

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
May 20, 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 Peterson gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves
Larry D. Sheppard (excused absence)
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 Somera announced Music at the Gap for Kids, sponsored by the Boys & Girls Club at Ogletree Gap on Thursday, May 22 at 6:00 p.m. He said there was no fee and encouraged everyone to bring their families out to enjoy the music.

Council Member Peterson said that Rabbit Fest was a great event and he thanked the Chamber and all the volunteers that made it possible.

He thanked the Copperas Cove Police Department for their annual torch run that was held today for the Special Olympics. He said they ran through the City at 11:15 this morning and passed the torch to the Coryell County Sheriff's Department. The torch is on its way to Arlington, Texas, where the Special Olympics will be held.

Council Member Peterson also announced that students have moved on to State Competition with their fire prevention posters. The competition will be held in June. The students whose posters have been submitted into the district contest are as follows: Alexis Keller, First Place Kindergarten from Mae Stevens Elementary; Anthony Doubleday, Second Place Primary from Martin Walker Elementary; Napu Dumaran, Third Place Intermediate from Martin Walker Elementary; Kristen Gomez, First Place Junior High School from Copperas Cove Junior High School; and Sean Doherty, First Place High School from Copperas Cove High School. He congratulated them and wished them well in the state competition.

E. PUBLIC RECOGNITION

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

May 2008 Recipients: Robert Martin, Fire Marshall, 20 years; Layla Breshers, Library Assistant III/Children's Specialist, 5 years. Ms. Gardner said Bob Martin was hired as a fire recruit in May 21, 1988. He became a certified firefighter and EMT in 1989 and was promoted to Lieutenant in 2000 and promoted again to fire inspector in 2003 and is currently serving as fire marshal/Captain since 2007. Mr. Martin said thank you and as the fire marshal for Copperas Cove, "be safe."

Ms. Gardner said that unfortunately Layla Breshers was unable to be at the meeting, but said that she does a wonderful job at library and works very well with the children. Ms. Breshers was hired on May 30, 2003 as a clerk/cashier in the Parks Department and transferred to the library in July 2003 where she currently serves as Library Assistant III, also known as the Children's Specialist.

2. Proclamation: Hurricane Awareness Week, May 25-31, 2008. **Robert L. Reeves, Mayor Pro Tem**

Mayor Pro Tem Robert L. Reeves read the proclamation and presented it to Fire Chief, Dennis Haas. Chief Haas thanked the Council for the awareness week proclamation and reminded everyone that the City of Copperas Cove can be impacted by hurricanes. He said that the public is invited to come by the Fire Station any time during the week to pick up informational pamphlets that are available to assist in preparing for a disaster.

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.

Roger P. O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said he wanted to talk about law compliance. He read Section 2-56.1 from the Code of Ordinances which states, "According to Charter Section 2.04, any member of the council requiring absence for two (2) regular consecutive meetings, will first obtain a leave of absence at a regularly scheduled meeting. The mayor or council member forfeits his/her office if a leave of absence is not first obtained." He stated that he hoped the council would consider doing the right thing.

Willie C. Goode, 1012 South 29th Street. Mr. Goode said he wished to speak about agenda item I-4 having to do with Mesa Verde. He asked if the city was not into the Kempner Water Corporation's water rights. If so, who will pay for those rights or water connections? With thousands of dollars in the Water/Sewer Fund, why is the City not paying for this out of those revenues? Doesn't part of this area also sit in Lampasas County? If so, should the City not be using their tax rolls? Is not this a forerunner of the TIRZ? If it is, he does not believe that there is anyone that is really knowledgeable in the TIRZ that has briefed the City on the good and the bad of it. He recommended that this agenda item be postponed to a later date in order to get clarification on some of these questions. It is stated that the tax dollars will pay for what is on the agenda tonight. What about the rest of it? Once again he requested the council table the item until questions is answered or the procedures of the TIRZ standards are followed.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from the May 6, 2008 regular council meeting. **Stefanie Brown, Deputy City Secretary**

2. Consideration and action on authorizing the release of funds in the amount of \$27,500 from the Hotel Occupancy Tax Fund to the Copperas Cove Chamber of Commerce to satisfy the quarterly installment due for period ending March 31, 2008.
Wanda Bunting, Director of Financial Services

Council Member Peterson made a motion to approve consent items G-1 and G-2. Council Member Heinze 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 Scully Energy Corporation, for Lehmann #1 Well 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. The location of this well is near the Wastewater Treatment Plant. The well is not within 1,000 feet of the nearest residence. All requirements of the City have been fulfilled.

Mayor Pro Tem Reeves opened the public hearing.

Speaking Against: Karen Taylor, 942 Taylor Creek Road. Ms. Taylor said that her house is one house away from where the drilling rig is located. She is retired and spends a lot of time at home. She said the noise and smell is horrible. She said the council should come by and see if they would want to live there. She recommended that the council turn down the approval of the permit.

Roger O'Dwyer, 1703 Highland Drive. He said that last time an oil issue came up he asked who was going to do the code enforcement on these issues. He said that the City Attorney said that there would be a workshop on that item. Mr. O'Dwyer asked if it has been determined who has code enforcement on these issues. He asked if the well was near the city's public works buildings and the northwest wastewater treatment plant and that the effluent from there goes to the golf course and runs off into Cowhouse Creek. Ms. Gardner said that the northeast wastewater treatment plant effluent goes to the golf course, not the northwest. He stated that if there is a problem with the well, the possibility exists of contaminating Cowhouse Creek and the entire watershed area. He asked again, who has code enforcement responsibilities for the well drilling and what training has or has not occurred. City Attorney Thompson said that the item has not yet been discussed in a workshop. He said that code enforcement is done by the Building Department as well as the Police Department and City Attorney's Office. Mr. O'Dwyer asked if anyone has had any training because this could be a potential health hazard for the entire region.

Speaking for: John Sobehrad, Scully Energy Corporation. Asked if the council had any questions for him regarding this permit. Council Member Heinze asked that he clarify the location of the well. Mr. Sobehrad said that this well is on FM116 near the dog pound. Ms. Taylor, who spoke earlier, was under the impression that the well under discussion was on Big Divide Road. Council Member Clayton asked what type of dangerous possibilities there are in reference to Mr. O'Dwyer's comments about contaminating the watershed. Mr. Sobehrad said that all precautions are taken. He said reserve pits are there to contain the drilling mud as well

as oil. There is surface casing according to the requirements of TCEQ to protect the water reservoirs down to about 4,000 feet. At this time, he said that all the wells that have been drilled have been gas and not oil. He said that he anticipates that this new well will also yield gas. He said that as far as contaminating Cowhouse Creek, the well is self-contained. He said that probably the sewage plant would be more at risk to damage the watershed than the drilling of a well for any overflows of effluent. He said that they are governed by the Texas Railroad Commission on drilling these wells. They have to have specific equipment out there. Also, they have all the insurance required to back up the project that the City requires prior to drilling. Mayor Pro Tem Reeves asked if TCEQ and the Railroad Commission inspect the well sites. Mr. Sobehrad said that there is a district office out of Abilene and he said on occasion, they will come out. They have to be informed of every step of drilling the well. Usually when surface casing is set is when they will come out and watch that procedure. They also have to be informed when drilling is complete and the well is ready to be plugged or if they set production casing. Council Member Clayton said that there were citizens that were concerned about the flames that were coming off one of these wells recently. Mr. Sobehrad said that when the wells have to be tested to see what is there and how much is there. They are ignited in order to do this test. He said that this type of test is mandated by the Texas Railroad Commission and is a controlled event. The well depth is expected to be approximately 4,000 feet. He said that this well would probably take about two weeks to complete drilling. Shallower wells take about three to four days. Council Member Somera asked if they would be planting trees or putting up something to hide the well. Mr. Sobehrad stated that if it is just a gas well, then the only thing showing would be a piece of pipe two to three feet above the ground. If oil is found, tanks will have to be installed and usually the surface owner has control over what happens above ground. Many require something that blends into the environment.

Frank Seffrood, 430 Cottonwood. He said his comments were neither for or against. The discussions seem to not be going anywhere. Contingency plans must be in place and he asked that Scully Energy Corporation supply those plans to the City. Mr. Sobehrad stated that he will have the petroleum engineer, Roger Chapin, supply those plans along with all emergency phone numbers to the City.

Against: Giscaro Toussaint, 3302 Colorado Drive. He said that the well is not 1000 feet from his house. He asked who he should come and see if he or his kids get sick. City Attorney Thompson told Mr. Toussaint that the well under discussion is not the well he is telling the council about. Mr. Thompson explained that the well is being drilled on FM116 South. Mr. Toussaint asked what is being drilled behind his house, which is in the Big Divide Road area. He said that there is digging going on 24 hours a day and he cannot sleep and is getting headaches. Mr. Thompson said that issue is not what is before the council at this time.

Mayor Pro Tem Reeves closed the public hearing.

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

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.

I. ACTION ITEMS

1. Consideration and action on authorizing the City Manager to enter into a Letter of Agreement with Grant Development Services, Inc. to prepare and submit an application for a Texas Capital Fund Downtown Revitalization Program Grant. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager gave an overview of agenda item I-1. Gandolf Burrus provided the council with additional information on the grant application.

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

2. Consideration and action on adopting Ordinance 2008-15, establishing procedures for the consideration of economic development projects within the City of Copperas Cove. **Andrea M. Gardner, City Manager**

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

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

The Ordinance caption is as follows:

ORDINANCE NO. 2008-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF ECONOMIC DEVELOPMENT PROJECTS WITHIN THE CITY OF COPPERAS COVE.

3. Consideration and action on approving a contract for legal services between the City of Copperas Cove and Allen Boone Humphries Robinson LLP. **Andrea M. Gardner, City Manager**

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

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

4. Consideration and action on approving an economic development agreement between the City of Copperas Cove and Mesa Verde Partnership. **Andrea M. Gardner, City Manager**

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

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

5. Consideration and action on Resolution No. 2008-16, calling and establishing procedures for a runoff election to be held on June 7, 2008, in Copperas Cove, Texas. ***Jane Lees, City Secretary***

Jane Lees, City Secretary gave an overview of agenda item I-5.

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

The Resolution caption is as follows:

RESOLUTION NO. 2008-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CALLING AND ESTABLISHING PROCEDURES FOR A RUNOFF ELECTION TO BE HELD ON JUNE 7, 2008, IN COPPERAS COVE, TEXAS.

6. Consideration and action on Ordinance No. 2008-17, canvassing returns and declaring the results of a Special Election, held on May 10, 2008, for amendments to the Charter of the City of Copperas Cove, and containing other provisions incident and related to the purposes hereof, and declaring an effective date. ***Jane Lees, City Secretary***

Jane Lees, City Secretary gave an overview of agenda item I-6.

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

The Ordinance caption is as follows:

ORDINANCE NO. 2008-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION, HELD ON MAY 10, 2008, FOR AMENDMENTS TO THE CHARTER OF THE CITY OF COPPERAS COVE, AND CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSES HEREOF, AND DECLARING AN EFFECTIVE DATE.

7. Consideration and action on declaring the approved amendments of the Charter of the City of Copperas Cove as adopted. ***Jane Lees, City Secretary***

Jane Lees, City Secretary gave an overview of agenda item I-7.

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

J. STAFF REPORTS

1. Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year beginning October 1, 2007. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, told the Council that the Finance Department received the Distinguished Budget Award for Fiscal Year beginning October 1, 2007. In order to receive this award, the City had to be proficient in four areas. The budget had to serve as a policy document, a financial plan, an operations guide, and a communications device. This is the 11th consecutive year that the Finance Department has received this award.

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

Council Member Peterson requested that a workshop be held to discuss the requirements for oil and gas drilling. Council Members Harris, Clayton and Heinze agreed.

M. EXECUTIVE SESSION

1. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session for deliberations regarding real property. To deliberate regarding the lease/purchase of real property.

The Council adjourned to Executive Session at 8:08 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 8:36 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 8:37 p.m.

Robert L. Reeves, Mayor Pro Tem

ATTEST:

Jane Lees, City Secretary