

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
May 6, 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 7:02 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

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

Council Member Mark Peterson reminded everyone that Saturday May 10, 2008 is Election Day.

E. PUBLIC RECOGNITION

1. Employee Recognition: United Way Support for Habitat for Humanity.
Gene Bauer, Executive Director, Habitat for Humanity

Gene Bauer, Executive Director of Habitat for Humanity, spoke as a representative for the United Way. He wished to recognize the employees of the City of Copperas Cove for their participation in the program. Mr. Bauer thanked the employees and presented the City Manager with a Gold Award Certificate. Andrea Gardner, City Manager accepted the certificate and thanked Kelli Sames for her part in promoting the United Way Campaign.

2. Proclamation: Police Week (May 11-17, 2008) and Peace Officers' Memorial Day (May 15, 2008). ***Robert L. Reeves, Mayor Pro Tem***

Mayor Pro Tem Reeves read the proclamation and presented it to Police Chief Tim Molnes. Chief Molnes accepted the proclamation and stated that May 11-17, 2008 is National Police Week and communities across the country come together to remember and honor the law enforcement officers who died in the line of duty.

3. Proclamation: Law Enforcement Torch Run Day for Special Olympics Texas – May 20, 2008. ***Robert L. Reeves, Mayor Pro Tem***

Mayor Pro Tem Reeves read the proclamation and presented it to Corporal Kevin Keller of the Copperas Cove Police Department. Corporal Keller thanked Mayor Pro Tem Reeves and the Council for their support. He stated that each year the Copperas Cove Police Department receives the torch from the Coryell County Sheriffs Department. This year they will receive the torch on May 20, between 11 a.m. – 12 p.m. The final destination of the torch will be the Summer Games in Arlington, Texas.

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.

Paul Vasquez, 1310 Katelyn Circle. Mr. Vasquez said he was pleased with the results of a meeting he had with the City Manager, City Planner and Jimmy Clark on April 29, 2008. The drainage issues in his neighborhood were discussed and there was an agreement on how to proceed to alleviate the problems. In addition, he suggested that shelters for children at the bus stops could be built to protect them from inclement weather. He also stated that when he requested a street light, it was fixed within a week. He told the Council that he would come back and keep them updated on the progress made on the drainage issues.

Frank Seffrood, 430 Cottonwood Lane. Mr. Seffrood spoke on behalf of NALC, which is the local letter carriers union, saying that the annual food drive would be held on Saturday, May 10, 2008. He asked citizens to leave canned goods at or in their mail receptacles. Mail carriers would then pick the canned goods up and disburse them to the local agencies that distribute food to those who are in need.

Marty Smith, 204 East Robertson Avenue. Ms. Smith said that the Copperas Cove Chamber of Commerce took the lead in helping create a counseling room at the Oveta Culp Hobby Soldier and Family Readiness Center on Fort Hood. The Chamber received a United States Garrison Fort Hood Texas certificate for the citizens of Copperas Cove for the significant contribution made to create the Center on Fort Hood. Ms. Smith presented the certificate of appreciation to the City Council for the citizens of Copperas Cove. Mayor Pro Tem Reeves accepted the certificate on behalf of the citizens of Copperas Cove.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the April 15, 2008 regular council meeting. **Jane Lees, CMC, City Secretary**

2. Consideration and action on Resolution No. 2008-12, authorizing the submission of a grant application to Texas STEP for a grant enabling the City of Copperas Cove Police Department to reduce the use and distribution of tobacco products pertaining to minors, and authorize designated Police Department Staff to act as the agent for the City of Copperas Cove Police Department in all matters related to the grant application and any subsequent grant contract and project that may result. **Corporal Kevin Keller, Police Department**

3. Consideration and action on Resolution No. 2008-13, authorizing the City Manager to apply for, accept, reject, alter or terminate a grant from the U.S. Department of Justice for a Bulletproof Vest Grant for an amount not to exceed \$1,560. **Cheryl Forester, Executive Secretary, Police Department**

4. Consideration and action on removing from the table Item H-1 on this agenda, which was tabled at the March 31, 2008 regular meeting. **Jane Lees, City Secretary**

5. Consideration and action on Resolution No. 2008-14, accepting the quarterly investment report as presented for the quarter ending March 2008 per the Investment Policy. **Wanda Bunting, Director of Financial Services**

6. Consideration and action to ratify the changes to the Agreement for Professional Services and Employment as City Manager. **Andrea M. Gardner, City Manager**

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

H. PUBLIC HEARINGS/ACTION

1. Public hearing, 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 H-1.

Mayor Pro Tem Reeves opened the public hearing.

Speaking Against: Barbara Hart, 3242 Logsdon Street. Mrs. Hart said that she had provided a copy of "Drilling Down" to all Council members to read the previous week. She did not hear any Council Member bring up the health risks associated with drilling. Mrs. Hart is concerned about how it will affect her family and the families in her community. She brought photographs of oil wells burning that are located in the Big Divide, saying that she is concerned about the toxic fumes from these wells. She distributed the photos for the council to view. She presented the City Council with a petition to stop drilling with 69 signatures from her neighborhood. Mrs. Hart asked the Council to please consider the family members and not just special interests.

Speaking for: Nate Freeman, representing Central Basin Oil Investments, Inc. and Halek Energy LLC. Mr. Freeman said that the company's number one concern is safety and that they take safety beyond what is required by industry regulations. He explained some of the safety features of their equipment and said that if toxic fumes were detected, the system would automatically shut down. He explained that every producing well provides severance tax, which goes to the state and comes back to help the local school districts.

Mr. Freeman and Council Member Harris discussed the barriers that were built between the well site and a citizen's home. They also discussed a safety fence that was installed and locked. Mr. Freeman said that every well his company installs will be more than 300 feet from the property line, which exceeds the distance required by the City ordinance. He said that the picture that Mrs. Hart held up showing flames coming from a well are not from a well his company drilled. Council Member Sheppard indicated that he is concerned for the citizens whose homes are near the wells and that Central Basin Oil should inform those families of what is being done and the safety precautions being implemented.

Speaking Against: Benny Hart, 3242 Logsdon Street. Mr. Hart is concerned that his home will end up being surrounded by oil wells.

Yoshi Leuthner, 3607 Raiford Drive. Ms. Leuthner said she was speaking for her children and the neighborhood children. She is concerned about health risks and strongly opposes the drilling.

Bill Stephens, 701 Bond Street. Mr. Stephens made a statement that in West Texas and most major cities, drilling within city limits is not allowed.

Dana James, 3622 Big Divide Road. Ms. James stated that her home is closest to the drill site being discussed. Trees were put up as a noise barrier, but she can still see the drill site and it is closer than 300 feet from her back door. She said she addressed the Council before with these concerns and nothing had been done. Council Member Peterson told Ms. James that he took exception to her statement that nothing had been done. Council Member Harris asked Ms. James why she did not continue pursuing this issue. Ms. James said that she did everything she could to contact the council members about her concerns. City Attorney Jim Thompson made a statement regarding what action was done on his part regarding Ms. James' complaint had been made.

Katherine Reinhardt, 3302 Logsdon Street. Ms. Reinhardt stated she is against drilling oil wells. She left her home in Houston because she was sick from the drilling there and she does not feel safe being so close to oil wells. She stated that she can see the oil drilling rigs from her backyard. She asked for a guarantee that she will not have health risks from the oil wells.

Kevin Mulvihill, 3292 Logsdon Street. Mr. Mulvihill stated that the Williams #1 Well was drilled prior to approval. City Staff assured him that the company was fined for that action. He stated that the City ordinance protects the City and not the citizens. He indicated that he is concerned about emergencies and asked if the City's emergency personnel know how to contain an oil fire and know how to enter all the oil sites in case of a disaster. Mr. Mulvihill was assured by the Council that the City has an excellent emergency management plan in place. City Attorney James Thompson also added that Fire Chief Dennis Haas presented a procedure at a council workshop on how they would handle oil drilling emergencies.

During discussion Attorney Thompson stated that it has been about two years since the first oil drill permit was issued within City limits. Council Member Peterson made a statement that he believes that Central Basin Oil has expressed that they would do everything they can to mitigate any dangers. As a realtor, he indicated that there has been no depreciation of homes or property in Skyline Valley.

Mayor Pro Tem Reeves closed the public hearing.

Council Member Peterson made a motion to approve item H-1. Council Member Clayton seconded the motion. A vote was taken with the following results:

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

Motion carried 4 to 2.

2. Public Hearing on Ordinance No. 2008-14, amending the 2007-08 fiscal year budget for the City of Copperas Cove. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services gave an overview of agenda item H-2.

Mayor Pro Tem Reeves opened the public hearing.

Speaking for: None.

Speaking Against: None.

Mayor Pro Tem Reeves closed the public hearing and stated that no action was required at this time.

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 Ms. Jessie Fitzgerald for the term of May 6, 2008 to September 2009. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on Resolution No. 2008-10, providing the abatement of water and sewer fees for the Boys & Girls Club of Copperas Cove, located at 1306 Highway 116 South, Copperas Cove, Texas. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an overview of agenda item I-2.

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, PROVIDING THE ABATEMENT OF WATER AND SEWER FEES FOR THE BOYS & GIRLS CLUB OF COPPERAS COVE, LOCATED AT 1306 HIGHWAY 116 SOUTH, COPPERAS COVE, TEXAS.

3. Consideration and action on the appointment of members to the Advocate Selection Committee. **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 appoint Council Member Clayton and herself to the Advocate Selection Committee. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

4. Consideration and action on Resolution No. 2008-11, supporting the Southeast Bypass Project (U.S. Highway 190 Reliever Route) and future debt issuance if warranted as a result of funding shortages. **Andrea M. Gardner, City Manager**

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

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, SUPPORTING THE SOUTHEAST BYPASS PROJECT (U.S. HIGHWAY 190 RELIEVER ROUTE) AND FUTURE DEBT ISSUANCE IF WARRANTED AS A RESULT OF FUNDING SHORTAGES.

5. Consideration and action on authorizing the award of Bid No. 2008-03-53, 2008 Street Seal Coating Project, and authorizing the City Manager to execute a contract in the amount of \$303,027.67 with Big Tex Paving. **James A. Trevino, Street/Drainage Superintendent**

James A. Trevino, Street/Drainage Superintendent 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.

6. Consideration and action on authorizing the City Manager to enter into a Professional Services contract with Hearn Engineering, Inc. for the Summers Road Reconstruction Project for the amount of \$104,000. **James A. Trevino, Street/Drainage Superintendent**

James A. Trevino, Street/Drainage Superintendent gave an overview of agenda item I-6.

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

7. Consideration and action on the designation of a Media Spokesperson for the City of Copperas Cove City Council. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an overview of agenda item I-7.

Council Member Clayton made a motion to appoint Council Member Peterson as the media spokesperson for the City Council. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Chamber of Commerce 1st Quarter Report for 2008. **Marty Smith, President, Copperas Cove Chamber of Commerce**

Marty Smith, President, Copperas Cove Chamber of Commerce, presented the Chamber of Commerce 1st Quarter Report for 2008.

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

Wanda Bunting, Director of Financial Services, presented the Financial Report for the month ended March 31, 2008.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS – None.

M. EXECUTIVE SESSION

1. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss legal issues raised in connection with the preliminary estimate for the CAPP Long Term Contract.

2. 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 Attorney.

The Council adjourned to Executive Session at 9:05 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 9:39 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 9:39 p.m.

Robert L. Reeves, Mayor Pro Tem

ATTEST:

Stefanie Brown, Deputy City Secretary