of the mayor be forfeited and vacated. Council Member Clayton seconded the motion.

Council Member Sheppard spoke to the Council and said that the Council has had one of God's chosen men speak, a retired general speak, and heard Frank Somera pray for the soldiers in harm's way who have fought and died for the right to a free vote. He said Copperas Cove has had that, today we stand ready to take it away. I think this is terrible; I think it's wrong and I think it's unlawful.

Carole O'Dwyer, 1703 Highland Drive. Mrs. O'Dwyer stated that nobody ever bothered to ask her for a comment or how she felt. She said that the last year has been a nightmare for them. She said that the one person she counted as a friend is the one who documented her activities. I'm so sorry that you chose to put us and the citizens of Copperas Cove through all of this.

Roy Barrett, representing Roger O'Dwyer. He stated it was hard to know where to start because he felt that the Council has already made up their minds to remove the Mayor. He said it was a lynching and what the Council planned to do today was hang the dead body. He said that the Council voted that he violated the Charter, and that just means that five of you made a political decision. He said the Council did not listen to evidence and have not based their decision on the evidence. The Council came up with nine violations, all of which revolved around him allegedly giving orders to the City Staff, and that violated the Charter. You found five of them to be true. He said that if the Council were a fair minded bunch they would ask what happened and think about the seriousness of it, then decide. He said there is no evidence that the Mayor gave an order to anyone and there is no evidence that he harmed the City in any way. He asked how a Mayor can suggest something that City Staff ignores and say that it harmed the City. He suggested that the Council just doesn't like the way he does things. He said that only the voters can decide that. He asked the Council to follow what is right and fair. He said that they may not think he is a good mayor, or doesn't do a good job, or that he interferes. Those are political issues, not violations of the Charter. He said that the Council may want to reprimand him, which may be justified. He said that the Council may suggest other ways to heal the City, but not vacate his office. Mr. Barrett said that if the Mayor is kicked out today, the Council has ignored the facts and the Charter and made a political decision. Mr. Barrett asked the Council to vote the motion down because the Mayor didn't do anything wrong. He said that the Council does not have the will of the people behind them. The Mayor has been a community server, School Board member and Planning and Zoning Commission member, with no problems. He has spoken up for people in this community and he has not been a pawn for any special interest group. He said that those five things don't amount to a hill of beans. He said that the Council plans on starting on Council Member Sheppard next. He said that all this will cause division and lack of faith in the government of this community and do much more damage to the City than what the Mayor could possibly do in the next 14 months of his term. He asked the Council to not remove him from office, but have a fact finding hearing, and try to heal the City.

Mike Scanes, representing Roger O'Dwyer. Mr. Scanes said that the Issue on the table today is whether to remove the Mayor from office. He said that there has been an effort by some of the council since September 11, 2007 to find something that would allow you to get rid of the Mayor. He stated that the people and citizens of this City do not want this to happen. The people you represent do not want this to happen. It seems to me that you will do this anyway. These charges of allegedly giving orders about agenda items and talking points seem frivolous. He has done nothing unlawful and committed no crime. The Charter says you can declare the office of a City council person forfeited, but does not say you can declare mayor position forfeited. The Mayor and Council Members are different positions as stated in your Charter. Referring to the plaques along the wall of the council chambers on fairness, character and integrity, he told the Council it's never too late to do the right thing. We respectfully request, one last time, that you do the right thing and say 'no' to what is going on here today.

Roger O'Dwyer, 1703 Highland Drive. I am still the mayor of this City. I stand this morning to lose my job. As two lawyers have said and I will say and anyone who has listened, there is no proof. But that's O.K. He stated that his mail and his wife's mail that is sent to this building is opened. He said he has asked the City Secretary to please stop doing that. He said his mail is opened at the direction of Mr. Thompson. He stated that it is illegal for people to violate peoples mail. There is no proof that he ever disrupted

anything. No one who testified said he ever gave them an order. There is no proof that he ever disrupted anything. He said there has to be an element of proof that what he did caused disruption. There is no evidence to that, yet you are going to do what you are going to do because you don't like me. Speaking to Mayor Pro Tem Reeves, he said that you have taken and passed notes back and forth to Ms. Gardner. I will be putting in an Open Records Request to ask Ms. Lees to gather those notes up. He said that at least four people on the dais right now have close ties with the military and you can sit there and in good conscience and say, 'we know all about this, but we will kick him out of office for trying to end the war early and bring the soldiers home early,' because that's what that letter to the Secretary of State was all about. You have no evidence on that charge in particular and you have no evidence on the talking points. He said that the facts have not been heard. You've made your minds up a long time ago. I hope you sleep well tonight.

Council Member Sheppard. This City Council has done more to divide the City of Copperas Cove than anything any Mayor could do. I think the people are behind him and I would ask the people of Copperas Cove to please take your city back over.

Council Member Peterson. Just because our supporters that elected us as council men and women to this Council are not here in the chambers applauding every word we say, does not mean that we are not supported. We have a small percentage of people here who support the Mayor. I have not seen the reports in the *Cove Leader Press* that 80 percent support him, I would like to see those.

Council Member Somera. Whatever is done here, let's move forward. It has been a long time.

A vote was taken with the following results:

Robert L. Reeves	yes
Larry Sheppard	no
Mark E. Peterson	yes
Charlotte Heinze	yes
Ray Don Clayton	yes
Fred Harris	yes
Frank Somera, Jr.	yes

Motion passed six to one.

## **F. ADJOURNMENT**

There being no further business, Mayor Pro Tem Reeves adjourned the meeting at 9:46 a.m.

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Robert L. Reeves, Mayor Pro Tem

ATTEST:

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Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL SPECIAL MEETING MINUTES  
March 31, 2008 – 7:00 P.M.**

**A. CALL TO ORDER**

City Attorney James R. Thompson announced that in the absence of a Mayor and Mayor Pro Tem that the Council would need to elect a chairperson to conduct the meeting as if he/she were the Mayor, according to Section 2.03 of the City Charter. Mr. Thompson suggested that the Council do this and make it a standing order. Council Member Clayton made a motion to appoint Mark Peterson to chair the council meetings in the absence of the Mayor and Mayor Pro Tem. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

Chairman Peterson 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 (excused absence,  
arrived at 8:10 p.m.)  
Larry D. Sheppard  
Mark Peterson  
Charlotte Heinze  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

**E. PUBLIC RECOGNITION**

1. Certificates of Recognition for "Our Town Copperas Cove" volunteers – Marty Smith, Betty Price, Kelly Dix, Silvia Rhoads, and Monica Hull. ***Council Member Mark Peterson***

Chairman Peterson thanked Marty Smith, Betty Price, Kelly Dix, Silvia Rhoads, and Monica Hull for their tireless efforts in organizing, promoting and overseeing the production of "Our Town Copperas Cove," for Channel 10, March 10-14, 2008.

**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 North 4<sup>th</sup> Street. Ms. Steele announced to the citizens that the propositions for the proposed Charter amendments were posted in the City's website and make sure and read them over carefully because they were lengthy.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said he wished to speak about signage in the back of the council chambers. The sign contains a statement made by the late Dean Acheson, which Mr. O'Dwyer read aloud. He asked the council to also keep in mind the other signs in the Council Chambers that talk about trustworthiness, respect, and fairness.

Patricia Grigsby, 604 South 25<sup>th</sup> Street. Ms. Grigsby said that if the City paid the attorney that sat with the Council on May 12, 2008, it was a misuse of funds. She said she wanted to know what was said in the back room because it was an open forum. During one of the breaks, she was in the back and said that the Mayor Pro Tem had some of the evidence and he asked someone to give him three copies of this mess. She said that if she was on trial she wouldn't want her evidence be called a mess.

Council Member Clayton made a motion to remove the Executive Session from the agenda because the City Manager had taken care of it administratively. Council Member Somera seconded the motion. During discussion, Council Member Sheppard asked why it was to be removed and requested it remain on the agenda and held in open session. A vote was taken with the following results:

Larry Sheppard	no
Charlotte Heinze	no
Ray Don Clayton	yes
Fred Harris	no
Frank Somera Jr.	yes

Motion to remove the Executive Session from the agenda failed with a vote of 3-2.

**G. CONSENT ITEMS** all matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

**H. PUBLIC HEARINGS/ACTION – None.**

**I. ACTION ITEMS**

1. Consideration and action on authorizing the Mayor to issue a drilling permit on the application of Central Basin Oil Investments, Inc. and Halek Energy LLC for Williams #2CB to drill for oil and gas within the corporate limits of the City of Copperas Cove. <b>James R. Thompson, City Attorney</b>
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James R. Thompson, City Attorney gave an overview of agenda item I-1. He said everyone was given a new plat and that the original plat set out that the proposed drilling site was 150 feet from a property line of a lot. He discussed this issue with the drilling company and advised them that the well had to be drilled 300 feet from a dwelling. There was no dwelling there within 300 feet, however, Central Basin agreed that they

would move 300 feet inside of their own property. So they are not within 300 feet of a property line, much less a structure. All other requirements have been met for this permit.

Council Member Sheppard stated that the Council has received a complaint regarding this permit. Chairman Peterson said that a motion was in order so that it could be opened up for discussion. The item died for lack of a motion. No action was taken.

2. Presentation of Fiscal Year 2007 Comprehensive Annual Financial Report. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave an overview of agenda item I-2. Michael Firth of Lott Vernon & Company presented a short summary of the audit to the Council.

Council Member Clayton made a motion to accept the Fiscal Year 2007 Comprehensive Annual Financial Report. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

Chairman Peterson said that he would like to back up to item I-1 and allow Raiford Williams of 3011 Grimes Crossing Road to speak. Mr. Williams said that the request for a drilling permit is for his property. He said that Central Basin and Halek Energy had five representatives at the meeting to answer questions. Since Attorney Thompson stated that they met and exceeded all the requirements for the permit, he requested that the Council bring it up and take action on it, even if they vote it down. City Attorney Thompson said that the Council cannot take any action tonight. He suggested that the Council request a workshop on this item.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said he supported Mr. Williams application for a drilling permit saying that it would bring money into the city. He said that the last time a drilling permit came before the Council, it was undecided as to who would check to ensure compliance with the Homeland Security regulations and NIMS forms. He asked who had been given that task.

3. Consideration and action on Resolution No. 2008-08, amending Resolution No. 2008-02, which ordered a general election to be held on May 10, 2008 and, if necessary, a runoff election to be held on June 7, 2008. **Jane Lees, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-3.

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

The Resolution caption is as follows:

**RESOLUTION NO. 2008-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING RESOLUTION NO. 2008-02, WHICH ORDERED A GENERAL**

**ELECTION TO BE HELD ON MAY 10, 2008 AND, IF NECESSARY, A RUNOFF ELECTION TO BE HELD ON JUNE 7, 2008.**

**J. STAFF REPORTS – None.**

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

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Heinze requested a workshop to discuss oil and gas drilling within city limits. Council Members Clayton and Harris agreed but asked that noise issues be included in the discussion.

The Council took a break at 7:53 p.m. and reconvened at 8:01 p.m.

**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 the City Council Member Place 2.

Council Member Sheppard requested that item M-1 be discussed in open session. Chairman Peterson announced at 8:25 p.m. that Executive Session was concluded.

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

Chairman Peterson announced that there was no action to be taken as a result of the Executive Session.

**O. ADJOURNMENT**

There being no further business, Chairman Peterson adjourned the meeting at 8:25 p.m.

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Robert L. Reeves, Mayor Pro Tem

ATTEST:

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Jane Lees, City Secretary

**CITY OF COPPERAS COVE  
CITY COUNCIL REGULAR MEETING MINUTES  
April 1, 2008 – 7:00 P.M.**

**A. CALL TO ORDER**

Mayor Pro Tem Robert L. Reeves 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  
Mark E. Peterson  
Charlotte Heinze  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary

**D. ANNOUNCEMENTS**

**E. PUBLIC RECOGNITION**

1. Proclamation: Sexual Assault Awareness Month, April 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves read proclamation and presented it to William Hall of Families in Crisis.

2. Proclamation: Child Abuse Prevention Month, April 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves read the proclamation and presented it to Ernie Remedies of the Copperas Cove Exchange Club and Francie Charles of Copperas Cove Noon Exchange Club.

3. Proclamation: Coryell County Crime Victims' Rights Week, April 13-19, 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves read the proclamation and presented it to Amy Perkins, Coryell County Crime Victims' Coordinator.

3. Proclamation: National Library Week, April 13-19, 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Reeves read the proclamation and presented it to Peg Fleet, Library Director.

**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.

Bill Stephens, 701 Bond Street. He said he was honored to be the first speaker after the positive and upbeat proclamations for our City. He stated that he is very familiar with the City Charter. He commended the City Council for their cohesiveness and cooperation that was shown in last night's Council Meeting. He stated that it was the first time in a very long time that that had happened and he was pleased up until the end of the meeting.

He stated that once the Council went into Executive Session he believed that there were several violations of the Charter. First, he said that the City Manager issued a reprimand to a City Council Member. Nowhere in the City Charter, that he saw, does the City Manager have the authority to reprimand a City Council Member. He stated that the City Council themselves should reprimand one of their own members.

Secondly, he stated that during the Executive Session, the City Manager snapped at a citizen. He said that the citizen was speaking during the Executive Session, which probably was wrong. However, the City Manager did not have the authority to tell that citizen that she would have the person removed by police force from the Chambers. She overstepped her boundaries. The City Charter does not state that she has the authority to remove a citizen from the Council Meeting.

Lastly, Mr. Stephens said that the City Attorney informed a citizen that he would have an item placed on an agenda. Nowhere in the City Charter does it say that the City Attorney has the authority to place an item on an agenda. It takes two City Council Members to place an item on an agenda and the City Attorney cannot do that. He said that the City Attorney misinformed the citizen right here in the City Council Meeting.

He stated that the person who should have been controlling these violations was the Mayor Pro Tem. He let these violations slip by and did not say a word during the Council Meeting. Mr. Stephens said that if he is wrong, and the City Manager has the authority to remove citizens from the Council Chambers, and if the City Manager has the authority to issue a public reprimand which is printed in the newspapers and broadcast on television, then he apologized for taking this time. However, if the City Charter does not give the City Manager this authority, he suggested that the City Council should discuss this among themselves and issue a public retraction of the reprimand and an apology to the citizen.

**G. CONSENT ITEMS – None.**

**H. PUBLIC HEARINGS/ACTION**

- |  |
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| <ol style="list-style-type: none"><li>1. Public hearing, consideration and action on Ordinance No. 2008-06, annexing the remaining portion of the proposed subdivision of The Valley at Great Hills, consisting of 267.088 acres. <b>Scott Wallace, Interim City Planner</b></li></ol> |
|--|

Scott Wallace, Interim City Planner, gave an overview of agenda item H-1.

Mayor Pro Tem Reeves opened the public hearing.

Speaking for: Jimmy Clark, 1510 High Chapparel. He stated that he is a partner in the development of the property being discussed and they are requesting annexation for future development.

Roger O'Dwyer, 1703 Highland Drive. He asked if the City had any plans to place a traffic light at the intersection because it is a heavily traveled road. Mayor pro tem Reeves said that the City will take that question up with TxDOT because it is a state road.

Speaking Against: None.

Mayor Pro Tem Reeves closed the public hearing.

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

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING THE REMAINING PORTION OF THE PROPOSED SUBDIVISION OF THE VALLEY AT GREAT HILLS, CONSISTING OF 276.088 ACRES.**

**I. ACTION ITEMS**

1. Consideration and action on appointment of one (1) new member to the Keep Copperas Cove Beautiful Commission. ***Silvia Rhoads, Executive Director, Keep Copperas Cove Beautiful***

Silvia Rhoads, Executive Director of Keep Copperas Cove Beautiful, gave an overview of agenda item I-1.

Council Member Heinze made a motion to appoint Stephan Gaeth to the KCCB Commission for a term beginning April 1, 2008 through September 2009. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

2. Consider and take action on Ordinance No. 2008-12 of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, Limited Tax Notes, Series 2008, in the aggregate principal amount of \$2,855,000; awarding the sale of said notes; levying a tax in payment thereof; prescribing the form of said notes; and enacting other provisions relating to the subject. ***Wanda Bunting, Director of Financial Services***

Wanda Bunting, Director of Financial Services, gave an overview of agenda item I-2. Gary Kimball from First Southwest Company was present to give additional information. Council Member Peterson made a motion to approve agenda item I-2. Council Member Somera seconded the motion. A vote was taken with the following results:

Larry Sheppard      Against  
Mark Peterson        For  
Charlotte Heinze     For  
Ray Don Clayton     For  
Fred Harris           For  
Frank Somera Jr.     For

Motion carried 5 to 1.

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, LIMITED TAX NOTES, SERIES 2008, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,855,000; AWARDED THE SALE OF SAID NOTES; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID NOTES; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.**

3. Consideration and action on Ordinance No. 2008-09, amending Personnel Policy No. 311 – Vacation Leave, No. 313 – Sick Leave, No. 312 – Holidays, and No. 135, Overtime and Compensatory Time. ***Kelli Sames, Human Resources Director***

Kelli Sames, Human Resources Director, gave an overview of agenda item I-3.

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

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO. 311 – VACATION LEAVE, NO. 313 – SICK LEAVE, NO. 312 – HOLIDAYS, AND NO. 135, OVERTIME AND COMPENSATORY TIME.**

4. Consideration and action on Ordinance No. 2008-11, amending Personnel Policy No. 120, Salary Program Administration. ***Kelli Sames, Human Resources Director***

Kelli Sames, Human Resources Director, gave an overview of agenda item I-4.

Council Member Clayton made a motion to approve agenda item I-4. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption is as follows:

**ORDINANCE NO. 2008-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING PERSONNEL POLICY NO. 120, SALARY PROGRAM ADMINISTRATION.**

**J. STAFF REPORTS**

1. Financial Report for the Month ended February 29, 2008. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, presented the financial report for the month ended February 29, 2008.

2. Fire Department 2008 Annual Report. **Dennis Haas, Fire Chief**

Dennis Haas, Fire Chief, presented the 2007 Annual Report for the Fire Department.

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

**L. ITEMS FOR FUTURE AGENDAS**

Council Member Heinze requested a workshop on gas and oil drilling within the city limits. Council Member Sheppard requested an agenda item on the expenditure for the Zech investigation. Ms. Gardner said that would probably best be done in a staff report.

**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 evaluation of the City Manager.

The Council adjourned to Executive Session at 8:07 p.m.

**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 8:26 p.m. Mayor Pro Tem Reeves stated that there was no action to be taken on the discussion from Executive Session.

**O. ADJOURNMENT**

There being no further business, Mayor Pro Tem Reeves adjourned the meeting at 8:26 p.m.

\_\_\_\_\_  
Robert L. Reeves, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Jane Lees, City Secretary

# City of Copperas Cove

## City Council Agenda Item Report

April 15, 2008

### Agenda Item No. I-1

Contact – Tim Molnes, Assistant City Manager/Police Chief, 547-4272  
tmolnes@ci.copperas-cove.tx.us

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**SUBJECT: Consideration and action on authorizing the City Manager to enter into a contract for the construction manager at risk with Rogers-O'Brien Construction for the construction of the new police facility.**

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#### 1. BACKGROUND/HISTORY

During the City Council Retreat in March 2006, City Staff presented to the City Council multiple financing proposals for the design and construction of a new police facility. As a result of that presentation, City Council directed City Staff to proceed with the project.

In December 2006, the City Council authorized the City Manager to enter into a contract with Brinkley Sargent Architects for the architectural services. In May 2007, City Council approved the 2007 Certificates of Obligation Issuance for the first stage of the Police Facility construction. In March 2008, City Staff presented to City Council the proposed design of the new police facility.

Brinkley Sargent Architects are currently finishing up the design stage of the new facility and the next step is to hire a Construction Manager at Risk (CMAR) so that the CMAR can work with the Architects prior to beginning the construction of the facility around the September timeframe.

#### 2. FINDINGS/CURRENT ACTIVITY

Requests for Proposals for CMAR services were advertised and on February 25, 2008, those proposals that were submitted were opened. A total of two (2) proposals were submitted and are listed as follows:

1. Rogers-O'Brien Construction
2. Emerson Construction

On March 24, 2007, the Review Committee interviewed, reviewed and scored each proposal submitted. From these interviews and reviews, the committee selected Rogers-O'Brien Construction as the entity to which the City would like to negotiate a final contract.

In the contract negotiation, the City and Rogers-O'Brien will complete the American Institute of Architects (AIA) agreement document between the City and their firm. This

is a standard form of agreement between the Owner and the Construction Manager, which will be completed in the final negotiations with Rogers-O'Brien. City Staff will review and negotiate with Rogers-O'Brien Construction as to the terms of this contract. City Attorney Jim Thompson will also review the final document.

The Review / Interview Committee consisted of the following members:

1. Andrea Gardner, City Manager
2. Tim Molnes, Assistant City Manager/Police Chief
3. Wanda Bunting, Director of Financial Services
4. Christine Julius, Assistant Director of Finance/Purchasing Officer
5. Gary Beeman, Brinkley Sargent Architects

### **3. FINANCIAL IMPACT**

The negotiations between City Staff and Rogers-O'Brien Construction will be ongoing through the completion of the design phase of the new police facility. The general conditions will be updated based on negotiations and final design:

1. Basic Construction Services provided by the CMAR are based on a percentage of the Construction Budget. The Building Construction Budget is currently set at \$7,478,000 for new construction. The fees for this service shall not exceed 4% or \$299,120. Should the Final Construction Budget exceed \$7,478,000 and be accepted by the City, the CMAR will receive an adjustment in fees equal to 4% (four percent) of construction costs above \$7,478,000.
2. In addition to the base percentage fee there are pre-construction fees, field and office staff costs, and general conditions that will be negotiated with Rogers-O'Brien in the upcoming months prior to beginning construction on the facility. Once the fixed fees are set, the CMAR will receive no adjustment in the fixed fees should the actual accepted construction bid amount vary from the final Design Development Budget and subsequently be approved by the City.
3. General Services include office space, supplies, furniture, construction clean up costs, insurance, utilities, etc. These costs will all be negotiated as the design is completed and prior to signing a contract with Rogers-O'Brien Construction.

Total compensation for all services provided by the CMAR will not exceed \$997,750 without City Council approval.

### **4. ACTION OPTIONS/RECOMMENDATION**

City Staff recommends that the City Council authorize the City Manager to negotiate a contract for the construction manager at risk with Rogers-O'Brien Construction for the construction of the new police facility.

**PERMIT OF CENTRAL BASIN OIL INVESTMENTS, INC. AND  
HALEK ENERGY LLC TO DRILL OIL AND/OR GAS WELL**

Based on the application filed on March 6, 2008 for Williams #2CB.

Having filed an application together with all necessary supporting documents in accordance with Chapter 14 of the City Code of Ordinances as amended 6-20-2006, and Sec. 14-14 of the City Code of Ordinances amended 9-20-05 regulating the drilling, completion and operation of oil and gas wells, within the City of Copperas Cove, the applicant, Central Basin Oil Investments, Inc. and Halek Energy LLC, its successors and assigns, is hereby granted this Permit to Drill Oil and/or Gas Wells and to operate and produce said wells and to build, install and maintain the necessary appurtenant facilities in connection therewith subject to the provisions and regulations on the Williams #2CB in Copperas Cove, Coryell County, Texas.

In consideration for the City of Copperas Cove granting said Permit, Central Basin Oil Investment Inc. and Halek Energy LLC, agrees that it will comply with all the terms and provisions of the above referred to regulations, and all other ordinances and regulations of the City of Copperas Cove.

The Permit shall extend to the said Central Basin Oil Investment Inc. and Halek Energy LLC, its successors and assigns, for a period of one (1) year from the date hereof and as long thereafter as Central Basin Oil Investment Inc. and Halek Energy LLC, its successors and assigns, are engaged in drilling, reworking or producing operations with no cessation of more than sixty (60) days: provided, however, that if Central Basin Oil Investment Inc. and Halek Energy LLC fails to commence operations for drilling said well or wells on or before one hundred eighty (180) days from the date hereof, this Permit shall expire and be of no further force and effect.

**EXECUTED and DELIVERED** this 15th day of April 2008.

**City of Copperas Cove, Texas**

\_\_\_\_\_  
Robert L. Reeves, Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
Jane Lees, City Secretary

received  
3/6/08 (leas)

**Central Basin Oil Investments, Inc.**

2485 East Southlake Blvd, Suite 100

Southlake, TX 76092

Ph: 817-251-0707 Fax: 817-251-0733

---

**Application for Permit to Drill, Complete, and Operate an Oil and Gas Well**

**within the City of Copperas Cove, TX**

**Date:** March 5, 2007

**Applicant:** Central Basin Oil Investments, Inc.

2485 East Southlake Blvd, Suite 100

Southlake, TX 76092

Ph: 817-251-0707 Fax: 817-251-0733

Note: Insurance bond is through our operating company,

Central Basin Oil Investments, Inc.

2485 East Southlake Blvd, Suite 100

Southlake, TX 76092

Ph: 817-251-0707 Fax: 817-251-0733

**Drilling Unit Description:** The well, API # 42-099-30127 (Williams #2CB), shall be in the Williams lease – 251 acres, partially in the J.H. McClaine Survey A-776 (Coryell County) and the H. Gotcher Survey A-1319 (Coryell county). One 40-acre unit in the southwest corner of the lease, located 1040.8 feet from the west lease line and 150 feet from the south lease line.

**Well Type & Depth:** Oil and Gas, total depth = 1,998 feet

**Casing Program:** 600 feet of 8 5/8" surface casing,  
1998 feet of 5 1/2 " long string

**Square Footage of Drilling Unit:** The drilling unit is 1,742,400 square feet (40 acres).

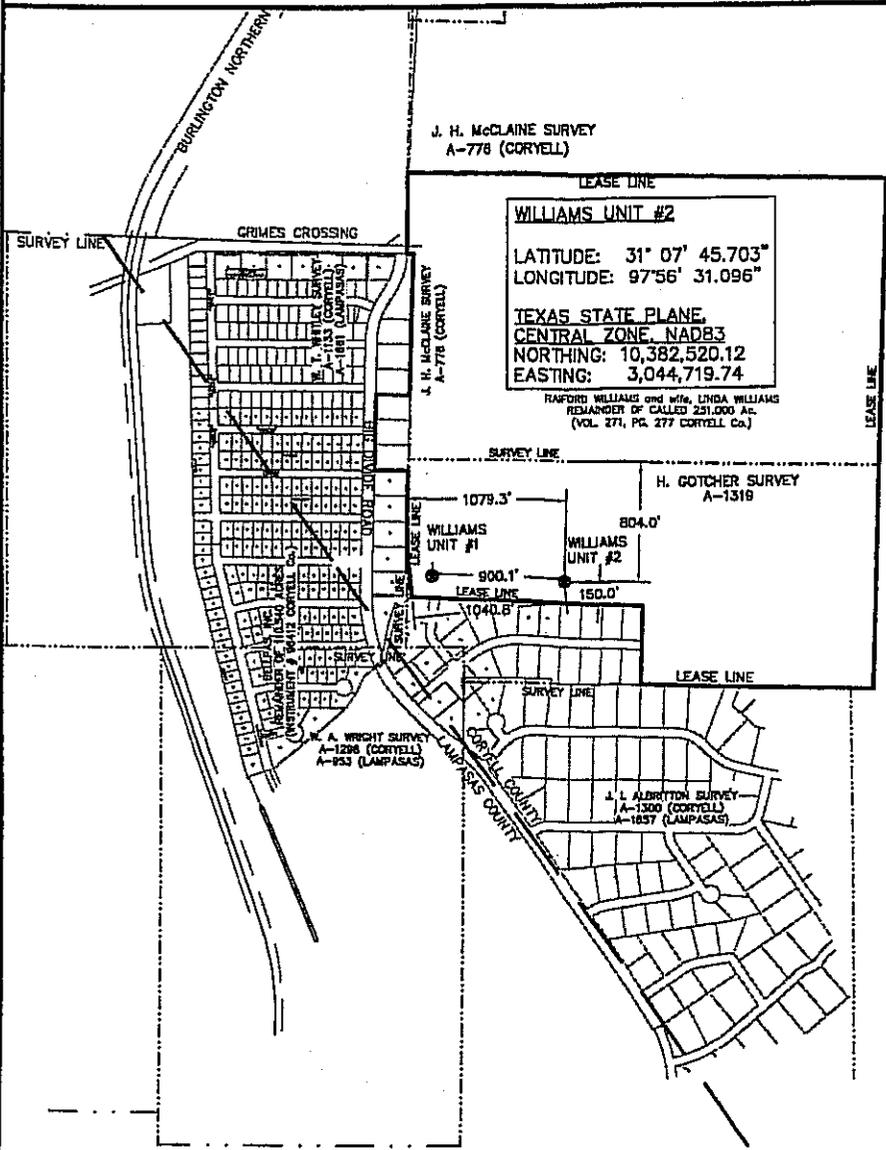




# MITCHELL & ASSOCIATES, INC. ENGINEERING & SURVEYING

102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541

14-4-c-1



LEASE LINE

**WILLIAMS UNIT #2**

LATITUDE: 31° 07' 45.703"  
LONGITUDE: 97° 56' 31.096"

TEXAS STATE PLANE,  
CENTRAL ZONE, NAD83  
NORTHING: 10,382,520.12  
EASTING: 3,044,719.74

RAIFORD WILLIAMS and wife, LINDA WILLIAMS  
REMAINDER OF CALLED 251,000 Ac.  
(VOL. 271, PG. 277 CORYELL Co.)

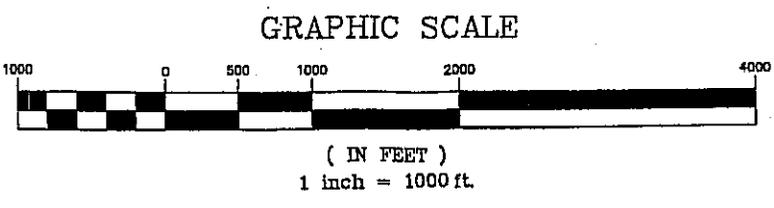
**WILLIAMS UNIT #2**

Lease Perpendicular: 1040.8 ft. from a West line and 150.0 ft from a South line.

Survey Perpendicular: 1079.3 ft. from the West line of the H. Gotcher Survey, Abstract No. 1319 and 804.0 ft. from the North line of the H. Gotcher Survey, Abstract No. 1319.

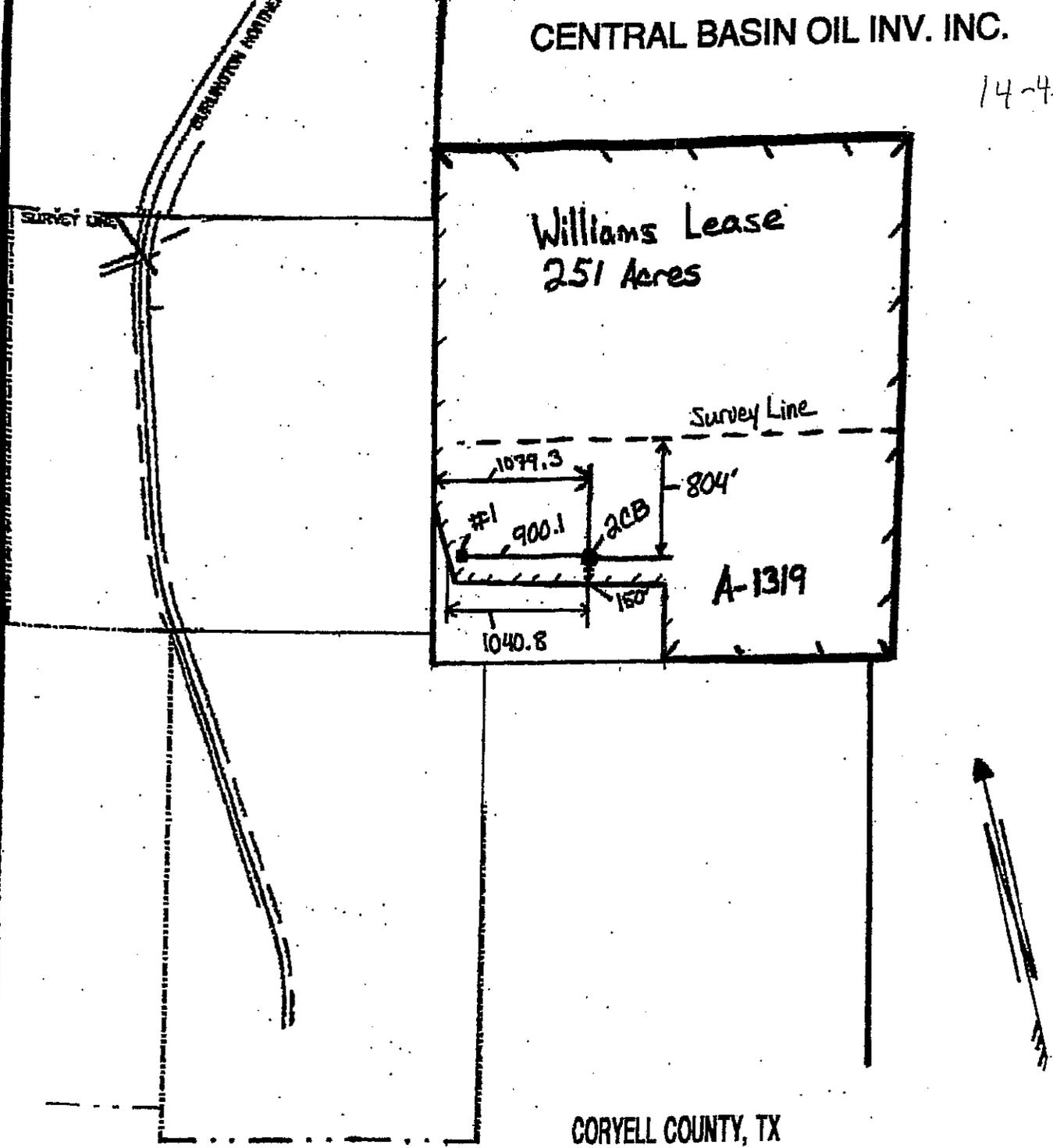
Natural Ground Elevation at Williams Unit 2=1091.0

- NOTES:
1. SURVEY LINES ARE APPROXIMATE LOCATION ONLY.
  2. COUNTY LINES ARE BASED UPON RECORD INFORMATION.
  3. THIS PLAT IS BASED UPON RECORD INFORMATION AND



CENTRAL BASIN OIL INV. INC.

14-40-1



Williams Lease  
251 Acres

Survey Line

1079.3

#1

900.1

#2CB

804'

A-1319

1040.8

CORYELL COUNTY, TX

WILLIAMS # 2CB

Scale - 1000'

PLEASE DO NOT STAPLE

PLEASE READ ALL INSTRUCTIONS

The information requested is essential in order for this agency to provide an appropriate response. Please allow for receipt of this form in our offices at least two weeks before your operation begins. Due to the volume of these requests, at times it may be difficult for us to handle telephone inquiries. Complete, keep the bottom sheet (goldenrod) for your files, and mail the top 3 sheets of the 4-sheet set of carbon-backed forms with a map to the address below. One sheet bearing our response will be returned to you. Another will be sent to the appropriate district office of the Railroad Commission. If you have questions on how to fill out this form or about the Surface Casing program, please contact us at 512/239-0515.

Surface Casing - MC 151  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

Date 11/5/2007 TCEQ File No.: SC-

58

IFM  
512-  
891-  
1113

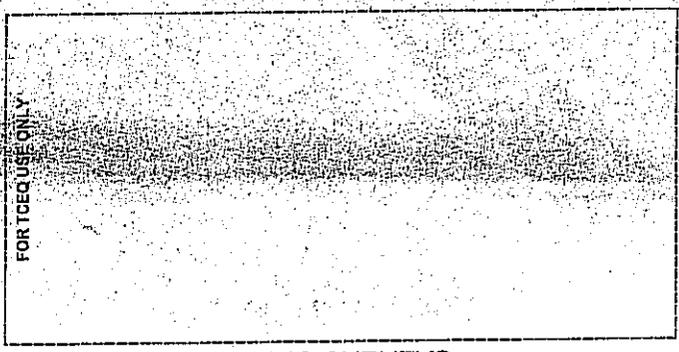
Name of person preparing this request & phone No. (with area code)  
Will Anderson 964 7558

RRC LEASE OPERATOR # 3454115

Company (operator's name as on RRC form W-1)  
Halek Energy L.L.C.

Mailing Address  
5605 N McArthur Blvd 860

City and State Irving TX ZIP Code 75038



ALWAYS INCLUDE A MAP SHOWING YOUR WELL SITE AND ALL SURROUNDING SURVEYS

COUNTY Coryell Survey Name H. Gotcher  
Block No. \_\_\_\_\_ Township \_\_\_\_\_ Section or Survey No. \_\_\_\_\_ (or) Lot No. \_\_\_\_\_

Abstract No. A- 1319 LEASE Name Williams Well No. 1+All

Distances, in feet, and directions measured at right angles from each of two intersecting  Section or  Survey lines  
(NOT LEASE LINES) 488.3 feet from 5 line and 167.1 feet from W line.

Distance (in miles) and direction from a nearby town in this County (name the town)  
Within City Limits of Copperton Cave

THE ABOVE INFORMATION MUST BE COMPLETE AND CORRECT

API # \_\_\_\_\_ RRC Lease No. N/A RRC Dist. No. 70

GPS Coord. (long/lat or X-Y state plane) Long 97° 56' 39.6 W Lat 31° 07' 49.8 N NAD 29

Elevation \_\_\_\_\_ Total Depth 1998 Geologic Fm. at T.D. Unknown

Purpose of the Request:  New Drill  Re-entry  Plug & Abandon  Other (specify) \_\_\_\_\_

Is this an AMENDED request?  Yes  No Previous File No. for this well: SC- \_\_\_\_\_

Log included of same or nearby well (The applicable type of well log that shows the aquifers.) Please provide a location map or API# for attached log.

ALWAYS attach the electric log of any well that is to be reentered.

Additional remarks: \_\_\_\_\_

To protect usable-quality ground water at this location, the TEXAS COMMISSION ON ENVIRONMENTAL QUALITY recommends:

CO-CORYELL, SUR-GOTCHER H., LSE-WILLIAMS, A-1319, #6, 39/600; LEASE IN A-1319

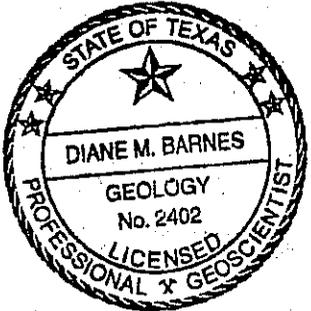
The interval from the land surface to 20 feet below the base of the Cretaceous-age beds must be protected. The base of the Cretaceous is estimated to occur at a depth of 600 feet.

This recommendation is applicable for all wells drilled in this LEASE IN A-1319.

FOLD

TYPE OR PRINT IN INK

DO NOT WRITE HERE FOR TCEQ USE ONLY



Very truly yours,

Diane M Barnes  
Diane M. Barnes, P.G.

Date November 6, 2007

Geologist, Surface Casing, TCEQ

typed by TCEQ

NOTE: Unless stated otherwise, this recommendation is intended to apply only to the subject well and not for area-wide use. Approval of the well-completion methods for protection of this ground water falls under the jurisdiction of the Railroad Commission of Texas. This recommendation is intended for normal drilling, production, and plugging operations only. It does not apply to saltwater disposal operations into a nonproductive zone (RRC Form W-14).

14-4-C-4

**RAILROAD COMMISSION OF TEXAS  
OIL & GAS DIVISION**

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER 655977	DATE PERMIT ISSUED OR AMENDED Mar 04, 2008	DISTRICT * 7B		
API NUMBER 42-099-30127	FORM W-1 RECEIVED Feb 25, 2008	COUNTY CORYELL		
TYPE OF OPERATION NEW DRILL	WELLBORE PROFILE(S) Vertical	ACRES 251		
OPERATOR CENTRAL BASIN OIL INV. INC. 5605 N MACARTHUR BLVD STE 860 IRVING, TX 75038		NOTICE This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored. District Office Telephone No: (325) 677-3545		
LEASE NAME WILLIAMS		WELL NUMBER 2CB		
LOCATION 0 miles Within direction from COPPERAS COVE		TOTAL DEPTH 1998		
Section, Block and/or Survey SECTION ◀                      BLOCK ◀                      ABSTRACT ◀ 1319 SURVEY ◀ GOTCHER, H				
DISTANCE TO SURVEY LINES 1079.3 ft. W    804 ft. N		DISTANCE TO NEAREST LEASE LINE 150 ft.		
DISTANCE TO LEASE LINES 150 ft. S    1040.8 ft. W		DISTANCE TO NEAREST WELL ON LEASE See FIELD(s) Below		
FIELD(s) and LIMITATIONS: <p align="center">* SEE FIELD DISTRICT FOR REPORTING PURPOSES *</p>				
FIELD NAME LEASE NAME	ACRES NEAREST LEASE	DEPTH 	WELL # NEAREST WE	DIST
----- WILDCAT WILLIAMS	251.00 150	1,998	2CB 900.1	7B
<b>THE FOLLOWING RESTRICTIONS APPLY TO ALL FIELDS</b> This well shall be completed and produced in compliance with applicable special field or statewide spacing and density rules. If this well is to be used for brine mining, underground storage of liquid hydrocarbons in salt formations, or underground storage of gas in salt formations, a permit for that specific purpose must be obtained from Environmental Services prior to construction, including drilling, of the well in accordance with Statewide Rules 81, 95, and 97.				



14-4-C-5  
 14643 Dallas Parkway, Suite 400  
 Dallas, TX 75254  
 Phone: (214) 747-1200  
 Fax: (214) 672-2700

To: Mary Ann Tucker  
 EnRisk Services  
 6100 Western Place, Suite 100  
 Fort Worth, TX 76107

Date: October 29, 2007  
 From: Tara Love

Agency Fax: 817-654-3552  
 Retail Producer Fax:

Agency Phone: 817-877-1884  
 Retail Producer Phone:

## INSURANCE BINDER

In accordance with your latest instructions and in reliance upon the statements made in your application/submission, we have effected insurance as follows. As the representative of the insured it is incumbent upon you to review the terms of this binder carefully as the coverage, terms and conditions will often be different than those requested. Swett & Crawford and its affiliated companies disclaim any responsibility for your failure to reconcile the original submission with coverages bound herein.

**NAME OF INSURED:** Central Basin Oil Investment, Inc.  
**Mailing Address:** 5605 North MacArthur Blvd. Suite 860  
 Irving, TX 75038

**Insurer(s):** St. Paul Surplus Lines Insurance Company

**Assigned Policy No.:** MU05576127

**Policy Period:** 10/25/2007 to: 10/25/2008

**Binder Period:** 10/25/2007 to: 12/24/2007

12:01 a.m. Standard Time at the mailing address of the Insured. This binder will be terminated and superseded upon delivery of formal policy(ies), certificate(s), or cover note(s) issued to replace it.

**Coverage:** Umbrella Excess Liability

**Policy Form:** OG500 01/04

**Limits of Liability:** \$ 2,000,000.00

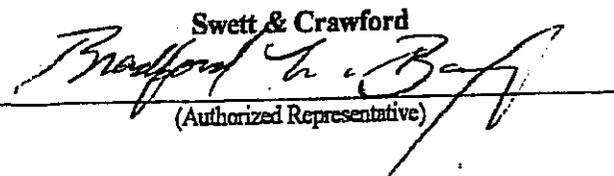
**Underlying Coverage And Limits:** AS QUOTED

<b>Premium/Taxes/Fees:</b>	\$	11,420.00	Premium - Excluding Terrorism Coverage
		7.15	Stamping Fee - TX
		578.12	Surplus Lines Tax - TX
		500.00	Policy Fee - TX
	\$	12,505.27	Total

**Conditions:** AS QUOTED

This binder is issued with the authority of the insurer(s) and is issued by the undersigned without any liability whatsoever as an insurer. Please inspect this binder carefully as the coverages bound may deviate from those requested in your original application.

Swett & Crawford

By:   
 (Authorized Representative)

**Binder Cancellation Provision:**

This binder is subject to the cancellation provisions as found in the policy(ies) or certificate(s). In addition, this binder may be cancelled in accordance with the policy(ies) provisions by the Insured by surrender thereof to Swett & Crawford or any of its authorized agents or by mailing to Swett & Crawford written notice stating when thereafter the cancellation shall be effective. The insurance effected under this binder can be cancelled by the Insurer or its authorized agent (subject to statutory regulations) by mailing, to the Insured at the address stated on the face of this binder, written notice stating when such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. Delivery of such written notice either by the Insurer or by Swett & Crawford shall be equivalent to mailing. In the event of cancellation by the Insured, the earned premium would be subject to the minimum earned premium if applicable.

14-14



# VOID



FOR YOUR PROTECTION SAVE THIS COPY  
OFFICIAL CHECK

Customer Copy

355228394

Texas

11/26/2007

Remitter CENTRAL BASIN OIL INVESTMENTS, INC.

Pay To The  
Order Of

CITY OF COPPERAS COVE  
SURETY BOND

\$ \*\*\*\*\*30,000.00 \*\*\*

Drawn: JPMORGAN CHASE BANK, N.A.

**NON NEGOTIABLE**

TERMS

KEEP THIS COPY FOR YOUR RECORD OF THE TRANSACTION. TO REPORT A LOSS OR FOR ANY OTHER INFORMATION ABOUT THE INSTRUMENT, CONTACT THE INSTITUTION FROM WHICH YOU RECEIVED THE INSTRUMENT.

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

499155143950 489157 REV2 07/07 8710095152



OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

355228394 23-97  
1020

Texas

Date 11/26/2007

Remitter CENTRAL BASIN OIL INVESTMENTS, INC.

Pay: THIRTY THOUSAND DOLLARS AND 00-CENTS

*COPY*

\$ \*\*\*\*\*30,000.00 \*\*\*

Pay To The  
Order Of

CITY OF COPPERAS COVE  
SURETY BOND

Drawn: JPMORGAN CHASE BANK, N.A.

*Stephen P. Hughes*  
First Vice President

Issued by Integrated Payment Systems Inc., Englewood, Colorado  
JPMorgan Chase Bank, N.A., Denver, Colorado



⑈450918⑈ ⑆102000979⑆ 250035510010⑆

**CENTRAL BASIN OIL INVESTMENTS, INC.**

5605 N. MACARTHUR BLVD. SUITE 860  
IRVING, TX 75038  
(972)550-0000

JPMORGAN CHASE BANK, N.A.  
DALLAS, TEXAS 75201  
32-61-1110

03/05/2008

PAY TO THE  
ORDER OF City of Copperas Cove

\$ \*\*\*\*\*1,000.00

\*\*\*1000\*Dollars\*And\*00\*Cents\*\*\*

DOLLARS

City of Copperas Cove  
PO Drawer 1449

Copperas Cove, TX 76522-

MEMO

Williams #2CB / *city permit*

⑈004766⑈ ⑆111000614⑆

*Rachael Rouse* MP  
725186985⑈

# City of Copperas Cove City Council Agenda Item Report

April 15, 2008

## Agenda Item No. I-2

Contact – James R. Thompson, City Attorney 547-7536

jthompson@ci.copperas-cove.tx.us

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**SUBJECT: Consideration and action on authorizing the Mayor to issue a drilling permit on the application of Central Basin Oil Investments, Inc. and Halek Energy LLC for Williams #2CB to drill for oil and gas within the corporate limits of the City of Copperas Cove.**

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### 1. BACKGROUND/HISTORY

Chapter 14 of the Code of Ordinances of the City of Copperas Cove, Oil and Gas Wells, provides that any person seeking a permit to drill for oil and gas within the City shall make application following certain criteria set out in the ordinance. There shall be a public hearing held within 30 days after the date of such permit but not prior to the seventh day following the making of the notices provided for in Sec. 14-5 unless Applicant meets the requirements of Sec. 14-8, subsections a (1), (2), (5), (7), and (8). Central Basin Oil Investments, Inc. and Halek Energy LLC have mineral leases and drilling rights on all lands within the drilling units sought.

### 2. FINDINGS/CURRENT ACTIVITY

Central Basin Oil Investments, Inc. and Halek Energy LLC have fulfilled all of the requirements of Sec. 14-4, Permit application. There is no need for a permittee to give notice of such application to all lessees, real estate owners or other persons that own land in the drilling unit required by this section because Central Basin Oil Investments, Inc. and Halek Energy LLC have mineral leases and drilling rights on all property in the drilling unit. All owners of dwellings and structures used for human occupancy situated within 300 feet of the proposed well location which have not been abandoned have consented to the drilling of the proposed well.

The requirements of Sec. 14-8 Issuance of Permit, subsections a (1), (2), (5), (7), and (8) have been met. The City Council is authorized to waive notice and hearing requirements set forth in Sec. 14-5 and 14-7. Upon waiver of those notice requirements, the Mayor is authorized and directed by the City Council to issue a drilling permit forthwith.

**3. FINANCIAL IMPACT**

There are no out-of-pocket expenses for the City. The risk to the City from damages caused by such drilling operations have been minimized by Applicant providing a \$30,000.00 cashier's check for multiple drilling sites, general liability policy that provides insurance for bodily injury or death of one person of not less than \$1,000,000.00, for any one accident not less than \$2,000,000.00 and property damage not less than \$500,000.00, and environmental pollution liability insurance applicable to bodily injury, property damage including loss of use of damaged property or of property that has been physically injured or destroyed; clean-up costs; and defense, including cost and expense incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the inured site; said coverage to be maintained in an amount of at least \$1,000,000.00 per loss with annual aggregate of at least \$2,000,000.00, for each drilling site.

**4. ACTION OPTIONS/RECOMMENDATION**

City Staff recommends authorizing the Mayor to issue a drilling permit to Central Basin Oil Investments, Inc. and Halek Energy LLC for Williams #2CB.

**ORDINANCE NO. 2008-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, Atmos Energy Corporation (“Company”) is engaged in the business of furnishing and supplying gas to the general public in the City, including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-way within the City for that purpose under the terms of a franchise ordinance duly passed by the governing body of the City and duly accepted by Company or its predecessor in interest; and

**WHEREAS**, The City and Company desire to amend said franchise ordinance to provide for a different consideration.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS THAT:**

**SECTION 1.**

The consideration payable by Company for the rights and privileges granted to Company by the franchise ordinance duly passed by the governing body of this City and accepted by Company or its predecessor in interest is hereby changed to be five percent (5%) of the Gross Revenues, as defined in the franchise ordinance.

**SECTION 2.**

Franchise payments shall be made on the dates prescribed in the existing franchise and shall be for the rights and privileges of the respective period during which the payment is made.

**SECTION 3.**

This ordinance shall take effect on May 1, 2008. The Company shall, within thirty (30) days from the receipt of this ordinance, file its written acceptance of this ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

Atmos Energy Corporation, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the 15<sup>th</sup> day of April, 2008, Ordinance No. 2008-13 amending the current gas franchise between the City and Atmos Energy Corporation.

Atmos Energy Corporation

By: \_\_\_\_\_  
Vice President, Mid-Tex Division

**SECTION 4:**

In all respects, except as specifically and expressly amended by this ordinance, the existing franchise ordinance heretofore duly passed by the governing body of the City shall remain in full force and effect.

**SECTION 5:**

The City shall provide a copy of this Ordinance to Mr. David Park, VP of Rates and Regulatory Affairs, Atmos Energy Corp., 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, no later than ten (10) business days after its final passage and approval.

**SECTION 6:**

It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

**PASSED, APPROVED, AND ADOPTED** on this 15th day of April 2008, at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code, §551.001, et.seq.* at which meeting a quorum was present and voting.

\_\_\_\_\_  
Robert L. Reeves, Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
Jane Lees, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James R. Thompson, City Attorney

# City of Copperas Cove City Council Agenda Item Report

APRIL 15, 2008

## Agenda Item No. I-3

Contact – Andrea M. Gardner, City Manager- 547-4221  
agardner@ci.copperas-cove.tx.us

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**SUBJECT:** Consideration and action on Ordinance No. 2008-13, amending the existing gas franchise agreement between the City of Copperas Cove and Atmos Energy Corporation to provide for a different consideration providing an effective date; providing for acceptance by Atmos Energy Corporation; and finding and determining that the meeting at which this ordinance is passed is open to the public as required by law.

---

### 1. BACKGROUND/HISTORY

According to the records on file with the City Secretary's office of the City of Copperas Cove, the original franchise agreement was executed in 1954 with Lone Star Gas Company. Upon expiration of the original franchise agreement, a new agreement was executed. The franchise agreement, effective April 1991 through April 2011, required Lone Star Gas Company, its successors and assigns, to pay on or before the 1<sup>st</sup> day of April of each succeeding year during the life of the franchise, a sum of money which shall be equivalent to 3% of the gross receipts received by Lone Star Gas Company from the sale of gas to its domestic and commercial consumers within the corporate limits of the City. Ordinance No. 2002-15 was passed by the City of Copperas Cove on October 1, 2002. This ordinance increased the franchise fee from 3% to 4%. On October 1, 2004, TXU Gas was sold to Atmos Energy Corporation.

### 2. FINDINGS/CURRENT ACTIVITY

On February 19, 2008, the City Council passed Resolution 2008-06, approving a settlement agreement between Atmos Energy Corporation, Mid-Tex Division and Atmos Energy Texas Municipalities. The settlement agreement included the option to increase the existing franchise compensation up to 5% of gross revenue for ATM member cities.

### 3. FINANCIAL IMPACT

Year	Gross Receipts	Franchise Fee Percentage	Franchise Fee Revenue
------	----------------	--------------------------	-----------------------

2005	2,688,182.88	.04	107,527.33
2006	2,399,566.78	.04	95,978.67
2007	2,682,790.88	.04	107,311.64
2008*	2,590,146.85	.05	129,507.34

\*Estimated based on average gross receipts from calendar year 2005-2007 and an increase in franchise fee from 4% to 5%.

**4. ACTION OPTIONS/RECOMMENDATION**

City Staff recommends that the City Council approve Ordinance No. 2008-13, amending the existing gas franchise agreement between the City of Copperas Cove and Atmos Energy Corporation.

**RESOLUTION NO. 2008-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, TO PROVIDE AN ABATEMENT OF WATER AND SEWER FEES TO YMCA COPPERAS COVE FAMILY CENTER.**

**WHEREAS,** The City of Copperas Cove has previously provided an abatement of water and sewer fees for the YMCA; and

**WHEREAS,** The Central Texas Armed Services YMCA is a not for profit organization; and

**WHEREAS,** The YMCA Copperas Cove Family Center provides a place for youth and families to enhance the quality of life through fitness and health programs, leadership development and community volunteerism; and

**WHEREAS,** The abatement applies to the Copperas Cove Family Center at 501 Clara Drive; and

**WHEREAS,** The savings the YMCA will receive from the abatement of water and sewer fees will be utilized to develop programs and provide assistance to youth and families unable to afford membership or program fees; and

**WHEREAS,** The term of the abatement will not exceed a period of five years.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS THAT:**

**SECTION 1.**

The City of Copperas Cove hereby agrees to provide an abatement of water and sewer fees to the Copperas Cove Family Center located at 501 Clara Drive, Copperas Cove, Texas, 76522.

**SECTION 2.**

The abatement of water and sewer fees will be effective for a period not to exceed five years, beginning on the 15th day of April 2008 and ending on the 31<sup>st</sup> day of December 2013.

**PASSED, APPROVED, AND ADOPTED** on this 15th day of April 2008 at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et.seq. at which meeting a quorum was present and voting.

\_\_\_\_\_  
Robert L. Reeves, Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
Jane Lees, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James R. Thompson, City Attorney

**YMCA Water & Sewer Abatement  
Time Period of October 2002 – December 2007**

Service	Year	Gallons	Amount
Water	2002	59,400	275.95
Sewer			205.79
<b>Total</b>			<b>481.74</b>
Water	2003	283,900	1246.41
Sewer			962.54
<b>Total</b>			<b>2,208.95</b>
Water	2004	485,000	1874.17
Sewer			1573.71
<b>Total</b>			<b>3447.58</b>
Water	2005	555,500	2324.48
Sewer			1965.15
<b>Total</b>			<b>4289.63</b>
Water	2006	687,400	2791.85
Sewer			2415.82
<b>Total</b>			<b>5207.67</b>
Water	2007	283,600	1431.80
Sewer			1124.60
<b>Total</b>			<b>2556.40</b>
<b>GRAND TOTAL</b>			<b>\$18,191.97</b>

**YMCA Water & Sewer Abatement Estimate**  
**Time Period from April 15, 2008 – December 31, 2008**

<b>Service</b>	<b>Gallons</b>	<b>Amount</b>
Base Water	N/A	2,040.00
Consumption Water	2,428,900	8,768.33
<b>Total Water</b>		<b>10,808.33</b>
Base Sewer	N/A	660.00
Consumption Sewer	2,428,900	8,501.15
<b>Total Sewer</b>		<b>9,161.15</b>
<b>GRAND TOTAL</b>		<b>\$19,969.48</b>
<p><b>Note:</b> Consumption water is estimated at \$3.61 per 1,000 gallons and base water rate at \$34.00 per month. Consumption sewer is estimated at \$3.50 per 1,000 gallons and base sewer rate at \$11.00 per month.</p>		

# City of Copperas Cove City Council Agenda Item Report

April 15, 2008

## Agenda Item I-4

Contact – Andrea M. Gardner, City Manager, 547-4221  
agardner@ci.copperas-cove.tx.us

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**SUBJECT: Consideration and action on Resolution No. 2008-09, extending the abatement of water and sewer fees for the Central Texas Armed Services YMCA located at 501 Clara Drive in Copperas Cove, Texas.**

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### 1. BACKGROUND/HISTORY

In 2002, an abatement of water and sewer fees was granted to the Central Texas Armed Services YMCA Copperas Cove Teen Center for a period of five years.

### 2. FINDINGS/CURRENT ACTIVITY

1600-2000 children will benefit directly from the abatement of water and sewer funds. The YMCA received a total abatement of \$18,191.97 during the previous five year period (see attached table).

### 3. FINANCIAL IMPACT

The total of City fees to be waived for a five year period are estimated to be \$19,969.48. The fees are estimated based on current water and sewer rates and the consumption levels from the past five years. A table with the abatement breakdown is attached.

### 4. ACTION OPTIONS/RECOMMENDATION

City Staff recommends the City Council approve Resolution 2008-09 extending the abatement of water and sewer fees for the Central Texas Armed Services YMCA.

# City of Copperas Cove City Council Agenda Item Report

April 15, 2008

## Agenda Item No. I-5

Contact – Andrea M. Gardner, City Manager, 547-4221  
agardner@ci.copperas-cove.tx.us

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**SUBJECT:** Consideration and action on authorizing the City Manager to execute notification documents declaring the City of Copperas Cove's intent to create a Tax Reinvestment Zone and requesting waiver of the 60-day notice requirement from Lampasas County and Lampasas Independent School District.

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### 1. BACKGROUND/HISTORY

On June 21, 2007, the concept of a Tax Reinvestment Zone (TIRZ) was presented and discussed in a Special Meeting of the Copperas Cove City Council and Copperas Cove Economic Development Board. David Hawes, a consultant with Hawes Hill Calderon LLP, presented detailed information regarding the creation and purpose of a Tax Reinvestment Zone or Tax Increment Financing. In July 2007, Hawes Hill Calderon LLP was hired by the Copperas Cove Economic Development Corporation to assist the City with the creation of a TIRZ for the proposed development known as the Valley of Great Hills. The boundaries of the proposed TIRZ are located along the south side of US Highway 190 on the western edge of the City. The preliminary development plan anticipates construction of 512 single family homes, 43.5 acres of commercial development and multi-family development.

### 2. FINDINGS/CURRENT ACTIVITY

Over the past eight months, City Staff has worked steadily with the consulting firm and developer to create a financing plan, a participation agreement and development agreement. In addition, City Staff along with the consultant and developer presented the concept of the TIRZ to Lampasas County officials. In February 2008, the Lampasas County Commissioner's Court took action expressing an interest to participate in the TIRZ contingent upon acceptance and approval of the financing plan. On April 1, 2008, City Council approved the voluntary annexation of the remaining 267.088 acres to be included in the TIRZ.

### 3. FINANCIAL IMPACT

The purpose of the Zone is to finance reimbursements for costs associated with public infrastructure improvements to be constructed in the Zone. The owner of

real property within the Zone (the developer) will advance 100 percent of the funds for the project costs and will be reimbursed from tax in increment revenues of the Zone. Further detailed financial information is located in the attached Financing Plan.

**4. ACTION OPTIONS/RECOMMENDATION**

City Staff recommends the City Council authorize the City Manager to execute notification documents declaring the City of Copperas Cove's intent to create a Tax Reinvestment Zone and to request waivers of the 60-day notice requirement from Lampasas County and Lampasas Independent School District.

# City of Copperas Cove

## City Council Agenda Item Report

April 15, 2008

### Agenda Item J-1

Contact – Wanda Bunting, Director of Financial Services, 547-4221  
wbunting@ci.copperas-cove.tx.us

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**SUBJECT: Texas Municipal League Equity Return.**

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#### 1. BACKGROUND/HISTORY

The City's Workers' Compensation, Liability and Property Insurance provider is Texas Municipal League (TML) Intergovernmental Risk Pool.

The TML Pool Board of Trustees had adopted Equity Return Policies for the Workers' Compensation, Liability, and Property Funds. The policies state that when the following conditions are met at the end of a given year, the Pool will return one-half of equity gained that year.

Members' Equity as a percent of net contributions is at least 75%  
Members' Equity as a percent of net loss reserves is at least 50%,  
Members' Equity increased during the prior fund year, and  
The increase in Members' Equity is at least \$1million.

#### 2. FINDINGS/CURRENT ACTIVITY

Because of positive financial result, the Pool has returned Liability Fund equity in 8 of the past 14 years for a total of \$40.8 million, Workers Compensation Fund equity in 7 of the past 14 years for a total of \$20.6 million and Property Fund equity totaling \$8.1 million in the past three years. As the Director of Financial Services and the Fund Contact for the City of Copperas Cove, I am pleased to report the City has received a total of \$137,139 in equity returns since 2003-04 fiscal year from TML Intergovernmental Risk Pool for Liability, Property and Workers' Compensation funds. I would like to extend a thank you to all City staff for successful efforts in helping control property, liability, and workers' compensation losses.

#### 3. FINANCIAL IMPACT

The equity return for fiscal year 2006-07 totals \$45,401 of which \$28,164 was received for Liability, \$1,951 for Property and \$15,283 for Workers' Compensation.

#### 4. ACTION OPTIONS/RECOMMENDATION

None.