

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
April 15, 2008 – 7:00 P.M.**

A. CALL TO ORDER

Mayor Pro Tem Reeves called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:04 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

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

C. ROLL CALL

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

ALSO PRESENT

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

D. ANNOUNCEMENTS

E. PUBLIC RECOGNITION

1. Retirement. ***Andrea M. Gardner, City Manager***

Retirement - Margaret "Peg" Fleet, Library Director. Andrea M. Gardner, City Manager, said that Peg dedicated the past 13 years promoting the Copperas Cove Public Library. When Peg began her employment with the City as Library Director, the Library utilized the card catalog system and was located where the current Municipal Court operates. In the mid-1990s, with assistance from the Texas State Library and Archives Commission and a contribution from the Friends of the Library, construction on a new library began. That new modern library was officially opened for the public on November 15, 1999. Ms. Gardner said that we will all miss Peg and hoped that she would now have more time to spend with her family and friends, and maybe even take up a new hobby—reading! She congratulated Peg on her many years of devoted service to the City and the Library. She presented Peg with a gift as a token of our good wishes to her in her retirement.

Ms. Fleet said that one thing Ms. Gardner said is very true regarding the time to read. She said that practicing librarians really don't have much time to read. Peg thanked the City for the opportunity she has had over the last 13 years, saying that it was very interesting and quite challenging. She felt that positive changes have been made at the library and said she is looking forward to all the things that are yet to come for that library, because a library is not a static thing, it has to grow and move and change along with everything else. She said she has met some wonderful people and learned a lot

about the City of Copperas Cove and the people who live here. She has had the chance to see them as they come through the library doors every day. She thanked the Council and asked them to take good care of that library.

2. Employee Service Awards. **Andrea M. Gardner, City Manager**

April 2008 Recipients: 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**

Mayor Pro Tem Robert L. Reeves read the proclamation and presented it to Beth Correa, Regional Planner, Central Texas Council of Governments. Ms. Correa thanked the City for the proclamation and asked everyone to remember that “fair housing is not an option, it is the law.”

3. Proclamation: Public Safety Telecommunicators Week – April 13-19, 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Robert L. Reeves read the proclamation and presented it to Lt. Danny Austin of the Copperas Cove Police Department. Chris Simmons and Shannon Thompson were introduced by Lt. Austin. Other public safety telecommunicators who work for the City and were unable to attend the meeting are Rachel Brooks, Becky burns, Rick Williams, Patricia Dodge, Kristal Salter, Ciera Miller-Rodriguez, Stefanie Tower, Lisa Taylor and April Lingo. Lt. Austin said that these are the people we talk to when we have an emergency and they work for us around the clock, 365 days of the year.

F. CITIZENS’ FORUM citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Willie Goode, 1012 South 29th Street. Mr. Goode said that at the last session of the Council, Mr. Jim Thompson violated a citizen’s First Amendment rights. He recommended to the Council that Mr. Thompson be terminated according to his contract, or at the very least, give him an official reprimand.

Roger O’Dwyer, 1703 Highland Drive. Regarding Easter Season readings, Mr. O’Dwyer said he would like to recommend to all the people in the city the following readings: Matthew 26:14-16, 24-25, 46 and 50; Mark 14:17-21, 42-47; Luke 22:1-6, 21-23, 46-48; John 13:21-30; John 18:2-13; and Acts 1:15-20.

Mr. O’Dwyer said the other subject he wanted to speak about deals with items on the Consent Agenda. He said he knows that there is normally no discussion on these items, but there are errors on the minutes which he would like to have corrected. Mayor Pro Tem Reeves said that the correct way to handle this would be to pull the items Mr. O’Dwyer wished to speak about off the Consent Agenda. Mr. O’Dwyer said he would like to speak regarding items G-2 and G-3.

Paul Vasquez, 1310 Katelyn Circle. He talked about the drainage issues that have been happening for the last three years, since Tonkowa Village was established. He said that when he was deployed in 2006, drainage was coming from the top of Highway 190, down Cline Drive. He went out on several occasions while it was raining hard, as it was in 2006 and 2005 and took photographs of the area. He said that the drainage is improper as far as he could see. Three houses on his side of the road were water-damaged. While he was in Iraq, he saw newspaper clippings that declared that area a disaster. He would like to recommend to the Council that the open area where Mountainview Mini Storage is located be developed to redirect the water off of Highway 190 and Cline, which goes down to Katelyn Circle. There is still erosion and he has photographs showing where the water drains. If this is not fixed, eventually it's going to cause more damage and more failed retaining walls. He said that his retaining wall has been replaced three times already. He said the area is primarily compact gravel which will not allow the water to sink in and it just runs over the top. He requested to come to a resolution to prevent further damages to the homes in the area. Ms. Gardner said that she has met with the contract city engineer and the developer for Tonkowa Village as late as this past Friday and that we are working on those issues in your particular area. Ms. Gardner assured Mr. Vasquez that she is working on the issue.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from March 11, 2008 regular council meeting. **Jane Lees, CMC, City Secretary**

4. Consideration and action on approval of minutes from March 31, 2008 special council meeting. **Jane Lees, CMC, City Secretary**

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

Council Member Clayton made a motion to approve consent items G-1, G-4 and G-5 and remove items G-2 and G-3 from the consent agenda. Council Member Heinze seconded the motion. Mayor Pro Tem Reeves requested that the vote be polled.

Larry Sheppard	Yes
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Frank D. Somera, Jr.	Yes

Motion passed unanimously five to zero.

2. Consideration and action on approval of minutes from March 12, 2008 special council meeting. **Stefanie Brown, Deputy City Secretary**

Council Member Clayton made a motion to approve item G-2. Council Member Peterson seconded the motion. During discussion Council Member Sheppard requested a correction be made to item E-2 on this agenda. He stated that he voted "No" and the

minutes did not reflect that. Mr. O'Dwyer also requested the same correction as well as a correction to the spelling of his nickname.

Mr. O'Dwyer also submitted several discrepancies to the Council regarding item G-2 and requested they be included in the minutes. City Attorney Thompson explained to the Council that it was not necessary to place all this in the minutes because the "Transcript" (457 pages) from the March 12, 2008 administrative hearing was made a part of the minutes and contained all the details.

Mayor Pro Tem restated Mr. O'Dwyer's requests: 1) That the minutes of the council meeting to have the same verbiage in it that is in the transcript provided to the City by Mr. Barrett, who was representing Mr. O'Dwyer; and 2) to change the spelling of Mr. O'Dwyer's nickname to the proper spelling, which is "ODie."

Council Member Clayton asked Mr. Thompson for clarification saying, "Wasn't that whole transcript entered into the City records as such? I can see cleaning up a little spelling and whatever, but that whole transcript is a part of our City records." Mr. Thompson agreed. Mr. O'Dwyer said he still stood by his request.

Mayor Pro Tem Reeves asked how the council wished to address Consent Agenda Item G-2. He said there was already a motion on the floor to approve item G-2, but we also have several corrections based on Council Member Sheppard's comments and Mr. O'Dwyer's requests.

Council Member Clayton said he would amend his motion to include Council Member Sheppard's request for a correction and the correction of the spelling of Mr. O'Dwyer's nickname. Council Member Peterson, who seconded the original motion, agreed to the amendments. Mayor Pro Tem Reeves requested the vote be polled.

Larry Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Frank D. Somera, Jr.	Yes

Motion passed four to one.

3. Consideration and action on approval of minutes from March 25, 2008 special council meeting. Jane Lees, CMC, City Secretary

Council Member Peterson made a motion to approve item G-3, which was seconded by Council Member Somera. Roger O'Dwyer had requested that this item be removed from the consent agenda, however, he said at this point that he had nothing more to say because he had incorrectly requested that G-3 be removed and he really meant G-4. A vote was taken and the motion carried unanimously.

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**

Tim Molnes, Assistant City Manager/Police Chief gave an overview of agenda item I-1.

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

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**

James R. Thompson, City Attorney, gave an overview of agenda item I-2.

Council Member Clayton made a motion to approve agenda item I-2. Council Member Somera seconded the motion. Council Member Sheppard said that he understood that there were some problems with citizens who say that the company is drilling within 300 feet of their homes. Attorney Thompson said that this is what he wished to discuss and assured the Council that there is more than 1,000 feet from the well to the west property line. On the south property line, he said that there are residences now, but none of them are within 300 feet of that well. The City ordinances states that wells be placed at least 300 feet from the nearest structure. He said that Mr. Nate Freeman, Executive Officer of Field Operations, is present to answer any questions. Council Member Peterson stated that if this action item is approved by the Council, that the company doing the drilling takes every precaution to mitigate the inconvenience that is caused to the residents of Skyline Valley, with fencing, noise reduction, and doing trucking during daylight hours. He requested that they get in and out as fast as possible. Council Member Heinze asked about Williams Unit #1 vs. Williams Unit #2 and what the difference in the type of wells would be. Mr. Freeman said it is a very similar well, but they have improved the methodologies used and they have improved their awareness, and they will do everything they can to mitigate the impact that they have. The nearest structure is approximately 350 to 400 feet away from the well. He said the area is very overgrown, which hides the visibility of the well and acts as a sound barrier. Council Member Clayton pointed out that if this well were in the County and not in the City limits, we would not be here discussing this tonight.

Ms. Gardner stated that she went out into the audience area to address a few citizens that had a form requesting to speak this evening. They were unaware of the procedures on those forms that in order to speak on a matter on the regular agenda they had to turn the form in to the City Secretary. This matter is up to the Council, however, there were five or six individuals who had concerns on this agenda item. As Council members and constituents of those individuals, it would be your call as to whether or not you would like to entertain their comments and suggestions. However, there is no forum at this particular meeting that I'm aware of, unless the City Attorney knows how, of which they can present those concerns to you. So, if you would like to listen to those concerns, the item would have to be tabled. Attorney Thompson said this is a procedural problem and we don't normally allow the public to speak during these items. If the Council wants to

hear the public input on this at this particular stage, we should hold a public hearing, then a consideration and action.

Council Member Sheppard made a motion to table this item until the next meeting and place it back on the agenda as a public hearing, consideration and action, so that citizens will be able to voice their concerns. Council Member Clayton seconded the motion to table. Mayor Pro Tem Reeves requested the vote be polled.

Larry Sheppard	Yes
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	No
Frank D. Somera, Jr.	Yes

Motion passed four to one to table this item until the next council meeting.

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**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-3.

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

The Ordinance caption is as follows:

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 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.

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**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-4.

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, EXTENDING THE ABATEMENT OF WATER AND SEWER FEES FOR THE CENTRAL TEXAS ARMED SERVICES YMCA LOCATED AT 501 CLARA DRIVE IN COPPERAS COVE, TEXAS.

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**

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

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

J. STAFF REPORTS

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

Andrea Gardner, City Manager, presented the Texas Municipal League Equity Return.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Peterson requested that the City Manager have the City Council Guidebook updated. Ms. Gardner said that City Staff would work on the update and bring it back to a workshop for the council and use for future council members. The update of this guidebook will be incorporated with the update of the Council Rules of Order and Procedures.

Council Member Peterson requested that the council discuss the appointment of a media spokesman for the Council. Council Members Heinze and Clayton agreed.

Mayor Pro Tem Reeves requested a city-wide workshop/discussion on drainage of Tonkawa Village as well as all other city drainage issues. Council Members Heinze and Sheppard agreed. Ms. Gardner said that the current workshop schedule is booked until the end of the year and suggested a separate workshop be done. After further discussion, it was decided that Ms. Gardner would prepare an information report for the council on this subject.

Mayor Pro Tem Reeves requested that the city pass a resolution to support the southern reliever route, to include the issuance of bonds, if necessary, to show TxDOT the City's commitment to this project. Council Members Somera and Peterson agreed.

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 8:28 p.m. During the Executive Session, Council Member Sheppard excused himself for the evening because of illness.

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 8:55 p.m. Mayor Pro Tem Reeves asked the Council if they wished to make any motions regarding Executive Session.

Council Member Peterson made a motion to amend the current City Manager's contract from 12 to 24 months. The motion was seconded by Council Member Somera, which passed unanimously.

O. ADJOURNMENT

There being no further business, Mayor Pro Tem Reeves adjourned the meeting at 8:56 p.m.

Robert L. Reeves, Mayor Pro Tem

ATTEST:

Jane Lees, City Secretary